

Statutory Instrument No. 7 of 2021

LOCAL GOVERNMENT ACT
(Cap. 40:01)

JWANENG TOWN COUNCIL (DAY CARE CENTRE) BYE-LAWS, 2021
(Published on 12th February, 2021)

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PART I — Preliminary

IN EXERCISE of the powers conferred by section 44 as read with section 45 of the Local Government Act, and with the approval of the Minister of Local Government and Rural Development, the Jwaneng Town Council hereby makes the following Bye-laws —

Citation **1.** These Bye-laws may be cited as the Jwaneng Town Council (Day Care Centre) Bye-laws, 2020.

Interpretation **2.** In these Bye-laws, unless the context otherwise requires —
“assistant teacher” means a citizen of Botswana possessing at least junior secondary school or senior secondary school certificate;
“baby care” means the supervision of young children between the ages of zero and two and a half years;
“care giver” means a person trained to the satisfaction of the Ministry responsible for education to teach, train and care for children below the age of six, and registered with the Council as such;
“Council” means the Jwaneng Town Council;
“day care centre” means a place for the care, education and supervision of children below the age of six, which includes a baby care centre, nursery centre and pre-primary centre;
“infectious diseases” includes diphtheria, cerebrospinal meningitis, whooping cough, measles, mumps, German measles (rubella), chicken pox, scabies, ringworm of scalp or body and typhoid fever;
“law enforcement officer” means a person appointed by the Council under section 52 (1) of the Act and duly authorised, in writing, by the Council to perform duties under these Bye-laws;
“nursery care” means the supervision of young children between the ages of two and a half and four years;
“pre-primary care” means the supervision of young children between the ages of four and six years; and
“qualified teacher” means a teacher qualified in early childhood and education to the satisfaction of the Ministry responsible for education.

PART II — Registration of day care centres

Registration of day care centres **3.** (1) A person shall not operate a day care centre without the prior approval and registration of the day care centre, by the Council.

(2) A person who wishes to operate a day care centre shall make an application to the Council in Form A set out in the Schedule and shall provide such information as the Council may require and, in particular —

(a) details of the premises intended to be used; and

(b) the names and qualifications of all teachers and assistants to be employed at the day care centre.

(3) Where the Council is satisfied that the proposed day care centre meets all the requirements of these Bye-laws, it may, on payment of a fee of P500, register the centre and issue the applicant with a registration licence in Form B set out in the Schedule.

(4) A registration licence shall not be transferable.

Duration and renewal of registration licence **4.** (1) A registration licence shall be valid for a period of 12 months from the date of issue.

(2) The owner of a day care centre may make an application to renew a licence to the Council in Form C set out in the Schedule, upon payment of a fee of P500.

(3) An applicant who fails to renew a registration licence upon its expiry commits an offence and is liable to a penalty fee of P20 for each day that the offence continues, up to a maximum of eight months.

(4) A renewal of a licence made after a period of six months shall be treated as a new application.

5. (1) The Council may suspend or revoke a licence issued under bye-law 3 where —

- (a) the owner has failed to comply with any of the conditions of the licence,
- (b) the owner has contravened or failed to comply with provisions of these Bye-laws, or
- (c) a law enforcement officer, after conducting an inspection, has recommended a suspension or revocation of the licence due to failure of the day care centre to comply with the relevant health standards; or

(2) The revocation or suspension of a licence or imposition of further conditions on a licence done under this bye-law shall be published by notice in the gazette, and in two newspapers in circulation in Botswana.

6. A registration licence shall be displayed in a conspicuous place in the principal's office in the premises of the day care centre.

7. The Council may cancel the registration of, and require the closure of any day care centre that contravenes or fails to comply with any of the provisions of these Bye-laws.

Suspension and revocation of registration licence

Registration licence to be displayed

Closure of day care centres

PART III — Premises

8. (1) Subject to subbye-law (2), an occupied residential house, veranda or garage shall not be used as a day care centre.

(2) An occupied residential house may, with the written approval of the Council, be used as a day care centre where the residential part of the house can be adequately and satisfactorily partitioned or separated from the portion used to operate a day care centre.

(3) Premises used for operating a day care centre shall be constructed in accordance with and from material permitted by the appropriate building regulations, floors should be smooth and tiled or carpeted, and classrooms or restrooms adequately lit and ventilated.

(4) The size of the rooms to be used as classrooms shall directly relate to the number of children permitted to use them at one time, so that for each child there shall be an equivalent of 1.5 square metres space to occupy.

(5) Premises used for a day care centre shall be —

- (a) adequately and securely fenced in; and
- (b) adequately set back from busy roads and roads regularly used by heavy traffic.

9. (1) A day care centre shall, considering the number of children attending the day care centre, provide an adequate supply of equipment suitable for use in the day care centre, such as computers, reading material, picture books, chalk boards, toys, paints, crayons, moulding clay, puzzles and beads.

(2) The Council may require and approve additional or alternative equipment not referred to in subbye-law (1).

Premises of day care centres

Furniture and classroom equipment

	(3) The owner of a day care centre shall ensure that the day care centre has all the necessary furniture fittings and equipment and that such equipment is kept —
	(a) clean and in good condition; and
	(b) appropriate in size and age of the children in the day care centre.
Sick rooms	10. A day care centre shall have a room equipped with a bed which has a mattress and clean linen, in which a sick child can rest and be isolated for a day.
Toilets and washing facilities	11. (1) A day care centre shall provide separate toilets for staff and for children, including staff and children with disability, which shall be well lit, well ventilated and have adequate running water.
	(2) Toilets for children shall be —
	(a) provided with standard junior toilets and hand wash basin for every 15 children; and
	(b) separated according to gender.
	(3) Storage facilities for towels, face cloths and personal belongings of staff shall be kept separate from those of the children.
	(4) A day care centre shall have at least one general facility to be used for washing clothes, blankets, towels and any other linen used in the day care centre.
Kitchens	12. (1) Where a day care centre provides food, there shall be available in the kitchen —
	(a) adequate hot and cold hygienic water;
	(b) adequate and clean storage space for food;
	(c) adequate cutlery and crockery of a suitably hygienic type; and
	(d) a detailed menu of food with a detailed suitable balanced diet.
	(2) Where food is brought into the day care centre by the children, there shall be provided, suitable facilities for the storage and refrigeration of the food.
Outdoor play areas	13. (1) Outdoor play areas shall be adequate in size, providing a minimum area equivalent to not less than 1.5 square metres for each child attending the day care centre.
	(2) Outdoor play areas shall have a flat, generally dry surface, with adequate shade, and shall be provided with play equipment such as sand pits, swings, slides and climbing frames, which are to the satisfaction of the Council, and adequate for the number of children attending day care centre.
Animals and pets	14. Animals, whether pets or otherwise, shall not be permitted within a day care centre without the written permission of the Council.
Smoking prohibited	15. Smoking is prohibited within the premises of a day care centre and a notice to that effect shall displayed in a conspicuous place at the entrance of the day care centre.

PART IV — Operation of day care centres

Hours of operation	16. A day care centre shall operate between 0700 hours and 1800 hours on weekdays unless otherwise authorised in writing by the Council.
Age of admission	17. (1) Subject to subbye-law (2), a day care centre shall admit children below the age of six years.
	(2) A child who is above the age of six shall not be enrolled at a day care centre without the written permission of the Council.
First aid requirements	18. (1) In a day care centre there shall be maintained, and made readily accessible a first aid box or cupboard containing an adequate supply of dressings, bandages, sterilised cotton wool, adhesive plasters, disinfectant, safety pins and a tourniquet.

(2) A day care centre shall establish a fire assembly point and keep well maintained portable fire extinguishers within the day care centre.

19. (1) A day care centre shall keep, for each child, records for inspection that include particulars of every accident or illness occurring to each child while at the day care centre, and of the action taken on behalf of the child. Accidents

(2) Emergency telephone numbers for ambulances, fire officers and the police shall be displayed prominently in the school premises.

20. (1) Subject to bye-law 21, a centre shall have a minimum of two qualified teachers at all material times, and there shall be at least one such teacher on duty. Staff

(2) A day care centre may employ assistants to assist qualified teachers to supervise and look after the children.

(3) Any person employed at a day care centre shall —

(a) be medically examined, including being X-rayed, before taking up employment, and thereafter at six months intervals to determine whether such staff is suffering from —

(i) any chronic or terminal illness which would render such staff unable to carry out his or her duties, or

(ii) any communicable or contagious disease that may pose a risk to the children; and

(b) at all times wear clean protective clothing or clean uniforms.

(4) A person shall not be employed, or continue to be employed at a day care centre if such person —

(a) is certified under the Medical Disorders Act to be suffering from a mental disorder; Cap. 63:02

(b) has been convicted of a sexual offence; or

(c) has been convicted of an offence under the Children's Act. Cap. 28:04

21. A day care centre shall have — Staff-child ratio

(a) 30 pre-primary children being the maximum with one qualified teacher and one assistant teacher per class, or 15 pre-primary children being the minimum with one qualified teacher per class;

(b) 25 nursery children being the maximum with one qualified teacher and one assistant teacher per class, or 10 nursery children being the minimum with one qualified teacher per class; and

(c) 10 babies being the maximum with two care givers and an assistant care giver per room, or five babies being the minimum with one care giver per room.

22. (1) The owner of a day care centre shall ensure that any child or a member of staff suffering from, or is suspected of suffering from an infectious or contagious disease is immediately isolated from contact with other children or members of staff, or is temporarily excluded from the day care centre. Responsibilities of owner

(2) The owner of a day care centre shall ensure that high standards of maintenance and cleanliness are established within the day care centre.

(3) The owner of a day care centre shall ensure that the day care provides for a resting period of not less than an hour each afternoon.

23. (1) The owner of a day care centre shall provide resources to ensure high quality childhood care and education service. Curriculum

(2) The curriculum followed at a day care centre shall adhere to the standards set by the ministry responsible for education.

- Register to be kept **24. The owner of a day care centre shall open and maintain, or cause to be kept and maintained, a register in which shall be recorded —**
- (a) in relation to each child admitted at a centre —
 - (i) the name and date of birth, and
 - (ii) the names, addresses and telephone numbers of each child's parent or guardian; and
 - (b) the names and qualifications of all members of staff employed at the day care centre.
- Health care **25. Where there is a threat of an outbreak of an epidemic infectious or contagious disease, a day care centre shall be closed, and a report concerning the effects of the outbreak on the day care centre shall be immediately made to the Council.**

PART V — *Miscellaneous*

- Powers of entry **26. A law enforcement officer may at any reasonable time, enter a day care centre for purposes of inspection, and to ensure compliance with these Bye-laws.**
- Offences and penalties **27. Any person who contravenes or fails to comply with these Bye-laws commits an offence and is liable to a fine not exceeding P2000, or to imprisonment for a term not exceeding three months, or to both.**

SCHEDULE

Form A

**Application to operate day care centre
(bye-law 3(2))**

(Attach two passport size photographs)

(A) PARTICULARS OF THE APPLICANT

- 1. Name of the Applicant.....
(Surname first)
- 2. Postal Address.....
- 3. Residential Address.....
- 4. Nationality.....
- 5. Identity number.....
- 6. Where Applicant is a non-citizen, residence permit number and date of expiry of the residence permit.....
- 7. Where Applicant is a company, the registration number of the company.....

(B) PROPOSED DAY CARE CENTRE

- 1. Type of day care centre.....
- 2. Location of day care centre.....
(Please attach a copy of the sketch map showing the location of the school in relation to main roads or busy roads)
- 3. Premises:
 - (a) Area of the school (m²).....
 - (b) Number of classrooms.....
 - (c) Number of children per classroom.....
 - (d) Number of toilets for children.....
 - (e) Number of toilets for staff.....
(Attach a list of all equipment at the school)
- 4. Staff:
 - (a) Number of qualified teachers.....
 - (b) Number of assistant teachers.....
 - (c) Number of support staff.....

(Please attach the following documents to the application)

- (a) Zoning approval or land use permit (including parking requirements and children's play area)
- (b) Fire inspection report
- (c) Environmental health report
- (d) Building Control Inspection report

(e) Certificate of company (where applicable)

(f) Qualifications and experience of teachers

.....
Applicant's signature

.....
Date

FOR OFFICIAL USE ONLY

Date on which the application was received by Licensing officer.....

Date of hearing.....

Date of approval/rejection of application.....

.....
Council Secretary

.....
Date

Form B

Registration Licence
(bye-law 3(3))

(Not transferable)

Licence number.....issued at.....

Name.....is hereby licensed in accordance with the Jwaneng
Town Council (Day Care Centre) Bye-laws to operate a day care centre/baby care centre(tick
where applicable) known as.....at the following
area.....Conditions (if any)
applicable.....
Date of issue.....
Date of expiry.....
Fee paid.....

.....
Licensing Officer

Form C

Application for renewal of licence
(bye-law 4(2))

1. Name of the Applicant.....
(Surname first)
2. Postal Address.....
3. Residential Address.....
4. Nationality.....
5. Identity Number.....
6. Where Applicant is a non-citizen, residence permit number and date of expiry of the residence permit.....
7. Where Applicant is a company, the registration number of the company.....
8. Licence number.....
9. Fee paid.....
10. Changes (if any) made regarding the day care centre.....
.....
.....

.....
Applicant's signature

.....
Date

MADE this 14th day of January, 2021 .

*Town Clerk,
Jwaneng Town Council.*

Approved this 18th day of January, 2021 .

ERIC MOTHIBI MOLALE,
*Minister of Local Government and Rural
Development.*