

LOCAL GOVERNMENT ACT
(Cap. 40:01)

**SOUTHERN DISTRICT COUNCIL (DAY CARE CENTRE)
BYE-LAWS, 2015**
(Published on 8th May, 2015)

ARRANGEMENT OF BYE-LAWS

BYE-LAW

PART I – *Preliminary*

1. Citation
2. Interpretation

PART II – *Registration of Day Care Centres*

3. Registration of day care centres
4. Duration and renewal of registration licence
5. Suspension and revocation of day care centre licence
6. Registration licence to be displayed
7. Closure of day care centres

PART III – *Premises*

8. Premises of day care centres
9. Furniture and classroom equipment
10. Sick rooms
11. Toilets and washing facilities
12. Kitchens
13. Outdoor play areas
14. Animals and pets
15. Smoking prohibited

PART IV – *Operation of Day Care Centres*

16. Hours of operation
17. Age of admission
18. First aid requirements
19. Accidents
20. Staff
21. Staff-child ratio
22. Responsibilities of owner
23. Curriculum
24. Register to be kept
25. Health care

PART V – *Miscellaneous*

- 26. Powers of entry
 - 27. Offences and penalties
- SCHEDULES

IN EXERCISE of the powers conferred by section 44 of the Local Government Act, and with the approval of the Minister for Local Government and Rural Development, the Southern District Council hereby makes the following Bye-laws –

PART I – *Preliminary*

- Citation **1.** These Bye-laws may be cited as the Southern District Council (Day Care Centre) Bye-laws, 2015.
- Interpretation **2.** In these Bye-laws, unless the context otherwise requires –
- “assistant teacher” means a citizen of Botswana qualified in junior secondary school or senior secondary school certificate;
 - “care giver” means a person trained to teach, train and care for children below the age of six years, and registered with the Council as such;
 - “Council” means the Southern District Council;
 - “day care centre” means a place for the care, education and supervision of children below the age of six years, 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;
 - “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.

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 Schedule 1 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 set out in Schedule 2, register the centre and issue the applicant with a licence in Form B set out in Schedule 1.
- (4) A licence shall not be transferable.

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

Duration and renewal of registration licence

(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 Schedule 1, and upon payment of a fee set out in Schedule 2.

(3) Where the owner fails to renew a licence upon its expiry, a penalty fee per day as set out in Schedule 2 shall be charged by the Council until such time when the applicant applies for a renewal of a registration licence.

(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 —

Suspension and revocation of day care centre licence

- (a) suspend a licence issued under bye-law 3 where —
 - (i) the owner has failed to comply with any of the conditions of the licence,
 - (ii) the owner has contravened or failed to comply with the provisions of these Bye-laws, or
 - (iii) a law enforcement officer, after conducting an inspection, has recommended a suspension of the licence due to failure of the day care centre to comply with the relevant health standards; or
- (b) revoke a licence issued under bye-law 3 where —
 - (i) the owner has failed to comply with any of the conditions of the licence,
 - (ii) the owner has contravened or failed to comply with the provisions of these Bye-laws, or
 - (iii) a law enforcement officer, after conducting an inspection, has recommended a revocation of the licence.

(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 two newspapers in circulation in Botswana.

6. A licence shall be displayed in a conspicuous place in the premises of the day care centre.

Registration licence to be displayed

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

Closure of day care centres

PART III — Premises

8. (1) The Council shall not grant a licence to an occupied residential house, veranda or garage to be used as a day care centre.

Premises of day care centres

(2) Notwithstanding the provisions of subbye-law (1), 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 shall be smooth and tiled or carpeted, and classrooms or restrooms adequately lit and ventilated.

(4) The Council shall ensure that the size of the rooms to be used as classrooms of a day care centre 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 —

- (a) be adequately and securely fenced;
- (b) be adequately set back from busy roads and roads regularly used by heavy traffic; and
- (c) have an adequate supply of running cold and hot water.

(6) The owner of a day care centre shall not be permitted to relocate the day care centre without the prior approval of the Council.

Furniture and
classrooms
equipment

9. (1) The owner of 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 such 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).

(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. The owner of a day care centre shall ensure that the day care centre has 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) The owner of a day care centre shall ensure that the day care centre provides separate toilets for staff and children, including staff and children with disability, which shall be well lit, well ventilated and have adequate running water.

(2) The owner of a day care centre shall ensure that the day care centre toilets for children are —

- (a) provided with one standard junior toilet and one hand wash basin for every 15 children; and
- (b) separated according to gender.

(3) The owner of a day care centre shall ensure that the day care centre has storage facilities for towels, face cloths and personal belongings of staff shall be kept separate from those of the children.

(4) The owner of a day care centre shall ensure that the day care centre has 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, the owner of the day care centre shall ensure that there is available in the kitchen —

- (a) adequate hot and cold safe and clean water;
- (b) adequate and clean storage space for food;
- (c) adequate cutlery and crockery which shall be clean at all times; 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, the owner of the day care centre shall provide suitable facilities for the storage and refrigeration of the food.

(3) The owner of a day care centre which operates —

(a) up to five hours a day shall give a child one snack or formula at an appropriate time; or

(b) more than five hours a day shall give a child at least one cooked meal.

13. (1) The owner of a day care centre shall ensure that outdoor play areas of the day care centre are adequate in size, providing a minimum area equivalent to not less than 1.5 square metres for each child attending the day care centre. Outdoor play areas

(2) Outdoor play areas referred to in subbye-law (1) 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 such day care centre.

14. The owner of a day care centre shall not permit animals, whether pets or otherwise, within the day care centre without the written permission of the Council. Animals and pets

15. A person shall not smoke within the premises of a day care centre and a notice to that effect shall be displayed in a conspicuous place at the entrance of the day care centre. Smoking prohibited

PART IV — *Operation of Day Care Centres*

16. The owner of a day care centre shall not operate the day care centre outside the hours between 7am and 6pm on weekdays unless otherwise authorised in writing by the Council. Hours of operation

17. (1) Subject to subbye-law (2), the owner of a day care centre shall not admit at the day care centre, children below the age of six years. Age of admission

(2) The owner of a day care centre shall not enrol a child who is above the age of six at the day care centre without the written permission of the Council.

18. (1) The owner of a day care centre shall ensure that in the day care centre, there is 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. First aid requirements

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

19. (1) The owner of 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) The owner of a day care centre shall display emergency telephone numbers for ambulances, fire officers and the police prominently in the school premises.

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

(2) Notwithstanding subbye-law (1), a day care centre may employ assistants to assist qualified teachers to supervise and look after the children.

(3) Any staff 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 a child; and

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

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

Cap. 63:02

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

(b) has been convicted of a sexual offence;

Cap.28:04

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

(d) is medically unfit or suffers from any disease referred to under subbye-law (3) (a).

Staff-child ratio

21. The owner of a day care centre shall ensure that the day care centre has —

(a) one qualified teacher and one assistant teacher to teach not more than 30 children eligible for pre-primary care per class, or one qualified teacher to teach not more than 15 children eligible for pre-primary care per class;

(b) one qualified teacher and one assistant teacher to teach not more than 25 children eligible for nursery care per class, or one qualified teacher to teach not more than 10 children eligible for nursery care per class; and

(c) two care givers and an assistant care giver to care for not more than 10 babies per room, or one care giver and an assistant care giver to care for not more than five babies per room.

Responsibilities of owner

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.

(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 that operates for more than five hours a day shall ensure that the day care centre provides for a resting period of not less than an hour each afternoon.

(4) The owner of a day care centre shall ensure that any other requirements under these Bye-laws are complied with.

Curriculum

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

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

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 — Register to be kept

(a) in relation to each child admitted at a day care 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.

25. Where there is a threat of an outbreak of an epidemic infectious or contagious disease, the owner of a day care centre shall ensure that the day care centre is closed and a report concerning the effects of the outbreak on the day care centre shall be immediately made to the Council. Health care

PART V — *Miscellaneous*

26. (1) A law enforcement officer may at any reasonable time enter a day care centre for the purposes of inspection, and to ensure compliance with these Bye-laws. Powers of entry

(2) Any person who hinders or obstructs a law enforcement officer from inspecting a day care centre commits an offence and is liable to a fine not exceeding P500 or to imprisonment for a term not exceeding two months, or to both.

27. Any person who contravenes or fails to comply with the provisions of these Bye-laws for which no other penalty is provided for commits an offence and is liable, for first a offence, to a fine not exceeding P2 000 or to imprisonment for a term not exceeding one year, or to both, and for a second and subsequent offence, to a fine not exceeding P5000, or to imprisonment for a term not exceeding two years, or to both. Offences and penalties

SCHEDULES

SCHEDULE 1

Form A

Application to Operate a 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) Registration number of the 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 Southern District 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 a 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

SCHEDULE 2
Fees
(bye-law 3 (3) and 4 (2) and (3))

| | Amount |
|---|-----------------|
| Application for registration of a licence | P500.00 |
| Application for renewal of a licence | P500.00 |
| Penalty for failure to renew a licence | P250.00 per day |

MADE this 3rd day of March, 2015.

MOMPATI SELEKA,
Council Secretary,
Southern District Council.

APPROVED this 21st day of April, 2015.

SLUMBER TSOGWANE,
Minister of Local Government and
Rural Development.