

**TOWNSHIPS ACT**  
(Cap. 40:02)

**SELEBI-PHIKWE TOWN COUNCIL**  
**(EARLY CHILDHOOD CARE AND EDUCATION) BYE-LAWS, 2012**  
*(Published on 5th April, 2012)*

**ARRANGEMENT OF BYE-LAWS**

**BYE-LAW**

**PART I — *Preliminary***

1. Citation
2. Interpretation

**PART II — *Licencing of Centres***

3. Licencing of Centres
4. Duration and renewal of licence
5. Conditional licence
6. Display of licence
7. Suspension and revocation
8. Transfer of licence
9. Closure of centre

**PART III — *Operation of Centres and Premises***

10. Hours of operation
11. Age of admission
12. Premises of a centre
13. Resting period
14. Kitchen
15. Meals
16. Toilets
17. Outdoor play area
18. Washing facilities
19. Furniture and classroom equipment
20. First aid requirements
21. Cleanliness
22. Pets
23. Curriculum
24. Records of centre

## PART IV — Staff and Children of the Centre

- 25. Staff
- 26. Class-child ratio

## PART V — General

- 27. Appeals
- 28. Powers of entry
- 29. Offences and penalties
- 30. Revocation of S.I. No. 67 of 1999

### SCHEDULE

IN EXERCISE of the powers conferred on the Selebi-Phikwe Town Council by section 6 of the Townships Act, and with the approval of the Minister of Local Government, the following Bye-Laws are hereby made —

### PART I — Preliminary

- Citation            **1.** These Bye-Laws may be cited as the Selebi-Phikwe Town Council (Early Childhood Care and Education) Bye-Laws, 2012.
- Interpretation    **2.** In these Bye-Laws, unless the context otherwise requires —
- “authorised officer” means the Township Clerk or any employee of the Council duly authorised, in writing, by the Council to perform duties under these Bye-Laws;
- “baby care centre” means a place for the care, education and supervision of children below the age of two and half years;
- “centre” means a place for the supervision during the day of children below six years;
- “conditional early childhood care and education licence” means Early Childhood Care and Education Licence issued by the Council under Bye-Law 3;
- “Council” means the Selebi-Phikwe Town Council;
- “infectious disease” includes diphtheria, cerebrospinal meningitis, whooping cough, measles, mumps, german measles (rubella), chicken pox, scabies, ringworm on scalp or body, and typhoid fever, and any other communicable contagious diseases;
- “nursing room” means a separate room for a mother to nurse her baby; and
- “sick bay” means a separate room equipped with a bed or mattress and clean linen in which a sick child can rest and be isolated.

### PART II — Licencing of Centres

- Licencing of centres    **3.** (1) A person shall not operate a centre without an Early Childhood Care and Education Licence issued by the Council under these Bye-laws.
- (2) An application to operate a centre shall be made to the Council in Form 1 set out in the Schedule to these Bye-laws and shall provide such information as the Council may require and, in particular —
- (a) the details of the type of centre to be operated; and
  - (b) the details of the premises intended to be used for the centre.

(3) The Council may, upon receipt of an application under subbye-law (2), cause to be conducted such inspections as it may consider appropriate to ensure that the premises of the centre comply with the relevant health and building control standards.

(4) Where the Council is satisfied that the proposed centre meets all the requirements of these Bye-laws, it shall on receipt of payment of a fee of P100 issue to the applicant an Early Childhood Care and Education Licence in Form 2 set out in the Schedule to these Bye-laws.

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

4. (1) An Early Childhood Care and Education Licence issued under bye-law 3 (4) shall be valid for a period of 12 months.

Duration and renewal of licence

(2) A licensee may apply to the Council for renewal of an Early Childhood Care and Education Licence in Form 3 set out in the Schedule to these Bye-laws.

(3) The Council may renew an Early Childhood Care and Education Licence upon payment of a fee of P50.

5. (1) Where the requirements under these Bye-laws are not fully met, the Council may grant a conditional Early Childhood Care and Education Licence in Form 4 set out in the Schedule to these Bye-laws, to allow the applicant to fulfill all the requirements before getting full licence.

Conditional licence

(2) The Conditional Early Childhood Care and Education Licence shall be valid for a period not exceeding three months but may be renewed for a period of not more than two months.

(3) A Licence issued under this bye-law may be subject to such conditions as the Council considers necessary, which conditions shall be endorsed on the licence.

6. A licence issued under these Bye-laws shall be displayed in a conspicuous place in the principal's office in the premises of the centre.

Display of licence

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

Suspension and revocation

- (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 or revocation of the licence or imposition of conditions due to a failure of the centre to comply with the relevant public health standards.

8. A person to whom a licence has been issued may not cede, transfer, or lease the licence to another person.

Transfer of licence

9. A centre that does not provide proper care or puts children at risk shall be informed by the Council, in writing, to take corrective measures within a specified period and where the deficiencies indicated remain uncorrected in the specified time or children are at risk, the Council shall close the centre with immediate effect.

Closure of centre

PART III – Operation of Centres and Premises

Hours of operation	<b>10.</b> A centre shall operate between 0700 hours and 1900 hours on weekdays unless otherwise authorised in writing by the Council.
Age of admission	<b>11.</b> A centre shall not admit or allow to remain at a centre a child over the age of six years without the written permission of the Council.
Premises of a centre	<b>12.</b> (1) An occupied residential house shall not be used for operating a centre. (2) Premises used for a centre shall — (a) be walled or fenced in accordance with Building Control Regulations; (b) be set back at least 25m from busy roads; (c) be constructed from stable materials that adequately protects its users against all forms of harsh weather; (d) have floors that are smooth, and tiled or carpeted; (e) be adequately lit and ventilated; and (f) not have walls or a roof made of asbestos material. (3) The size of the rooms to be used as classrooms in a centre shall directly relate to the number of children permitted to use the class, so that for each child there shall be the equivalence of 1.5 m <sup>2</sup> . (4) Premises used for a centre shall have the following — (a) a well equipped first aid kit; (b) a sick bay; (c) a nursing room, in case of a baby-care centre; and (d) an outdoor play area.
Cap. 65:02 Sub..leg.	
Resting period	<b>13.</b> (1) A centre that serves children for five hours a day or more shall ensure that all children have a common rest period of not less than an hour each afternoon. (2) Children who do not wish to sleep during the common rest period under subbye-law (1) shall be engaged in restful activities.
Kitchen	<b>14.</b> (1) A centre shall have a kitchen that is physically separated from the children's activity areas. (2) The kitchen shall have hot and cold water and adequate storage space for food and utensils. (3) Where food or formula is brought into a centre by the children, they shall be provided with adequate and hygienic facilities for the storage and refrigeration of the food or formula. (4) The utensils, cutlery and crockery used in the kitchen shall be of a shape and size suitable for the children admitted at the centre. (5) The walls of the kitchen shall be painted or tiled up to one and half metres from the floor in materials that can be easily washed.
Meals	<b>15.</b> (1) A centre that operates for less than five and half hours a day shall provide each child with one nutritional snack or formula. (2) A centre that operates for more than five and half hours a day shall provide each child with at least one nutritionally cooked meal. (3) A centre shall have a menu displayed in the kitchen at all times. (4) A centre shall observe the children's "religious" or "spiritual" beliefs and shall arrange with parents alternative meals for those children who cannot eat what is offered in the centre.

<p><b>16. (1) Every centre shall provide separate toilets for members of staff and for children.</b></p>	Toilets
<p>(2) Toilets shall —</p> <p>(a) be well lit;</p> <p>(b) be well ventilated; and</p> <p>(c) have adequate running water.</p> <p>(3) Toilets for children shall be installed with standard junior toilets and child size hand wash basins, and there shall be —</p> <p>(a) one toilet and one hand wash basin for every 15 children;</p> <p>(b) separated according to gender; and</p> <p>(c) kept clean, sterile and in a state of good repair.</p>	
<p><b>17. (1) Every centre shall have an outdoor play area which shall have a minimum area of not less than 2m<sup>2</sup> for each child attending the centre, and shall have a flat, generally dry surface, with adequate shade.</b></p> <p>(2) The outdoor play area 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.</p> <p>(3) The outdoor play area shall be free from sharp objects or any discarded material, equipment, or any other objects which pose a danger to children.</p>	Outdoor play area
<p><b>18. The owner of a centre shall maintain on the premises, a facility for washing clothes, towels, blankets and any other linen used at the centre.</b></p>	Washing facilities
<p><b>19. (1) The owner of a center shall provide adequate furniture and other equipment suitable for use in the centre, including reading material, picture books, blackboards, toys, paints, crayons, moulding clay, puzzles, beads and other equipment necessary for children's use.</b></p> <p>(2) A centre shall have separate storage facilities for towels, face cloths and for personal belongings for staff and for the children.</p>	Furniture and classroom equipment
<p><b>20. (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, gloves and a tourniquet.</b></p> <p>(2) A member of staff may not administer any medication to a child without the consent of the child's parent or guardian, except under emergency circumstances.</p> <p>(3) A centre shall establish a fire assembly point and keep well maintained portable fire extinguishers within the centre.</p>	First aid requirements
<p><b>21. (1) At every centre there shall be a high standard of maintenance and cleanliness.</b></p> <p>(2) The owner of a centre shall ensure that any member of staff or child suffering from, or suspected to be suffering from, an infectious disease, is immediately isolated from contact with other children or staff members.</p> <p>(3) A member of staff employed at a centre shall at all times when on duty —</p> <p>(a) wear clean uniform or clothing; and</p> <p>(b) clothing appropriate for the job.</p>	Cleanliness
<p><b>22. A centre may have an animal corner that helps children to develop a sense of responsibility and tolerance towards animals, with written permission of the Council.</b></p>	Pets
<p><b>23. The curriculum followed at a centre shall adhere to the standards set by the Ministry responsible for education and the Early Childhood Care and Education Policy.</b></p>	Curriculum

Records of  
centre

**24.** The owner of a centre shall open and maintain a register in which shall be recorded in relation to each child at the centre —

- (a) their names and dates of birth;
- (b) their medical history;
- (c) the names, addresses and telephone numbers of each child's parent or guardian;
- (d) the names and qualifications of all members of staff employed at the centre; and
- (e) a record of the accidents which have occurred at the centre.

#### *PART IV — Staff and Children of the Centre*

Staff

**25.** (1) A centre shall have a minimum of two qualified teachers, and at all times there shall be at least one such teacher on duty.

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

(3) Assistants may be employed to assist the qualified teachers to supervise and look after children.

(4) Staff employed at a centre shall undergo a medical examination, including an x-ray, before being employed, and thereafter at six month intervals, their medical examination shall exclude x-ray.

(5) A person shall not be employed, or continue to be employed at a centre if the person —

Cap. 63:02

(a) is certified under the Mental Disorders Act, to be suffering from a mental disorder;

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

Cap. 28:04

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

Class-child  
ratio

**26.** A centre shall have a maximum of —

(a) 10 babies aged between six weeks and two and half years per classroom.

(b) 25 children aged between two and a half and four years old per classroom.

(c) 30 children aged between four and six years old per classroom.

#### *PART V — General*

Appeals

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

Offences and  
penalties

**28.** (1) An authorised officer may at any reasonable time, enter a centre for the purpose of inspection, and to ensure compliance with these Bye-laws.

(2) A person who refuses an officer of the Council to enter the centre for purpose of inspection commits an offence and is liable to a fine not exceeding P100, or to imprisonment for a term not exceeding one month, or to both, and for a second or subsequent offence, to a fine not exceeding P200, or to imprisonment for a term not exceeding three months, or to both.

Powers of  
entry

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

Revocation of  
S.I No. 67 of  
1999

**30.** The Selebi-Phikwe Town Council (Day Care Centre) Bye-Laws are hereby revoked.

SCHEDULE

SELEBI-PHIKWE TOWN COUNCIL

Telephone: 2610570/2612266  
2612228/2612225  
2612227/2612123



Private Bag 001  
Selebi-Phikwe

261222 Fax: 2601280/2614854

Telegram: MEEPONG

FORM 1  
(bye-law 3 (2))

**APPLICATION TO OPERATE A BABY CARE, DAY CARE/NURSERY OR A PRE-PRIMARY UNIT**

*(To be filled in duplicate)\**

By individuals, Companies, Non-Governmental Organisations and Communities.

**1. Applicant** (Representative of above)

Name:.....

Address:.....

Telephone No.:..... Mobile No.:.....

E-mail:.....

Nationality (*individuals only*):.....

Residence Permit No./expiry date: (non-citizens) :.....

**For company applicants only**

Company name:.....

Registration No.:.....

Address:.....

Contact person:.....

Telephone No.:.....

E-mail:.....

**2. Proposed Centre**

Name:.....

Address:.....

Type (Private, School Unit, NGO Community, Council).....

**3. Premises and Structure**

What is the principal construction material of the building (e.g. bricks, wood)

.....

Construction material of floor:.....

Net interior floor space of each room to be used as a classroom.....

.....

**3.1 Type**

Room 1 ..... m<sup>2</sup>..... (e.g. play room 1)

Room 2 ..... m<sup>2</sup>.....

Room 3..... m<sup>2</sup>.....

Room 4..... m<sup>2</sup>.....

Room 5 ..... m<sup>2</sup>.....

**4. Toilets and Washing Facilities**

Total number of toilets for children.....

Number of toilets for staff.....

General washing facilities.....

**5. Kitchen**

Washable walls

Yes/No.....

Storage space

Yes/No.....

Type of storage (shelves, pantry, fridge, cupboards).....

**6. Outdoor Area**

Size.....

Fenced:

Yes/No.....

Secure gate:

Yes/No.....

Shade:

Yes/No.....

**7. Provision**

Proposed number of classes.....  
Proposed number of children per class/room.....  
No. of teachers.....  
No. of teaching assistants.....  
No. of support staff (specify).....

**8. Proposed Programme**

Attach a short outline of the proposed programme (not more than two pages) how it shall meet the developmental needs of the children, learning principles and basic life skills.

**9. Developmental Educational Material and Equipment**

Attach list of most basic indoor and outdoor materials and equipment to be used in the centre (Show quantities).

**10. Furniture**

Attach a list of furniture including number of tables and chairs and their size, cupboards and display facilities that will be used in the centre.

**11. Health and Safety**

First Aid kit: Yes/No.....  
Heaters: Yes/No.....  
Fire extinguisher: Yes/No.....  
No smoking signs: Yes/No.....

**12. Attachments**

Zoning approval/land use permit: Yes/No.....  
Fire inspection report Yes/No.....  
Environmental health inspection report: Yes/No.....

I/we declare that the information provided in this form is correct.

Signature.....

Date:.....

\* Original — Ministry of Education  
Copy — Council

**SELEBI-PHIKWE TOWN COUNCIL**

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2612227/2612123



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**FORM 2**  
*(bye-law 3 (4))*

**EARLY CHILDHOOD CARE AND EDUCATION LICENCE**

**THIS LICENCE IS NOT TRANSFERABLE**

LICENCE NO.: .....

The bearer..... has been permitted in terms of the Selebi-Phikwe Town Council ( Early Childhood Care and Education) Bye-Laws

of 2012 to operate a centre by the name of..... at

Plot No.: .....at .....

The number of approved children on the premises is.....

Hours of operation will be from:.....

This licence expires on.....

Date: ..... Fee paid: .....

.....  
**LICENSING OFFICER**

SELEBI-PHIKWE TOWN COUNCIL

Telephone 2610570/2612266  
2612228/ 2612225  
2612228/2612123



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FORM 3  
(bye -law 4 (2))

LICENCE RENEWAL APPLICATION FORM

Name of applicant:.....

Address:.....

Name of day care centre:.....

Plot No:.....

No. of current licence:.....

Issued at:.....

On:.....

Expiry date of current:.....

Is business operating: YES ..... NO.....

If not, why? .....

.....

Land use/Zoning approval permit available: YES ..... NO.....

If yes, give the reference number: .....

Date of renewal:.....

If no, state the reasons:.....

.....

Name of officer:.....



Stamp and signature (physical planner)

Has the owner met all the environmental health requirements for operating a child day care centre

YES.....

NO.....

Name of officer:.....



Stamp and signature (health inspector)

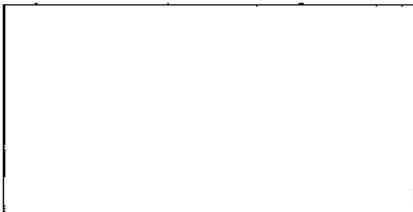
I certify that information given above is true.

Signature of applicant.....

Date: .....

**Not all/All the requirements for running a childcare and development centre have been met by the above mentioned center. Therefore licence of operation will/will not be issued.**

Name of officer: .....



Stamp and signature (S & CD – Head of Department)

**SELEBI-PHIKWE TOWN COUNCIL**

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**FORM 4**  
*(bye-law 5 (1))*

**CONDITIONAL EARLY CHILDHOOD CARE AND EDUCATION LICENCE**

**THIS LICENSE IS NOT TRANSFERABLE**

*(Three (3) months period)*

LICENCE NO.: .....

The bearer.....has been permitted in terms of the  
Selebi-Phikwe Town Council (Early Childhood Care and Education) Bye-Laws of 2012 to operate

a Centre by the name of.....at Plot No.: .....

at.....

The number of approved children on the premises is.....

Hours of operation will be from:.....

This licence expires on.....

Date:.....

.....  
**LICENCING OFFICER**

**MADE** this 8th day of March, 2012.

**MOMPATI SELEKA,**  
*Town Clerk.*

**Approved** this 15th day of March, 2012.

**PETER L. SIELE,**  
*Minister of Local Government.*