

THE OFFICIAL GAZETTE 4TH MAY, 2016
LEGAL SUPPLEMENT — B

GUYANA

No. 3 of 2016

REGULATIONS

Made Under

THE CHILDCARE AND DEVELOPMENT SERVICES ACT 2009

(No. 12 OF 2011)

IN THE EXERCISE OF THE POWERS CONFERRED UPON ME BY SECTION 33 OF THE CHILDCARE AND DEVELOPMENT SERVICES ACT 2009 AND ON THE ADVICE OF THE CHILDCARE AND PROTECTION AGENCY, I MAKE THE FOLLOWING REGULATIONS:-

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SCHEDULE

PART I**GENERAL**

- Citation. 1. These Regulations may be cited as the Childcare and Development Services Regulations 2016.
- Interpretation. 2. (1) In these Regulations, unless the context otherwise requires -
- (a) “the Act” means the Childcare and Development Services Act;
 - (b) “Agency” means the Childcare and Protection Agency established under section 3 of the Childcare and Protection Agency Act ;
 - Cap.46:07 (c) “childcare service” means a pre-school care or a service providing care, developmental and educational assistance including early stimulation, such as, play group, home care, day care or night care services or a combination of both or a safe home, to one or more children under twelve years by a caregiver or sponsor, in the absence of any parent or guardian-
 - (i) for a fee or reward; or
 - (ii) if any parent or guardian uses the services or residential care facility provided by any sponsor, that service or facility;
 - (d) “development” means the systematic physical and mental progress expected of a child for its age and abilities in keeping with norms and practices;
 - (e) “Early Childhood Development or ECD” means a comprehensive approach to policies and programmes for children from birth to eight years of age, their parents and

caregivers and its purpose is to protect the child's rights to develop the child's full cognitive, emotional, social and physical potential;

- (f) "Early Childhood Development Minimum Service Standard" means an essential requirement for achieving desired outcomes for children's development and well-being;
- (g) "Early Childhood Practitioners" means persons employed as teachers, caregivers, principals and supervisors to care and provide learning experiences for children in day care centres, preschools and other similar early childcare services.
- (h) "guardian", in relation to a child, means the legal guardian or the person who has the custody or control of the child but does not include a caregiver or sponsor;
- (i) "home care service" means a childcare service that is provided in the home of a caregiver or sponsor or in any other childcare facility during the day or night time;
- (j) "licence" means a childcare service licence issued annually by the Agency to a caregiver or sponsor for a childcare service;
- (k) "Minister" means the Minister responsible for the welfare of children and social security;
- (l) "night care service" means a childcare service that is provided at night in the absence of any parent or guardian in the home of the sponsor or caregiver or in a childcare facility or residential care facility for a fee or reward;
- (m) "Register" means the register of caregivers or sponsors maintained and updated by the Agency under section 6 of the Act;
- (n) "registered person" means a person registered under

section 24 of the Act;

- (o) "relative" in relation to a child means a parent, grandparent, brother, sister, uncle, aunt or cousin of the full blood or half-blood, or by marriage including a *de facto* marriage, or by adoption;
- (p) "residential care facility", in relation to a child means a home providing care and accommodation for a child which is carried on by a voluntary organisation but does not include-
 - (i) a nursing home, mental nursing home or residential care home;
 - (ii) a school; or
 - (iii) a hospital;
- (q) "sponsor", in relation to a childcare service, includes the owner of the service and, in relation to a proposed childcare service, includes the person who proposes to own the service and may be an agency including a company, corporation, an agency established under a business name, provided that where a sponsor is a company, the company secretary shall be liable to comply with any conditions as a sponsor under the Act;
- (r) "voluntary organisation" means a non-profit non-governmental organisation that offers accommodation and other childcare services;
- (s) "within the service" means within the particular childcare and development service.

(2) Words and expressions not defined in these Regulations but

Cap.46:06
Cap.46:07

defined in the Protection of Children Act, the Childcare and Protection Agency Act and the Act shall have the same meanings assigned to them in those Acts.

(3) In these Regulations, references to employing a person include employing a person whether or not for payment, and whether under a contract of service or a contract for service, and allowing a person to work as a volunteer, and references to an employee or to a person being employed shall be construed accordingly.

PART II RESIDENTIAL CARE FACILITY BY A VOLUNTARY ORGANISATION

Statement
of purpose
and
children's
guide.

3. (1) A person registered under section 24 of the Act shall compile in relation to a residential care facility a written statement of purpose (in these regulations referred to as "the statement of purpose") which shall include-
- (a) the name and address of the residential care facility;
 - (b) a mission statement or statement of the philosophy, aims and objectives of the residential care facility;
 - (c) a statement as to the facilities and experience of the person in charge and the staffers;
 - (d) the relevant qualifications and experience of the person in charge and the staffers;
 - (e) the organisational structure of the residential care facility including the number of its care givers which does not include cooks, guards or secretarial staff;
 - (f) the age-range and sex of the children for whom it is intended that accommodation shall be provided;
 - (g) the range of needs that the residential care facility is

intended to meet;

- (h) any criteria used for admission to the residential care facility, including the residential care facility's policy if any for emergency admissions;
- (i) the arrangements for children to engage in social activities, hobbies and leisure interests;
- (j) the arrangements made for consultation with children about the operation of the residential care facility;
- (k) the fire precautions and associated emergency procedures in the residential care facility;
- (l) the arrangements made for children to participate in religious and spiritual practices;
- (m) the arrangements made for contact between children, their families, significant other persons and the community;
- (n) the arrangements and procedures for dealing with complaints;
- (o) the number and size of rooms in the residential care facility;
- (p) the arrangements for respecting the privacy and dignity of the children in the residential care facility;
- (q) details of the residential care facility's policy on behaviour management;
- (r) details of disciplinary measures that maybe used in the residential care facility if any and the circumstances in which, and by whom, they may be used;
- (s) the arrangements made to protect and promote the health of the children accommodated in the residential care facility;
- (t) the arrangements for the promotion of the education of the children accommodated in the residential care facility,

including the facilities for private study;

- (u) the arrangements for child protection and to counter bullying;
- (v) the procedure for dealing with any unauthorised absence of a child from the residential care facility; and
- (w) the names of persons who comprise the Management Committee.

(2) A registered residential care facility shall provide a copy of the statement of purpose to the Agency and shall make a copy of it available upon request for inspection by-

- (a) any person who works at the residential care facility;
- (b) any child accommodated in the residential care facility;
- (c) the parent of any child accommodated in the residential care facility; or
- (d) the placing authority of any child accommodated in the residential care facility;

and in this paragraph any reference to a child who is accommodated in the residential care facility includes a child in respect of whom accommodation in the residential care facility is being considered

Admission of children into care.

4.(1) No residential care facility shall receive or accommodate children unless and until the residential care facility is formally registered with the Agency in accordance with section 24 of the Act.

- (2) No residential care facility shall admit a child unless-
- (a) so directed by an order of court; or
 - (b) requested by the Agency on the grounds of an

emergency on the Agency's undertaking to secure an order of court as soon as is practicable.

Records to be kept in respect of children.

5.(1) The residential care facility shall compile, regularly update and maintain the following information on each child in its care-

- (a) an assessment report;
- (b) a care plan;
- (c) a recent photograph of the child;
- (d) the name, address and date of birth of the child;
- (e) the name, address and telephone number of the child's next of kin;
- (f) the name and contact details of the child's probation officer if any;
- (g) the date the child entered the residential care facility;
- (h) the date the child left the residential care facility and the place the child went to;
- (i) the name and address of any authority, organisation or other body which arranged the child's admission to the residential care facility;
- (j) any order of court which relates to the child;
- (k) a record of all medicines kept in the residential care facility for the child and the date and times of administration of any medicine given to the child;
- (l) a record of any accident affecting the child in the residential care facility and of any other incident in the residential care facility which is detrimental to the health or welfare of the child, which record shall include the nature, date and time of the accident or incident, whether medical treatment was required and the name of the persons who were respectively in charge of the residential

care facility and supervising the child at the time;

(m) a record of any nursing provided to the child, including a record of the child's condition and any treatment or surgical intervention;

details of any specialist communications needs of the child and the methods of communication that may be appropriate to the child;

(n) details of any plan relating to the child in respect of medication, nursing, specialist health care or nutrition;

(o) details of any plan relating to the child in respect of medication, nursing, specialist health care or nutrition;

(p) school reports, education records and other records of achievement;

(q) a record of any disciplinary measures taken in respect of the child;

(r) copies of the residential care facility's correspondence to each child;

(s) reviews of any care plans; and

(t) minutes of interviews conducted during reviews.

(2) The residential care facility shall ensure that the record is kept securely in the residential care facility.

(3) The residential care facility shall make the record available for inspection by the Agency upon request.

Appointment
of Managing

6.(1) The residential care facility or trustees shall appoint a

Committee. **Management Committee to manage the residential care facility.**

Schedule (2) The specific responsibilities and procedures of the Management Committee shall be put in writing and submitted to the Agency in the prescribed Form found in the Schedule.

(3) The Management Committee shall comprise of the following persons-

- (a) the Chairperson;
- (b) the Deputy Chairperson;
- (c) the Treasurer;
- (d) the Secretary;
- (e) a Staff Representative;
- (f) any Children's or Family's Representative;
- (g) a Community Representative;
- (h) a Social Work Professional; and
- (i) a Health or Educational Professional.

**Appointment
of person in
charge.**

7.(1) The Management Committee shall appoint a person in charge to be in full time, day to day charge of the residential care facility.

(2) A person shall not be appointed to manage a residential care facility unless the person is fit to do so and is of suitable integrity and good character to manage the health and welfare of children.

(3) The Management Committee shall notify the Agency of the name and qualifications of the person so appointed and the date on which the appointment is to take effect.

Environment
of the
residential
care facility.

8.(1) The registered person shall not use any premises for the purpose of a residential care facility for children unless it is in a location, and of a physical design and layout, which is suitable for the purpose of achieving the aims and objectives set out in the residential care facility's statement of purpose.

(2) The residential care facility shall, having regard to the number and needs of the children to be accommodated, ensure that-

- (a) the physical design and layout of the premises to be used as the residential care facility meets the needs of the children;
- (b) the premises to be used as the residential care facility are of sound construction and are kept in a good state of repair externally and internally;
- (c) the premises are secure from unauthorised access;
- (d) equipment provided at the residential care facility for use by service users or person who work at the residential care facility is maintained in good working order;
- (e) there is adequate furniture, bedding and utensils for children as well as service providers where necessary;
- (f) all parts of the residential care facility are kept clean and reasonably decorated;
- (g) adequate private and communal accommodation is provided for the children;
- (h) each child has his or her own bed;
- (i) sleeping areas for the sexes are separate;
- (j) there is adequate sitting, recreational and dining space provided separately from the sleeping areas;
- (k) the communal space provided is suitable for the provision of social, cultural and religious activities

appropriate to children;

(l) they are provided at appropriate places in the premises sufficient number of lavatories and wash basins and baths and showers adequate to meet the needs of the number of children accommodated in the residential care facility at a minimum ratio of one facility for every seven children;

(m) suitable provision is made for the storage needs of the residential care facility;

(n) suitable secure and personal storage facilities are provided for the use of the children;

(o) external grounds which are suitable for, and safe for use by, children are provided and appropriately maintained; and

(p) the premises are secure from unauthorised access.

(3) The person in charge shall-

(a) take adequate precautions against the risk of fire, including the provision of suitable fire equipment;

(b) provide adequate means of escape;

(c) make adequate arrangements -

(i) for detecting, containing and extinguishing fires;

(ii) for giving warnings of fires;

(iii) for the evacuation in the event of fire, of all person in the residential care facility;

(iv) for the maintenance of all fire equipment; and

(v) for reviewing fire precautions and testing fire equipment at suitable intervals;

(d) make arrangements for persons working at the residential care facility to receive suitable training in fire

prevention;

(e) ensure, by means of fire drills and practices at suitable intervals, that the person working at the residential care facility and, so far as practicable, the children accommodated in the residential care facility, are aware of the procedures to be followed in the case of fire, including the procedures for saving a life; and

(f) ensure that all public health standards have been met and that all public health inspections have been carried out by the responsible authorities.

Quality of care
of the
residential
care facility.

9.(1) The residential care facility shall be conducted so as-

(a) to promote and make proper provision for the health and welfare of children;

(b) to make proper provision for the care, treatment, education and supervision of children;

(c) to enable so far as practicable, children to make decisions with respect to the care they are to receive and their health and welfare;

(d) to ascertain and take into account the wishes and feelings of the children in a manner which respects the privacy and dignity of the children and with due regard to the sex, sexual orientation, religious persuasion, racial origin and cultural and linguistic background and any disability of any child;

(e) to ensure children are treated respectfully by staff; and

(f) to facilitate regular meetings of staff and children.

(2) The person in charge shall make arrangements-

(a) to designate a caregiver for each child who shall have access to records pertaining to the child and who shall be

responsible for giving care, support and guidance to that child;

(b)for each child to receive a medical check-up upon admission;

(c)for the children to receive where necessary health services and treatment;

(d)for the recording, handling, safe keeping, safe administration and disposal of medicines received into the residential care facility;

(e)to prevent infection, toxic conditions and the spread of infection at the residential care facility by ensuring, among other things, the use of mosquito nets,

(f)to ensure all parts of the residential care facility to which children have access are so far as reasonably practicable free from hazards to their safety;

(g)to identify and eliminate unnecessary risks to the health or safety of the children;

(h)to ensure that at least one staff on duty has training in first aid;

(i)for the training of staff in first aid;

(j)by training staff or by other measures, to prevent children from being harmed or suffering abuse or being placed at the risk of harm or abuse;

(k)to ensure that no child is subject to corporal punishments or degrading treatment;

(l)to ensure that on any occasion on which a child is disciplined, the circumstances, including the nature of the discipline is recorded.

(m)to report to the Agency any unauthorised absence of any child;

- (n) to report to the Agency within twenty-four hours any allegation of abuse of a child in the residential care facility;
- (o) to vet visitors of the residential care facility;
- (p) to maintain records of visitors to the residential care facility;
- (q) to encourage the staff to maintain good personal and professional relationships with each other and with the children;
- (r) to maintain a record of any accident, injury, outbreak of illness, fire or theft or burglary which occurs in the residential care facility;
- (s) to maintain an admissions and reintegration book to record the date of arrival and final departure of each child; and
- (t) to facilitate inspections carried out by the Agency or its duly authorised agent and the Visiting Committee.

(3) The person in charge shall, having regard to the size of the residential care facility and the number of children accommodated-

- (a) never accommodate more children than agreed in the registration agreement;
- (b) provide in all rooms adequate furniture and bedding;
- (c) arrange for the regular laundering of linens and bedding;
- (d) provide sufficient and suitable kitchen equipment, crockery, cutlery and utensils and adequate facilities for the preparation and storage of food;
- (e) provide in adequate quantities suitable, wholesome

(d) ensure regular reviews of the assessment.

Care plan.

11. The person in charge shall-

- (a) cause a care plan to be prepared for the child when admitted;
- (b) ensure that the plan is in writing and addresses how the child's needs in respect of the child's health and welfare are to be met by the residential care facility;
- (c) collaborate with the Agency in preparing the care plan;
- (d) where practicable consult with the child in the preparation of the plan;
- (e) inform the child of the contents of the plan; and
- (f) keep the care plan under review.

Staffing.

12.(1) The person in charge shall, having regard to the size of the residential care facility and the number and needs of the children accommodated-

- (a) ensure that at all times suitably qualified, competent, skilled and experienced persons are working at the residential care facility in such numbers as are appropriate for the health and welfare of the children;
- (b) comply with the agreed minimum staff-to-child ratio of one staffer to every two children aged below five, one staffer to every five children aged five to twelve years old, and one staffer to every seven children aged between thirteen to seventeen years old;
- (c) ensure that the persons employed at the residential care facility receive training appropriate to the work they are to perform;

- (d) ensure that persons working at the residential care facility are appropriately supervised;
- (e) ensure that persons employed are at least eighteen years of age;
- (f) ensure that persons employed are of suitable integrity and good character to work with children;
- (g) ensure the presence of female staff members wherever there are female children accommodated;
- (h) ensure that full and satisfactory information or documentation is available in relation to the antecedents and suitability of the person to be employed;
- (i) maintain a record for each employee containing-
 - (i) the employee's full name, address, date of birth, qualifications and experience;
 - (ii) a copy of the employee's birth certificate and passport if any;
 - (iii) a copy of each reference obtained in respect of the employee;
 - (iv) the dates on which the employee commences or ceases to be so employed;
 - (v) the position the employee holds at the residential care facility, the work that the employee performs and the number of hours for which the employee is employed each week; and
 - (vi) correspondence, reports, records of disciplinary action and any other records in relation to the employee's employment;
- (j) maintain a copy of the duty roster of persons working at

the residential care facility, and a record of whether the roster was actually implemented or complied with;

(k) enable staff to consult with the person in charge, Management Committee and the Agency regarding any matter concerning the residential care facility or the health and welfare of the children accommodated; and

(l) operate a staff disciplinary procedure which-

(i) provides for the suspension, and the taking of other action short of suspension, in relation to an employee where appropriate in the interests of safety or welfare of children accommodated in the residential care facility; and

(ii) provides that on failure on the part of an employee to report an incident of abuse, or suspected abuse of a child accommodated in the residential care facility to the Agency is a ground on which disciplinary proceedings may be instituted.

(2) The person in charge shall provide to the Agency an updated staff listing, within a reasonable time thereafter, as and when there are changes in staff employed by the residential care facility.

Complaints
procedure.

13. The person in charge shall-

(a) prepare, follow and display promptly a written procedure for considering complaints made by a child or person acting on the child's behalf;

(b) ensure that complaints are addressed confidentially, if necessary;

(c) ensure that the complaints procedure is appropriate to the needs and abilities of the children;

- (d) ensure that any complaint made under the complaints procedure is fully investigated;
- (e) within a reasonable time having due regard to the age and circumstances of the complainant inform the person who made the complaint of the action if any that is to be taken;
- (f) supply a copy of the complaints procedure to every child and to any person acting on behalf of a child if that person so requests;
- (g) include in the complaints made by children, family or staff and the action taken in respect of any such complaint; and
- (h) supply the Agency upon request a statement containing a summary of the complaints made during the preceding twelve months and the action that was taken in response to each complaint.

Management
of the
residential
care facility.

14(1) The Management Committee shall meet regularly and not less than once per month.

(2) The Management Committee shall administer the residential care facility in such manner as is likely to ensure that the residential care facility will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(3) The Management Committee shall-

- (a) ensure that adequate records of accounts are maintained in respect of the residential care facility and that these are kept up to date;
- (b) ensure that the accounts give details of the running

costs of the residential care facility including rent, payments of any mortgage and expenditure on food, salaries and wages of staff;

(c) supply annually a copy of the audited accounts of the residential care facility to the Agency; and

(d) ensure that all records in this regulation are available for inspection by the Agency or its duly authorised agent upon the giving of reasonable notice to produce the same and for the purposes of this regulation, two weeks' notice shall be considered reasonable notice.

(4) The Management Committee shall visit the residential care facility at least once monthly and shall-

(a) interview, with their consent and in private, such of the children and family and staff of the residential care facility as appears necessary in order to form an opinion of the standard of care provided at the residential care facility;

(b) inspect the premises of the residential care facility, its record of events and records of any complaints; and

(c) prepare a written report on the conduct of the residential care facility.

Offences.

15.(1) Any person who contravenes or fails to comply with the provisions of regulations 3 to 14 (inclusive) commits a summary offence.

(2) A registered person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine of fifty thousand dollars and also to the revocation of the caregiver or sponsor's licence

(3) Upon a report to the Agency and upon investigations being

conducted, if the Agency finds that the registered person is guilty of an offence under these regulations the Agency may revoke the registered person's licence or give notice to the registered person to correct the default within a reasonable time to be specified in the notice.

Performance
monitoring
assessment of
residential
care facility.

16. (1) The Agency shall conduct Performance Monitoring Assessments of every registered residential care facility to ensure compliance with regulations 3 to 14 (inclusive).

(2) The Agency shall keep a record of all Performance Monitoring Assessments conducted and notify the residential care facility within a reasonable time thereafter of the findings of their assessments

(3) Any person in charge or associated with a registered residential care facility who fails to comply with any of the standards above shall be guilty of an offence and shall be liable on summary conviction to a fine of twenty-five thousand dollars and shall be issued with a notice from the Agency requiring the person to become compliant within a specified reasonable time period.

PART III

CHILDCARE AND DEVELOPMENT SERVICES

Duty of
caregiver or
sponsor to

17. Every registered caregiver or sponsor offering childcare

comply with
Early
Childhood
Development
Minimum
Service
Standards.

services shall comply with the minimum service standards contained in regulation 18 for the promotion of early childhood development services.

Early
Childhood
Development
Minimum
Service
Standards.

18.(1) Every registered caregiver and sponsor shall ensure the development of a healthy, strong and well-adjusted child by the provision of-

- (a) premises with an area of twenty -five sq. ft (2.25 sq. m) per child indoors or forty sq. ft. (3.5 sq m) for babies;
- (b) an area of forty sq. ft per child outdoors, preferably adjoining the premises; to provide for free movement and safety for play;
- (c) child-sized, age appropriate and safe equipment, furniture and utilities;
- (d) services to ensure gross and fine motor development and body coordination;
- (e) a group size that does not exceed twenty- six children over the age of two years; or twelve children under the age of two years, to ensure as much continuity;
- (f) adult child ratios that ensure safety and promote development as follows-
 - (i) Any group of children requires a minimum of one member of care or education staff present at all times, with access to another assigned early childhood development practitioner or assistant shared with other groups when required and in a single group setting (for example a small preschool class) there shall be a minimum of two caregiver or

education staff present at all times;

(ii) The adult child ratio should reflect the requirements of the age of the child -

(a) 1:10/12 for children 3-5 year olds;

(b) 1:4/6 for children 2-3 years old;

(c) 1:3/4 for children 1-2 years old;

and

(d) 1:2/3 for infants from birth to 1 year old;

(g) higher staff ratios for children with special

educational needs as necessary shall be negotiated on an individual basis depending on the nature and severity of the need and in general will be 1:2;

(h) safe and secure learning environment, physically and emotionally, fostering the growth and development of trust;

(i) encouragement and consistent supervision of gross motor development activities;

(j) a plan for all children, boys and girls, for daily physical activity and gross motor play appropriate to their needs and abilities;

(k) monitoring development including physical growth, nutrition and psycho-social well-being and screening for developmental delay by qualified health visitors or nurses assigned to a cluster of settings;

(l) a learning environment that provides for the rights and responsibilities of all children and practitioners and parents to be respected and acknowledged in the sharing of ideas, participation in activities and in the implementation of positive disciplinary practices;

(m) groups of children aged two years old and younger to be cared for in their own room, with proper and convenient facilities

for nappy changing, preparation of feeds and sterilization of all equipment;

(n) staff rotas for children aged two years and younger to be organised to ensure continuity of caregiver;

(o) the daily routine for children two years and younger to be consistently offering opportunities for child-initiated and adult-initiated times, indoor and outdoor play, active and quiet times, rest and toileting opportunities, and the opportunity to play alone or in groups;

(p) all children shall be able to spend at least fifty per cent of their time in activities they have chosen for themselves;

(q) established consistent routines including varied activities with clear ground rules and expectations;

(r) adequate resting or sleeping facilities shall be provided for each child and parental wishes shall be sought so that agreements can be made concerning the children's sleeping or resting arrangements and particular care shall also be taken to discuss needs of children who appear not to want to rest or sleep according to parental requests;

(s) a child friendly, participatory interactive curriculum using both small and large group activities, providing equal opportunities for girls and boys, including those who need assistance to access the curriculum;

(t) activities or role playing for children to learn about personal hygiene, how to keep themselves healthy, what to do if they hurt themselves or if other children are hurt and how to handle themselves in emergencies;

(u) support to children in learning to protect themselves from harm or abuse and what to do in the event that they experience abuse;

- (v) routine activities to practise personal hygiene, cleaning up and garbage disposal to maintain cleanliness and safety in the environment of the setting;
- (w) education for parents on the rationale for the provision of stimulation activities, nutrition choices, exclusive breastfeeding for six months, gross motor development and physical exercise, emotional and social development and what to expect, and suggested strategies used for managing children's behaviour and for early detection of special needs;
- (x) psycho-social support in times of emergency and crisis, involving parents as helpers;
- (y) social activities which include children, parents and community members, e.g. field trips, sports day, cultural events;
- (z) community referral systems providing access to specialist support including nurses, social workers, assessment services and child protection officers; and
- (aa) written guidance and procedures for admission and care to include birth registration, immunization, drop off and pickup arrangements and administration of routine medication or therapies to children who require it.

(2) Every registered caregiver and sponsor shall ensure the development of a child's ability to communicate effectively by-

- (a) acceptance of and respect for the child's first language, the language of their family and home;
- (b) ensuring that children are exposed gradually to the country's standardized language as a second language they will be learning later in school, not as a placement for their first language;

(c) providing for bilingual education in which confident expression in the child's first language must be allowed to develop before the second language can be fully introduced as the medium of instruction;

(d) ensuring that there are opportunities for all children, boys and girls, including those who need assistance to access the curriculum, to express themselves freely in conversation, dance, drama or role play, art, song, music and movement;

(e) providing timely screening for early detection of sight, speech, hearing and other communication impairments;

(f) participation of parents in monitoring children's progress in communication and in encouraging children's communication skills at home;

(g) providing support for emergent literacy through the provision of-

(i) a print rich environment in displays and books;

(ii) opportunities to develop the skills and interest needed for reading by being read to daily from a story or picture book appropriate to the age and developmental experiences of the child;

(iii) a minimum of two story books per child in every age group; and

(iv) access to books on a variety of themes and subjects;

(h) ensuring that children two years old and younger are encouraged to use and understand spoken and gestured language through eye contact, body language, the expression of feelings, and the description of what is happening around them and opportunities to be provided

for children to look at books, listen to stories, rhymes and songs, recognise pictures, symbols and letters and hear familiar stories re-told;

(i) providing opportunities to develop the skills and interest needed for writing by scribbling, tracing, drawing, colouring, painting, crayoning and putting stories in symbols or words that can be shared and read out to others;

(j) providing opportunities to join in and recite rhymes, songs, jingles to develop use of language, speaking and listening skills;

(k) providing opportunities for exposure to radio and television programmes specially made for children and if possible for the use of computer-based technologies for children as appropriate for age, stage of development, ability and culture; and

(l) ensuring observation of children to identify and document progress and intervene in activities to extend learning.

(3) Every registered caregiver and sponsor shall ensure the development of a child who values the child's own culture and that of others by-

(a) providing appropriate curricula and activities that focus on both national and cultures and address the issues of tolerance, respect and cultural heritage and diversity;

(b) providing learning through experience to express

one's culture as well as

the provision of opportunities for the expression of the culture of others;

(c) providing a learning environment that is responsive to the diversity of

children and reflects community or national, regional and

international or other cultural symbols and icons including local

persons;

(d) providing diverse materials, books and equipment for all children including those two years and younger, consciously drawn from a wide variety of cultures and concepts common to all cultures such as foods, music, dance, language, families, shelter, dress or other similar concepts when providing opportunities for play;

(e) ensuring that the approach of staff to the children's use of play materials is non-discriminatory and children of both genders, all abilities and cultures shall be actively encouraged to use all the equipment and materials available and children's preferences shall be the driving factor in what they choose to do;

(f) ensuring that children are encouraged to develop their own acceptable rules for generous, fair and non-discriminatory treatment of one another, their parents or staff; and

(g) ensuring that children are encouraged in their own spiritual development and in the appreciation of the spiritual development of others who may hold different beliefs.

(4) Every registered caregiver and sponsor shall ensure the development of a child who is a critical thinker and independent learner by the provision of-

(a) age appropriate and developmentally appropriate curricula;

(b) a non-threatening environment that-

(i) is loving, accepting, caring, nurturing, respectful and warm;

(ii) positive and stimulating with regard to initiatives by children;

(iii) is respectful with regard to cultural background;

(iv) encourages freedom of speech that is respectful;

(v) fosters creative and independent thinking; and

(vi) encourages the development of initiative and leadership skills

(c) access to programmes and material that will stimulate creativity, imagination and challenges and provide adventurous experiences;

(d) access to space and playing or learning material that will stimulate children to safely discover, examine and explore situations, learn by trial and error and risk taking, enabling them to develop critical thinking and problem solving skills e.g. classification, sorting, counting, ordering, making comparisons, constructing, analyzing, synthesizing and evaluating;

(e) access to Information and Communications Technologies (ICTs) where possible and available shall be integrated into the curriculum and used in key aspects of learning to

collaborate, communicate, explore and role-play;

- (f) opportunities for play for all children including those two years old and younger that build on their own interests and experiences with learning resources, materials and equipment accessible to enable choice, exploration and discovery, fostering each child's independence, problem-solving and decision-making skills, including for example
- (i) a creative area (sand, water, paints, malleable materials);
 - (ii) a role play area;
 - (iii) a quiet area (books, puzzles) with rugs and cushions;
 - (iv) a construction area (blocks, construction, small worlds);
 - (v) sufficient floor space for uninterrupted play;
 - (vi) low level storage to promote children's independence; and
 - (vii) sufficient numbers of child-sized chairs and tables.
- (g) the opportunity to choose the activities they want to be engaged in, both individually and in groups

(5) Every registered caregiver and sponsor shall ensure development of a child who respects himself or herself, others and the environment by-

- (a) providing guidance by responsible adults who act as role models in positive interaction and social graces with children, other staff and parents;
- (b) providing guidance by responsible adults in spiritual and moral development, including the development of

personal values such as honesty, fairness, respect and an understanding and acceptance of self and others;

(c) ensuring that there is positive interaction between children and between adults and children, during activities and at playtime, supported and encouraged by adults who speak respectfully, in a moderate tone, to the children;

(d) ensuring that each child is treated as an individual who has rights that are respected and responsibilities to him or herself and others;

(e) ensuring that each child is praised generously and consistently encouraged in and celebrated for his or her efforts;

(f) providing opportunities for children to explain why disruptive behaviour was displayed and to be consistently assisted in learning how to make redress or resolve conflict where necessary;

(g) providing opportunities for children to develop positive emotional responses such as love, empathy and compassion through activities caring for other human beings (the elderly, the less fortunate, the differently able), living things (plants, animals) and through imaginative play (small worlds, dolls);

(h) providing opportunities to learn conflict resolution skills in social interaction activities using rhyme, drama, movement and free-choice activities;

(i) ensuring that each child learns and practises good manners in relating to adults and children;

(j) providing opportunities to develop in children love and respect for other children and adults including those who are physically and otherwise challenged;

- (k) ensuring that each child learns how to routinely clean up after him or herself in activities under adult supervision;
- (l) ensuring that each child learns to practice keeping him or herself safe and his or her friends safe too;
- (m) providing opportunities to learn about protecting the man-made and natural environments and how to be environmentally friendly through safe garbage disposal and preventing unnecessary damage; and
- (n) providing opportunities to learn and appreciate the aesthetics of their respective environments and those of others.

- (6) Every registered caregiver and sponsor shall ensure the development of a resilient child by-
- (a) providing daily opportunities, activities or experiences both indoors and outdoors that challenge children's thinking skills and facilitate social, emotional development and coping skills;
 - (b) providing opportunities to resolve differences amicably without the immediate intervention of adults;
 - (c) encouragement to persevere to complete challenging, difficult or unpleasant tasks in order to experience confidence in achievement;
 - (d) providing opportunities to work independently and confidently on in-depth research projects;
 - (e) ensuring access to story books and other learning materials that show characters of both genders with whom children can identify both feelings and cultural similarities;
 - (f) ensuring that there is compassionate and respectful handling of traumatic events such as the experience of

crime, natural disaster and family crises and to provide guidance and referral to other social support services where and when necessary;

(g) providing opportunities to develop the ability to use adverse experiences for learning and character building; and

(h) providing for education of parents on how to facilitate children to develop coping skills and confidence in completing tasks and in handling difficulties in their lives through collaborative efforts.

(7) Every registered caregiver and sponsor shall ensure that the profile and preparation of persons providing these childcare services are-

(a) a warm, nurturing, pleasant and caring disposition;

(b) capacity to attend and respond to all children equitably and fairly, without discrimination;

(c) good interpersonal and communication skills;

(d) ability to work in and contribute to a team;

(e) good physical and emotional health, sound mind and character;

(f) good deportment and appropriate behaviour modeling for children;

(g) tolerance and acceptance of individual differences;

(h) energy, flexibility and creativity;

(i) knowledge and understanding of-

(i) the policies, procedures, standards and regulations for Early Childhood Development Services and agencies responsible for monitoring

- such services;
- (ii) the international agreements related to children's development such as the Convention on the Rights of the Child;
 - (iii) the characteristics and development of young children and how to plan activities for and with them; and
 - (iv) knowledge of child development of infants and toddlers where staff are working with children two years old and under;
- (j) ability to-
- (i) support a learning environment and schedule of activities to encourage discovery, choice and independent learning;
 - (ii) work cooperatively with parent and guardians;
 - (iii) communicate with children in the language or languages they use at home;
 - (iv) learn or be trained in key areas such as extending children's learning, early detection of special educational needs, management of challenging behaviours, positive discipline practices, support to children through difficulties in their lives, lifesaving and CPR and early detection of signs of abuse and neglect;
- (k) teaching or care assistants in early childhood settings further require the ability to work under the supervision and guidance of a certified caregiver, teacher or authorised supervisor;
- (l) staff further require successful completion of secondary education (or equivalent);
- (m) staff require prior certification in early childhood

care, education and development at the appropriate level as follows-

- (i) certification at tertiary level for the management of services for children from three to five years of age (e.g. TVET ;Associate/Bachelor's degree in Early Childhood Development/Education), or
- (ii) certification as a teacher who is qualified to provide a programme of learning and development in early childhood services for children three to five years old, (such as an Associate Degree in Nursing Education or a Bachelor of Education in Nursery Education or Trained Grade 1 Class 1 Certificate in Nursery Education), or
- (iii) certification as a caregiver for providing care and development in early childhood settings for children from birth to school entry e.g. at least TVET Levels 1 and 2;
- (n) regular upgrading of knowledge, skills and competencies;
- (o) sound strategies for family and community involvement in the learning process; and
- (p) sound knowledge of developmentally appropriate practices in relation to instruction, assessment, observation and evaluation.

(8) Every registered caregiver and sponsor shall ensure the effective management of challenging child behaviours and the use of positive discipline practices by-

- (a) identification and encouragement of children's positive behaviours;
- (b) promoting and modeling the use of social graces and good manners;
- (c) encouragement of age appropriate self regulating behaviour through focusing and maintaining attention, persisting at tasks and gaining control of physical impulses;
- (d) active encouragement of peer interaction and inclusion of children who appear isolated;
- (e) encouragement of the development of cooperative skills and how to take turns;
- (f) prompt recognition of potential conflicts and negative peer interactions, and intervention to assist children to identify problems and find solutions;
- (g) written policies regarding discipline and punishment that are discussed with every parent, assistant and member of staff, including measures to deal with contravention of policies and procedures;
- (h) expectations of children's behaviour to be communicated to parents verbally and in writing;
- (i) expectation of children's behaviour, including clear instructions and the setting of limits, to be given to children appropriate to their age and understanding;
- (j) disciplinary measures to be explained and discussed with children prior to action being taken in order that children understand that there are consequences for unacceptable behaviour (not unacceptable children);
- (k) redirection and positive guidance in addressing challenging behaviours, using a soft, firm tone of voice, to

~~assist children to identify and label unacceptable~~
behaviours;

(l) "time out" to be used to address inappropriate behaviours by taking the child aside, giving the child a clear explanation appropriate to child's understanding of a temporary separation from friends and activities and by managing his or her time apart firmly but kindly for the purpose of learning the consequences of his or her actions;

(m) no corporal punishment, physical, verbal or emotional abuse or threats or intimidation, physical, or emotional neglect, shall be used at any time;

(n) physical restraint, in accordance with agreed training and procedures, to be used by a senior staff member where a child is creating a danger to himself or herself or to others and when all other disciplinary measures have failed;

(o) policies detailing persistent challenging behaviours and how the setting should deal with them, including referral to specialist assessment and treatment services, are written down and discussed with parents and staff;

(p) ensuring that an identified staff member within the service has responsibility for behaviour management issues with the skills to support staff and to access expert advice if ordinary methods are not effective with a particular child; and

(q) providing policies detailing persistent challenging behaviours and how the setting should deal with them, including referral to specialist assessment and treatment services, to be documented and discussed with parents and

staff.

- (9) Every registered caregiver and sponsor shall provide for the safety, security, health and beneficial nutrition by-
- (a) providing appropriate plans to be discussed with parents, children and staff for disaster preparedness and response including-
 - (i) evacuation or appropriate response procedures;
 - (ii) one separate entrance and one separate exit - clear of obstacles, easily accessible and clearly marked;
 - (iii) provision for psycho-social support and counseling;
 - (iv) appropriate activities to occupy children and reduce impact of trauma; and
 - (v) parent and guardian alert mechanism;
 - (b) the provision and maintenance of an emergency kit and supplies for supporting programme activities during and in the aftermath of an emergency and the contents of the kit should be itemized and culturally appropriate;
 - (c) the provision for response to all emergencies (whether the causes are man-made or natural) including fire, crime/civil unrest, floods, hurricanes, earthquakes and volcanoes and positive reinforcement of safety and evacuation procedures through a continuing education programme;
 - (d) safety and security procedures to include-

- (i) physical building to satisfy the requirements of the local planning authority and the national building code;
- (ii) care of babies under two years of age to be undertaken at ground floor level;
- (iii) electrical outlets to have safety guards over them, or to be positioned above the reach of children by three to four feet;
- (iv) safety rules to be explained to children with demonstrations so that they understand their significance;
- (v) children to have regular drills in responding to emergencies like gunfire or similar emergencies ;
- (vi) premises to be properly maintained, fenced, ventilated and lit either naturally or artificially;
- (vii) a well-equipped first aid kit with the minimum requirements listed and kept up to date;
- (viii) gates and doors to open outwards and latch properly;
- (ix) doors and windows to be meshed (prevents insect infestation, promotes ventilation);
- (x) child-proof opening to windows, doors, verandahs, patios to ensure children cannot climb or fall out;
- (xi) children to have signed permission slips for field trips or external activities from parents or guardians;
- (xii) children to be signed in and out daily or as necessary; and
- (xiii) drugs, bleaches, cleaning agents, pesticides and poisonous products to be stored out of the reach of children and away from edible products;

(e) providing a fire plan which shall include-

- (i) the type or brand name and location of emergency fire equipment;
- (ii) fire extinguishers to be mounted, checked and refilled as stipulated;
- (iii) routine fire drills and building inspections for fire safety compliance;
- (iv) sand buckets, fire alarms and smoke detectors to be provided and maintained; and
- (v) the procedures to be followed in the event of a fire to be discussed with the children and staff;

(f) providing a Health Plan which shall include-

- (i) training of staff in basic medical care in emergencies;
- (ii) the management or provision of a separate room or designated area within a room as a sick bay area;
- (iii) provision for a child with a communicable disease such as supervised isolation, comfort, family contact arrangements;
- (iv) arrangements for regular review of the health of children with chronic diseases;
- (v) a description of illnesses common to children, procedures for the treatment of such illnesses and precautions to protect the health of other children provided by the Ministry of Public Health;
- (vi) universal precautions and ethical issues to be explained to and practised by staff;
- (vii) children made to understand not to touch blood in the event of an accident but to get help from an adult;

- (viii) **policies and procedures to secure hygienic use of the kitchen, toilet, bedding and other facilities, clean water supply, garbage disposal, sewage and drainage facilities in accordance with health regulations;**
 - (ix) **children and staff practise routine and effective hand-washing procedure;**
 - (x) **mattresses and bedding to be clean and hygienic and cots provided for babies to be safe and separated at a distance of 2.5 feet or 77 cm. and where children are not toilet trained, mattresses to be covered with a water proof covering and immunization regulations and procedures shall also be followed including checking of clinic cards by visiting health visitors and nurses;**
 - (xi) **guidelines on the administration of non- prescription and prescription drugs to children;**
 - (xii) **child-sized partitioned toilets and washbasins to be provided on a ratio of 1:15. and separate toilets can be provided for boys and girls if preferred;**
 - (xiii) **adapted provision for children with disabilities should be made available;**
 - (xiv) **individual potties to be provided for children who are potty training;**
 - (xv) **nappy disposal to be by use of plastic bags and special refuse collection, or by incineration and strict hygienic care shall be ensured when dealing with cloth nappies; and**
 - (xvi) **sluices for those nurseries with ten or more infants;**
- (g) providing a Nutrition plan which shall include-
- (i) **safe drinking water easily available to children at all**

times;

- (ii) appropriate guidelines for balanced meals and a general nutrition education programme, to include meals provided and snacks brought from home and express breast milk;
- (iii) appropriate feeding schedules that meet the needs of children individually;
- (iv) arrangements for appropriate access for breastfeeding mothers;
- (v) a balanced diet for children according to their age both in meals and snacks provided by the service and brought in from home;
- (vi) arrangements to be written and posted for children with special dietary needs and meal substitutes developed with families;
- (vii) menus to be posted and to include food of different cultures;
- (viii) babies and infants to be held in the arms of a member of staff during feeding and communicated with to encourage ingestion and relaxation;
- (ix) children's eating patterns to be recorded and any unusual behaviour to be reported;
- (x) appropriate serving sizes with age-appropriate utensils for children;
- (xi) children and adults seated together to support a pleasant social atmosphere;
- (xii) education as to value of food for survival and health; food never to be used as a reward or denial of food as a punishment; and
- (xiii) communication with parents about balanced

~~nutrition and avoidance of malnutrition, especially~~
the malnutrition that leads to obesity.

- (10) Every registered caregiver and sponsor shall ensure that the inclusion of children with different needs and abilities by-
- (a) providing equal access to early childhood care and education, including the appropriate materials, equipment, learning methodologies and forms of communication;
 - (b) ensuring that children are supported by staff who can communicate with them and encourage their participation in the activities of the setting to the fullest extent possible;
 - (c) providing a written statement clearly displayed about special educational needs that is in accordance with the Convention on the Rights of the Child 1989 and the Convention on the Rights of Persons with Disabilities 2006 and Persons with Disabilities Act ;
 - (d) providing a written policy and procedure for the identification, screening and referral of children for early intervention support and assessment;
 - (e) providing written information regarding the nature of special educational needs and care and the respect of privacy;
 - (f) ensuring that there is communication with parents and experts in the field about the needs for any special services, equipment or respite care for the children;
 - (g) providing training and education for parents on

- how to support their children's needs as the children develop, to include group support sessions between parents with similar concerns and experiences to share;**
- (h) providing appropriate adaptations or supports to enable access to the curriculum and activities (for example, equipment for those with sensory impairments, adaptive furniture and structures for physical disabilities, special assistance with communication disorders or such other similar disabilities);
 - (i) providing trained staff members who are capable of meeting the diverse developmental and learning needs of the children including early identification of delays or problems;
 - (j) ensuring that there is an appreciation by staff of the needs of children for development of moral and ethical values and support for children's understanding and learning;
 - (k) ensuring additional staffing to support individual children access the curriculum and activities if needed; and
 - (l) ensuring the availability of support from and referral systems to specialists who includes a physiotherapist, speech therapist, psychologist or social worker.

(11) Every registered caregiver and sponsor shall protect children from harm, violence, abuse, exploitation and neglect by-

- (a) ensuring that children to know that they are wanted, loved, respected, protected, guided and accepted;
- (b) ensuring that children are taught their rights and responsibilities in a child-friendly manner appropriate to their age and understanding;
- (c) ensuring that children are taught ways of protecting themselves from harm, violence, abuse, exploitation and neglect;
- (d) ensuring that children are reassured that their concerns and fears will be responded to with understanding and in confidence;
- (e) ensuring that staff are made aware of the signs of abuse and neglect and of the procedures for reporting concerns to senior staff;
- (f) ensuring that staff be knowledgeable of any legal responsibilities they may have in reporting suspected child abuse and neglect;
- (g) providing a written policy on the reporting of suspected child abuse and neglect to be brought to attention of all staff to ensure adherence;
- (h) ensuring that staff to be trained in the rights of the child and responsibilities of the adults;
- (i) ensuring that an identified staff member within the service has training in child protection issues with responsibility for supporting staff and for seeking external assistance to determine the best course of action in any given circumstance;
- (j) ensuring that all suspected cases of child abuse or neglect are reported to the designated national

authority and to be treated in confidence;

- (k) providing care and support plans for children who have experienced abuse, violence, exploitation or neglect to be followed by staff in the service;
- (l) providing a referral and support system to designated national authority for vulnerable children within the service with additional external assistance if required; and
- (m) written policies and procedures in accordance with national policies for counteracting discrimination of children including those infected or affected by HIV AIDS.

(12) Every registered caregiver and sponsor shall involve parents and community by-

- (a) providing a documented schedule and programme rationale to be given and explained to parents and community members and the expectations of the service with regards to both father's and mothers' contributions to be made clear, including written placement agreements;
- (b) the engagement of parents in what their children are doing and learning and encouragement of parents to undertake complementary activities at home;
- (c) consultation with parents on their views as to the support the setting shall be provided to their children's spiritual development;
- (d) agreement expressed in policy as to the role of the setting in the spiritual development of children recognising the diversity of beliefs in the wider community;

- (e) providing regular information to be shared with parents regarding community development and disaster preparedness;
- (f) ensuring that there is partnership and collaboration between parents, community and children and an activity to strengthen such partnerships to be evident at least once per term either within the setting or external to it such as sporting events, reading days or other similar activities ;
- (g) ensuring that there is a system to be in place for the regular exchange of information between parents and staff members about children's activities and learning, in which parents are encouraged to share information and in which their views and their concerns are acknowledged and respected.
- (h) ensure that appropriate and prompt action is taken on any concerns or complaints raised by parents and a record of all complaints to be maintained with details of their investigation and resolution;
- (i) providing for feedback and reporting mechanisms to the parents on the child's development, including informal conversation and feedback on a day to day basis and in a face to face meeting at least three times a year with written information being made available to the parents;
- (j) ensuring that parents have access to all written records about their children and to contribute to the entry profile and all subsequent updates;
- (k) ensuring that legal documentation regarding guardianship or foster care or custody arrangements to be made available for the child's file where applicable;
- (l) ensuring that volunteers and community members have

given adequate information and guidance on their roles and responsibilities;

(m) engagement of the community including community based organisations, faith based organisations or other similar organisations on the work of the early childhood setting to encourage sensitivity and understanding towards child development needs; and

(n) ensuring that children are released by staff from the care of the service only to responsible individuals named by the parent as capable of safely escorting children to and from home to the setting.

Performance
monitoring
and penalties.

19.(1) The Agency shall conduct Performance Monitoring Assessments of every registered caregiver or sponsor offering childcare services to ensure compliance with the minimum service standards contained in regulation 18.

(2) Any caregiver or sponsor offering childcare services that fails to comply with any of the minimum services standards provided in regulation 18 shall be guilty of an offence and shall be liable on summary conviction to a fine of fifty thousand dollars and revocation of the caregiver's or sponsor's licence to offer childcare services.

(3) Any caregiver or sponsor offering childcare services that fails to comply with any of the minimum service standards provided in regulation 18 shall be guilty of an offence and shall be issued with a notice from the Agency requiring them to become compliant within a specified reasonable time period

(4) The Agency shall be entitled to revoke, by notice in writing, the caregiver or sponsor's licence to offer childcare services if the caregiver or sponsor offering childcare services fails to comply with a notice issued under paragraph 3.

Childcare and Protection Agency**Residential Care Facility Registration Document**

This is a formal agreement between the Government, the Childcare and Protection Agency and both the Home's Management Committee and the Person in Charge of the Residential Care Facility.

Name of Home

.....

Address of Home

.....

Telephone Number

.....

Email

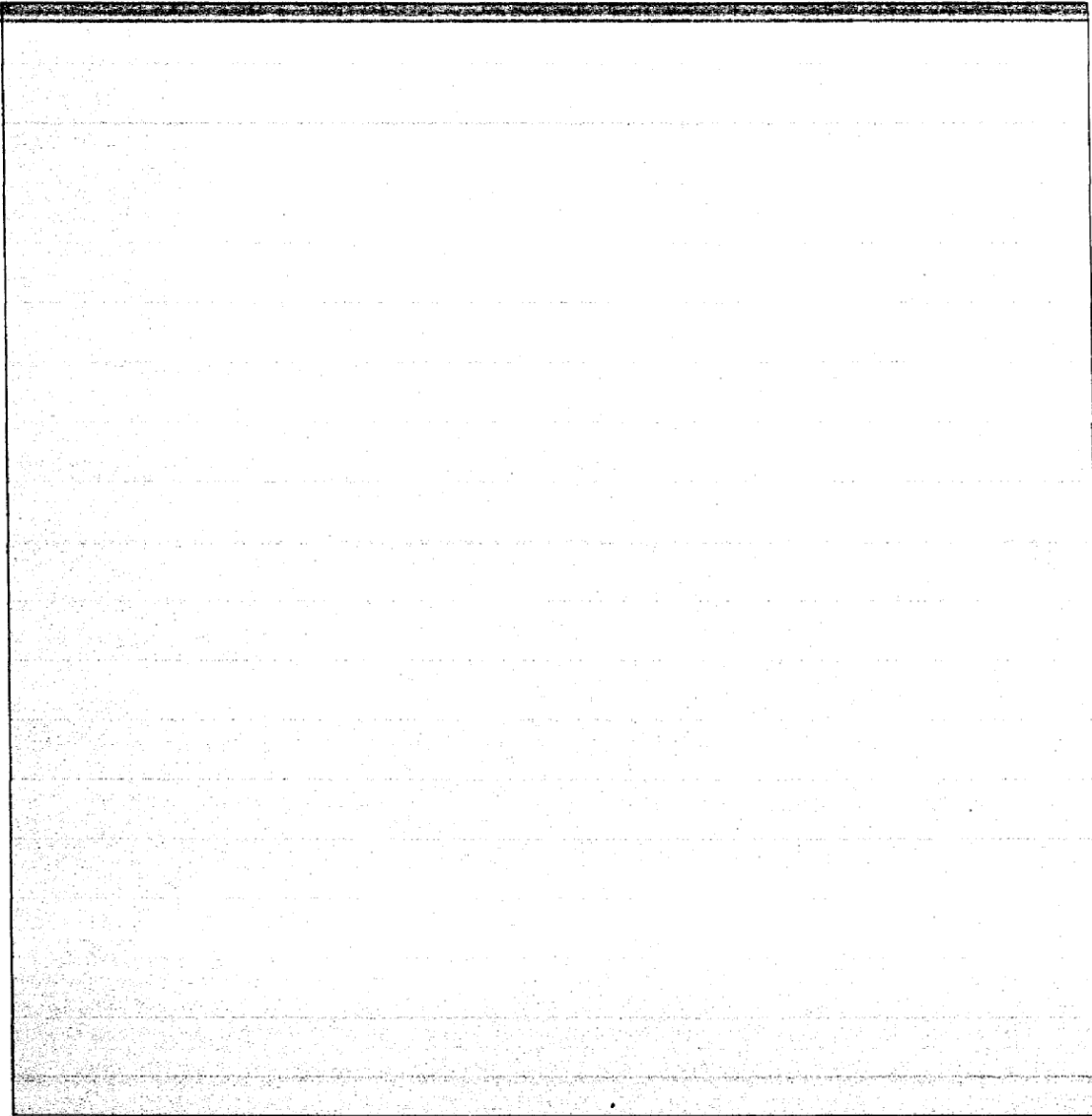
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Statement of Purpose of Home¹

.....

¹ Please state aims, objectives and implementation strategy



Name of Person in Charge

[Faint, illegible text]

Experience and qualifications of Person in Charge

| |
|--|
| |
|--|

Duties of the Management Committee

| |
|--|
| |
|--|

The Home agrees to be inspected by member of Child Protection Service. Yes/NO

Agreed Maximum Number of Children that can stay in the home

Boys Age Range

Girls Age Range

The required number of Care Staff for this maximum number of children

The required number of Ancillary Staff for this maximum number of children

If the Home is already looking after children please state the current number of children in the Home

Boys Age Range

Girls Age Range

Current number of Care Staff

Current number of Ancillary Staff

If the number of children currently in the home is above the maximum number please state what is the plan for attaining the agreed maximum

Date visited by Visiting Committee

Improvements Agreed in next 12 months by Person in Charge of Home, the Inspector and Visiting Committee

| Area for Improvement and title of Standard | Date required | Person responsible for the improvement |
|--|---------------|--|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Date

Signed

For Childcare and Protection Agency

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Visiting Committee Member

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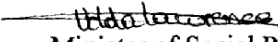
Chairperson of Management Committee

[Redacted signature area]

Person in Charge of Home

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Made this ³⁸ day of April, 2016.


Minister of Social Protection.