

LOCAL GOVERNMENT ACT
(Act No. 18 of 2012)

**KWENENG DISTRICT COUNCIL (EARLY CHILDHOOD CARE AND
EDUCATION) BYE-LAWS, 2014**
(Published on 31st October, 2014)

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IN EXERCISE of the powers conferred by sections 44 and 45 of the Local Government Act, and after consultation with the community living within the council area, and with the approval of the Minister of Local Government and Rural Development, the Kweneng District Council hereby makes the following Bye-laws —

- Citation 1. These Bye-laws may be cited as the Kweneng District Council (Early Childhood Care and Education) Bye-laws, 2014.
- Interpretation 2. In these Bye laws, unless the context otherwise requires —
“Authorised person” means an officer from the Departments of Social and Community Development, Bye Law, Physical Planning and Health;
“centre” means a place for the supervision during the day for young children below school age licensed under regulation 3 (3);
“Council” means the Kweneng District Council; and
“communicable disease” includes diphtheria, cerebral spinal meningitis, whooping cough, measles, mumps, German measles (rubella) chicken pox, scabies, ringworm on scalp or body and typhoid fever.
- Registration of centre 3. (1) A person shall not operate a centre without prior approval and registration by the Council.
(2) A person who wishes to operate a centre shall make an application for a licence to the Council, in Form 1 set out in the Schedule, giving details of —

- (a) the premises intended to be used;
 - (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.
- (3) The application under paragraph (2) shall be accompanied by a non-refundable fee of P100.00.
- (4) If the Council is satisfied that the proposed centre meets all the requirements of these Bye-laws and any other relevant legislation, it may issue to the applicant a licence in accordance with Form 2 set out in the Schedule.
4. (1) A licence issued in terms of sub bye-law (3) shall be valid for 12 months from the date of issue, but thereafter renewable from year to year, on payment of fee provided under sub bye-law (2). Validity of licence
- (2) A person wishing to renew a registration licence shall make an application 21 days before the expiry date, in Form 3 set out in the Schedule and, upon payment of a fee of P100.00 the Council may renew the licence and make an endorsement of conditions it considers necessary.
5. A licence holder shall conspicuously display the licence on the wall of the principal's office of the centre. Display of licence
6. (1) A council may — Suspension and revocation of licence
- (a) suspend a licence issued under bye-law 3 where —
 - (i) any of the conditions of the licence are not being adhered to,
 - (ii) a centre has failed to comply with the Bye-laws, or
 - (iii) 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; or
 - (b) revoke a licence issued under bye-law 3 where —
 - (i) a centre has failed to comply with the Bye-laws,
 - (ii) an authorised officer, after conducting an inspection, has recommended a revocation of the licence, or
 - (iii) a centre has provided false information at the time of application of a licence.
- (2) Any suspension or revocation done under this bye-law shall be published by a notice in the *Gazette*, and two newspapers in circulation in Botswana.
7. The Council shall not issue a licence to an applicant where the proposed premises are in a residential area: Premises of a centre
- Provided that the Council may with a written approval, permit an occupied residential house to be used as a centre.
8. (1) Premises used as a centre shall — Facilities to be maintained
- (a) be walled or fenced;
 - (b) be set back at least 25 metres from busy roads;
 - (c) be constructed in accordance with and from material permitted by the appropriate building regulations;
 - (d) have floors that are smooth and are either tiled or carpeted;
 - (e) be adequately lit and ventilated in every classroom, and
 - (f) be able to meet the needs of children with special educational needs.
- (2) The size of rooms to be used as classrooms for a centre shall directly relate to the number of children permitted to use them so that for each child there shall be 1.5 square metres of floor space.

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

(4) The outdoor play areas shall —

(a) provide a minimum area of not less than 2 square metres for each child attending the centre and, shall have a flat generally dry surface, with adequate shade;

(b) be provided with play equipment such as sand pits, swings, slides and climbing frames to the satisfaction of the Council and adequate for the number of children attending at the centre; and

(c) be free from sharp objects or any discarded material, equipment, or any other objects that may pose a danger to the children.

(5) A centre shall have separate toilets for staff and for children which toilets shall be well lit and well ventilated and have running water.

(6) Toilets for children shall be —

(a) separated according to gender; and

(b) installed with at least one standard junior toilet per 15 children, and with adjacent junior wash facilities.

(7) A centre shall have at least one general facility for washing clothes, blankets and towels and any other linen used in the centre.

(8) Storage facilities for towels, face cloths and personal belongings of staff shall be separate from similar facilities for children.

(9) A centre that provides food to the children shall have in the kitchen —

(a) adequate hot and cold water;

(b) adequate and clean storage space for food;

(c) adequate cutlery and crockery;

(d) a detailed menu of a balanced diet accessible for inspection; and

(10) Where a centre operates for more than five and half hours, each child shall be provided with at least one cooked meal per day.

(11) Where food or formula is brought into a centre by the children, there shall be provided suitable and hygienic facilities for the storage and refrigeration of the food or formula.

(12) A centre shall provide to the satisfaction of the Council furniture appropriate to the age of the children and other equipment suitable for use in the centre including adequate supply of reading materials, picture books, blackboards, and toys for use by the children enrolled in the centre.

(13) The Council may require or approve additional or alternative equipment to that referred to in sub bye- law (11).

(14) A centre shall not be relocated without approval of the Council.

First aid
quirements
and fire
procedures

9. (1) A centre shall be maintained and have readily accessible first aid box containing adequate supply of dressings, bandages, sterilized cotton wool, adhesive plasters, disinfectant, safety pins and tourniquet.

(2) A centre shall have one staff member who is trained in first aid.

(3) A centre shall have a fire assembly point.

(4) A centre shall maintain, and make readily accessible at all times, a portable fire extinguisher.

Animals to be
restricted

10. Animals, whether pets or otherwise, shall not be brought within any area used for the purposes of a centre, without the written permission of the Council.

Smoking
prohibited

11. A person shall not smoke a cigarette or any form of tobacco anywhere within the area of a centre and a notice to this effect shall be displayed prominently at the entrance to the centre.

<p>12. A centre shall not operate — (a) on Saturday, Sunday or public holiday; or (b) outside the hours between 7.00 am and 6.00 p.m.</p>	<p>Operation hours</p>
<p>13. (1) A centre shall not admit a child who is older than six years of age. (2) A centre shall obtain written permission from the council where a child who is to be admitted is over the age of six years.</p>	<p>Age of admission</p>
<p>14. (1) A centre shall have a maximum of — (a) 25 children aged between two and a half and four years old per classroom; (b) 30 children aged between four and six years old per classroom; and (c) 10 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 10 babies. (3) A centre shall employ assistants to assist qualified teachers to supervise and look after children at the centre. (4) All staff employed at a centre shall at all times while on duty wear clean uniforms or clothing. (5) A centre shall ensure that a person eligible for employment at the centre undergo medical examinations before being employed.</p>	<p>Staff-child ratio</p>
<p>15. (1) The owner of a centre shall ensure that at all times a high standard of maintenance and cleanliness is maintained within the centre. (2) The owner of a centre shall ensure that any child or member of staff suffering from or suspected to be suffering from a communicable disease is immediately isolated from contact with other children or staff members. (3) The owner of a centre shall ensure that all children at a centre shall have a common resting period of not less than an hour each afternoon. (4) The owner of a centre shall ensure that a record and register of children's immunization is well maintained. (5) The owner of a centre shall not admit a child at a centre without proof of immunization.</p>	<p>Responsibilities of the owners</p>
<p>16. An authorized officer of the Council may at any reasonable time enter a centre for the purpose of inspection and to ensure compliance with these Bye-laws.</p>	<p>Powers of entry</p>
<p>17. The Council may require closure of any centre that fails to comply with any of the provisions of these Bye-laws.</p>	<p>Closure of a Centre</p>
<p>18. A person who contravenes or does not comply with any of the provisions of these Bye-laws commits an offence and is liable to a fine not exceeding P1200.00 or to imprisonment for a term not exceeding two months or to both.</p>	<p>Offences and penalties</p>

FORM 1
(reg. 3 (2))

KWENENG DISTRICT COUNCIL

All Correspondence should be addressed to:
Council Secretary

Telephone No. : 5920200

Fax No. : 5920209



APPLICATION TO REGISTER AN EARLY CHILDHOOD CARE AND
EDUCATION CENTRE

(A) Particulars of the Applicant:

1. Name of the Applicant

.....

2. Postal Address of the Applicant

.....

3. Residential Address of the Applicant

.....

4. Nationality of the Applicant

.....

5. Where the Applicant is a non-citizen, resident permit number and date of expiry of the resident permit of the Applicant

.....

6. Where the Applicant is a company, the registration number of the company

.....

(B) Particulars of proposed Centre:

1) TYPE OF CENTRE: Baby Care, Day Care Centre/Nursery or Pre- Primary School
(Tick where applicable)

2) LOCATION OF CENTRE:

A. Village

.....

B. Ward

.....

(Please attach a copy of a sketch map showing the location of the school in relation to main routes or busy roads).

3) PREMISES:

A. Area of school plot

.....

B. Number of classrooms or rooms

.....

C. Number of children per classroom

.....

D. State the number of toilets for children and number of toilets for staff

.....

(Also attach a list of all equipments at the school)

4) STAFF:

A. Number of teachers:

.....

B. Qualifications and experience of the teachers:

.....

C. Number of Assistant teachers:

.....

D. Number of support staff:

.....

* (Attach the following documents to the application):

- a) Zoning approval or land use permit,
- b) Fire inspection report,
- c) Environmental health report,
- d) Certificate of Incorporation where the applicant is a company.

I, the undersigned state that the information given in this application is to the best of my knowledge true and accurate.

Applicant's signature:

Date:

FOR OFFICIAL USE ONLY

The Community Development and Social Welfare Committee of South East District Council, meeting at.....on.....have studied the foregoing application.

A. The Community Development and Social Welfare Committee is of the opinion that the proposed.....meet the requirements as provided by the Bye-Laws.

B. The Community Development and Social Welfare Committee does not recommend registration of the Center for the following reasons:

.....
.....
.....

Date:

Signed:

Chairperson:.....

Council Secretary:

FORM 2
(reg. 3 (3))

KWENENG DISTRICT COUNCIL

All Correspondence should be addressed to:
Council Secretary

Telephone No. : 5920200
Fax No. : 5920209



LICENCE

(NOT TRANSFERABLE)

Licence No.....

Name:.....has been permitted in terms
of the Kweneng District Council (Early Childhood and Education Centre) Bye-Laws 2014

to run a.....

known as

on Plot No.

Ward

Number of children approved on premises:

Hours of Operation: From: To:

This licence expires on 31st December:

Date of issue:

.....
LICENSING OFFICER.

WAZHA TEMA,
Council Secretary.

FORM 3
(reg. 4 (2))

KWENENG DISTRICT COUNCIL

All Correspondence should be addressed to:
Council Secretary

Telephone No. : 5920200
Fax No. : 5920209



RENEWAL OF AN EARLY CHILDHOOD CARE AND
EDUCATION CENTRE LICENCE

(A) Particulars of the Applicant

1. Name of the Applicant

.....

2. Address of the Applicant

.....

3. Nationality of the Applicant

.....

4. Where the Applicant is a non-citizen, resident permit number and date of expiry of the resident permit of the Applicant

.....

5. Where the Applicant is a company, the registration number of the company

.....

I, the undersigned state that the information given in this application is to the best of my knowledge true and accurate.

Applicant's signature:

Date:

FOR OFFICIAL USE ONLY

Having considered the application for renewal of an Early Childhood and Education Centre licence of

dated.....Licence No..... is hereby renewed in accordance with Bye-law (4 (2)) of these Bye-laws.

Conditions (if any) applicable

.....

This permit expires on the

.....

Date of Renewal

Fee paid

.....
Licensing Officer.

MADE this 8th day of October, 2014.

WAZHA TEMA,
Council Secretary,
Kweneng District Council.

APPROVED this 10th day of October, 2014.

PETER. L. SIELE,
Minister of Local Government and
Rural Development.