

LOCAL GOVERNMENT (DISTRICT COUNCILS) ACT
(Cap. 40:01)

CENTRAL DISTRICT COUNCIL (DAY-CARE CENTRE) BYE-LAWS, 2006
(Published on 9th June, 2006)

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BYE-LAW

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SCHEDULE

IN EXERCISE of the powers conferred by section 33 of the Local Government (District Councils) Act, and with the approval of the Minister of Local Government, the Central District Council hereby makes the following Bye-laws —

Citation 1. These Bye-laws may be cited as the Central District Council (Day-Care Centre) Bye-laws, 2006.

Interpretation 2. In these Bye-laws, unless the context otherwise requires —
“authorised officer” means the Council Secretary or any employee of the Council duly authorised, in writing, by the Council to perform duties under these Bye-laws;

“care giver” means a person trained to teach, train, and care for babies and children below the age of 6, and registered as such with the Central District Council,

“Council” means the Central District Council;

“day care centre” means a place for the care, education and supervision of children below the age of 6;

“infectious disease” includes diphtheria, cerebro-spinal meningitis, whooping cough, measles, mumps, German measles (rubella), chicken pox, scabies, ringworm of scalp or body, and typhoid fever, and

“licence” means a licence issued under bye-law 3.

“qualified teacher” means a teacher qualified to the satisfaction of the Ministry of Education, to teach children below the age of six.

Licensing of day-care centres 3. (1) No person shall operate a day-care centre (hereinafter referred to as a “centre”) without a licence issued by the Council.

(2) No person under the age of 18 years may operate a centre.

(3) Any person who wishes to operate a centre shall make application for a licence to the Council, in Form 1 set out in the Schedule hereto, giving details of —

(a) the premises intended to be used for the centre;

(b) the names and qualifications of all the teachers and other assistants to be employed at the centre; and

(c) any other information with regard to the proposed centre as the Council may require.

(4) Upon receipt of the application, the Council shall cause to be conducted such inspections as it may consider appropriate to ensure that the premises of the center comply with the relevant health and building control standards.

(5) If the Council is satisfied that the proposed centre meets all the requirements of these Bye-laws and any other relevant legislation, it may, on payment of a fee of P100.00, issue to the applicant a licence in Form 2 set out in the Schedule hereto.

(6) A licence issued under these Regulations may be subject to such conditions as the Council considers necessary, which conditions shall be endorsed on the licence.

(7) The Council may revoke, suspend or impose further conditions on the licence, and shall publish a notice of such revocation, suspension or imposition in two consecutive issues of the Gazette and two newspapers in circulation in Botswana

where —

- (a) the conditions of any licence are not being adhered to;
- (b) a centre has failed to comply with these Bye-laws; or
- (c) an authorised officer, after conducting an inspection, has recommended a suspension of the licence due to a failure of the centre to comply with the relevant health standards.

(8) A licence issued under sub bye-law (3) shall be valid until the 31st December of the year of issue, and shall thereafter be renewable from year to year, on payment of the annual fee of P10.

(9) An application for the renewal of a licence shall be made in Form I set out in the Schedule hereto.

(10) The licence shall be conspicuously displayed in the premises of the centre.

4. No person, to whom a licence has been issued may cede, transfer or lease the licence to another person.

5. The Council may cancel the licence of, and require the closure of, any centre which contravenes or does not comply with any of the provisions of these Bye-laws.

Transfer of licence

Closure of day-care centres

PART II — Premises

6. (1) An occupied residential house shall not be used as a centre, unless, the portion to be used for the centre can be separated, to the satisfaction of the Council, from the portion used for residential purposes.

Type of premises to be used

(2) A garage or verandah shall not be used as a classroom for a centre.

(3) Premises used for a centre shall be constructed in accordance with, and from material permitted by, the appropriate building regulations, and the floors shall be smooth and tiled or carpeted, and every classroom or rest room shall be adequately lit and ventilated.

(4) The size of rooms to be used as classrooms shall directly relate to the number of children permitted to use them at any one time, so that for each child there shall be the equivalent of 1,5 square metres.

(5) In every centre there shall be a room, equipped with a bed with mattress and clean linen, in which a sick child can rest and be isolated.

(6) Premises used for a centre shall be adequately and securely fenced in, and shall be adequately set back from busy roads or roads regularly used by heavy traffic.

7. (1) The outdoor play areas shall provide a minimum area of not less than 2 cubic metres for each child attending the centre, and shall have a flat, generally dry surface, with adequate shade.

Outdoor play areas

(2) The outdoor play areas shall be provided, to the satisfaction of the Council, with play equipment such as sand pits, swings, slides and climbing frames adequate for the number of children attending at the centre.

(3) The outdoor play areas shall be free from sharp objects or any discarded material, equipment, or any or other objects which pose a danger to children.

8. (1) Every centre shall be provided with separate toilets for members of staff and for children, which shall be well lit, well ventilated, and have adequate running water.

Toilets

	<p>(2) Toilets for children shall be —</p> <p>(a) separated according to gender; and</p> <p>(b) installed with standard junior toilets and hand wash basins, so that there shall be one toilet and one wash hand basin for every 15 children.</p> <p>(3) The toilets and hand was basins shall be kept clean, sterile and in a state of good repair.</p> <p>(4) Storage facilities for towels, face cloths and personal belongings of the members of staff shall be separate from similar facilities for children.</p>
Washing facilities	<p>9. At every centre there shall be maintained on the premises, a facility for washing clothes, towels, blankets and any other linen used at the centre.</p>
Kitchen	<p>10. (1) A centre which operates for more than five and a half hours shall have a kitchen with adequate hot and cold water.</p> <p>(2) A centre which operates for more than five and a half hours shall provide each child with at least one cooked meal.</p> <p>(3) Where food or formula is brought into a centre by the children there shall be provided adequate and hygienic facilities for the storage and refrigeration of the food or formula.</p> <p>(4) There shall be available for inspection a detailed menu of the food provided, with a suitably balanced diet, stating —</p> <p>(a) the time for serving the meal; and</p> <p>(b) the quantities to be served.</p> <p>(5) Where a centre operates for less than five and a half hours, each child shall be provided with at least one snack.</p> <p>(6) The utensils, cutlery and crockery used in the kitchen shall be of a shape and size suitable for the children admitted at the centre.</p>
Furniture and classroom equipment	<p>11. (1) At every centre there shall be provided, to the satisfaction of the Council, an adequate supply of furniture and other equipment suitable for use in a centre, such as reading material, picture books, blackboards, toys, paints, crayons, moulding clay, puzzles and beads.</p> <p>(2) The Council may require or approve additional or alternative equipment to that referred to in sub-bye law (1).</p>
Fire extinguisher	<p>12. At every centre there shall be maintained, and made readily accessible at all times, a portable fire extinguisher.</p>
First aid requirements	<p>13. (1) At every centre there shall be maintained, and made readily accessible at all times, a first aid box or cupboard containing an adequate supply of dressings, bandages, sterilized cotton wool, adhesive plasters, disinfectant, safety pins, and a tourniquet.</p> <p>(2) No member of staff may administer any medication to a child without the consent of the child's parent or guardian.</p>
Cleanliness	<p>14. (1) At every centre there shall be, at all times, a high standard of maintenance and cleanliness in the centre.</p> <p>(2) The owner of a centre shall ensure that any member of staff or child under the care of the centre, suffering from, or suspected to be suffering from, an infectious disease, is immediately isolated from contact with other children or members of staff.</p>
Smoking	<p>15. No person shall smoke anywhere within the premises of a centre, and a notice to this effect shall be displayed prominently at the entrance to the centre.</p>
Pets	<p>16. Animals, whether pets or otherwise, shall not be permitted within any area used for the purposes of a centre, without the written permission of the Council.</p>

17. (1) Where a centre provides for the transportation of children the vehicle used shall be enclosed and with adequate and comfortable sitting space for each child carried in it.

Transportation

(2) The owner of a centre shall ensure that a vehicle used to transport the children is insured at all times.

18. Except with the written permission of the Council, the premises of the Council shall not be used for any activity which is not in the ordinary course of operating a centre.

Use of premises for other activities

PART III — *Operation and staff of the centre*

19. A centre shall not, except with the approval of the Council, operate —
(a) on Saturdays, Sundays or public holidays, or
(b) outside the hours between 7.00 am and 17.00 pm.

Hours of operation

20. The owner of a centre shall ensure that all children at the centre shall have a common resting period of not less than one hour each afternoon.

Rest Period

21. No child shall be admitted to, or be allowed to remain at a centre, without the written permission of the Council, if the child is over the age of six years.

Age of admission

22. (1) Subject to the provisions of bye-law 23, a centre shall have a minimum of two qualified teachers, and at all times there shall be at least one such teacher on duty.

Staff

(2) A centre shall at all times have at least one teacher on duty for every 30 children.

(3) A centre may employ assistants to assist the qualified teachers to supervise and look after children at the centre.

(4) All the members of staff employed at a centre shall undergo a medical exam, including an x-ray, before being employed, and thereafter at six monthly intervals.

(5) No person shall be employed, or continue to be employed at a centre if he or she —

(a) is certified under the Mental 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 Part IV of the Children's Act.

Cap. 28:04

(6) All the members of staff employed at a centre shall at all times wear clean uniforms or clothing.

23. (1) A centre shall have a maximum of —

Staff-child ratio

(a) twenty five children aged between two and a half and four years old per class room;

(b) thirty children aged between four and six years old per class room; and

(c) ten babies aged between six weeks and two and a half years per room.

(2) A centre shall have a minimum of —

(a) one qualified teacher per class; and

(b) one care giver per ten babies.

24. The curriculum followed at a centre shall adhere to the standards set by the Ministry of Education.

Curriculum

Records of the centre

- 25. The owner of a 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 names and date of birth, and**
 - (ii) the names, addresses and telephone numbers of his or her parent or guardian; and**
 - (b) the names and qualifications of all the members of staff employed at the centre.**

PART IV – Appeals, powers of entry, offences and penalties

Appeals

26. Any person who is aggrieved by the decision made by the Council in terms of these Bye-laws may within 30 days of receipt of notification of that decision appeal to the Minister.

Powers of entry

27. An officer of the Council so authorised in writing by the Council Secretary may at any reasonable time enter a centre for the purpose of inspection, and to ensure compliance with these Bye-laws.

Offences and penalties

28. Any person who contravenes the provisions of these Bye-laws commits an offence and is liable to a fine not exceeding P100.00, or to imprisonment for a term not exceeding one month, or to both, and upon conviction, for a second or subsequent offence, to a fine not exceeding P200.00, or to imprisonment for a term not exceeding three months, or to both.

**SCHEDULE
(FORMS)**

(Bye-law 3)

FORM 1

**CENTRAL DISTRICT (DAY CARE CENTRE) BYE-LAWS, 2006
S.I. No. 38 of 2006**

APPLICATION TO OPERATE A DAY-CARE CENTRE

Applicant's Particulars

- 1. Name
- 2. Postal address
-
- 3. Residential address of applicant
- 4. Location of the premises of the day care centre
-

Staff of the centre (attach extra pages if necessary)

5. Persons to be employed at the centre:

(a) Name

Position to be held

Qualification(s).....

(b) Name.....

Position to be held

Qualification(s).....

(c) Name

Position to be held

Qualification(s).....

(d) Name

Position to be held

Qualification(s).....

(e) Name

Position to be held

Qualification(s).....

(f) Name

Position to be held

Qualification(s).....

(g) Name

Position to be held

Qualification(s).....

*** Please attach certified copies of the licences of the persons to be employed by the centre.**

Premises and structure

6. What is the material used for building the premises? (e.g. wood, brick, or any other material)

7. Room types and sizes:

<i>Type of room (E.g. Kitchen)</i>	<i>Room size in square metres</i>	<i>Number</i>
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8. Toilets and washing facilities:

- Number of children's toilets
- Number of toilets for staff
- Number of baths
- General washing facilities
- Is there a laundry room? *Yes/No

9. Kitchen:

- Does the Kitchen have washable walls?
- Is there any storage space?
- Type of storage shelves, pantry, cold room/refrigeration, cupboards)
.....
.....
.....

10. Outdoor area:

- Size in square metres
- Type of fencing
- Is there a secure gate? *Yes No
- Is there any shade? *Yes No

Numbers of children to be admitted at the centre

- 11. (a) 6 weeks - 2½ years
- (b) 2½ - 4 years
- (c) 4 - 6 years

I (name of applicant) declare that the above information is true and correct.

.....
Signature of applicant

.....
Date

FOR OFFICIAL USE ONLY

Date of receipt of application

Received by

Signature

* delete which ever is not applicable

SCHEDULE

(Bye-law 3)

FORM 2

CENTRAL DISTRICT (DAY CARE CENTRE) BYE-LAWS, 2006
S.I. No. 38 of 2006

LICENCE TO OPERATE A DAY-CARE CENTRE

NOT TRANSFERABLE

Licence No.

To

Having considered your application to operate Day Care Centre, the Central District Council is satisfied that you have fulfilled the necessary requirements of the Central District Day-Care Centre Bye-laws, you are hereby granted a licence to operate a day care centre in the following area

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.....

This licence is subject to the following conditions:

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.....
.....

This licence is valid until, 20.....

.....
Council Secretary

Date of issue.....

MADE this 22nd day of May, 2006.

DAVID VALELA.
Council Secretary.

APPROVED this 30th day of May, 2006.

MARGARET NASHA,
Minister for Local Government.