

No. S 38

CHILD CARE CENTRES ORDER, 2006

CHILD CARE CENTRES REGULATIONS, 2006

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CHILD CARE CENTRES ORDER, 2006

CHILD CARE CENTRES REGULATIONS, 2006

In exercise of the power conferred by subsection (1) of section 19 of the Child Care Centres Order, 2006, the Minister of Culture, Youth and Sports, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

PART I

PRELIMINARY

Citation and commencement.

1. These Regulations may be cited as the Child Care Centres Regulations, 2006 and shall commence on the same day as the Child Care Centres Order, 2006.

Interpretation.

2. In these Regulations, unless the context otherwise requires —

"guardian" of a child means a parent of the child, or any person appointed by deed or will or by the order of a Court to be the guardian of the child, or a person who has adopted the child; and includes any person who has lawful custody of the child;

"health officer" means any registered medical practitioner in the service of the Government;

"operator" means any person who operates a child care centre and includes the owner, financier and promoter;

"philosophy of care" means the central ideas upon which the child care programme will be developed and applied at the child care centre, including the goals of the centre as a whole, the objectives for each age group of children, the activities designed to promote the physical, intellectual, social and emotional development of children and the training of programme staff in childcare education;

"programme staff" means the supervisor, child care carer and child care assistants;

"staff" means all employees of the child care centre;

"supervisor" means the person who plans and directs the programme of a child care centre and who is directly in charge of the children.

PART II

LICENSING OF CHILD CARE CENTRES

Issue of licence.

3. (1) Every licence to operate a child care centre issued by the Director shall be in such form and for such a period as the Director may determine.

(2) An application form shall be issued at the cost of \$5 per form.

(3) Where a licence has expired, it may be renewed for such period as the Director thinks fit by the issue of a fresh licence commencing on the day following the date of expiry of the previous licence.

Fee for licence.

4. (1) The registration fee payable shall be \$200 for the first 2 years.

(2) Thereafter, the renewal of registration fee payable shall be \$150 for each succeeding period of 2 years or part thereof.

Disqualification.

5. No licence may be issued or renewed in respect of an applicant who has been convicted of —

(a) any offence involving child abuse or child neglect;

(b) any offence against sections 26 and 27 of Children Order, 2000 [S 64/00];

(c) any offence against subsection (1) of section 75 of Emergency (Islamic Family Law) Order, 1999 [S 12/00];

(d) any offence against Women and Girls Protection Act (Chapter 120);

(e) any sexual offence under the Penal Code (Chapter 22); or

(f) any offence against the Unlawful Carnal Knowledge Act (Chapter 29).

Notification of change of particulars of licensee.

6. (1) The licensee shall notify the Director in writing of any change of any other particulars specified in the licence within 30 days of any such change.

(2) Where the licensee is a body corporate, any officer holding a managerial or an executive position shall also notify the Director of any change in the constitution of the members of the board of directors or committee or board of trustees or other governing body of the body corporate within 14 days of such change.

(3) The Director may, by way of endorsement on the licence or by the issue of a fresh licence, make any amendment to the licence which is necessary as a result of any change of particulars referred to in sub-regulation (1) or (2).

PART III

PERIOD OF OPERATION AND PROGRAMME

Hours of operation.

7. (1) Every operator shall submit information on the period of operation of the child care centre to the Director for his approval.

(2) Every child care centre shall comply with the period of operation as approved by the Director.

(3) No child shall be retained in a child care centre for more than 24 hours continuously.

Programme statement.

8. (1) Every child care centre shall have a written programme statement which shall include the following —

(a) the children who may be enrolled in terms of age range;

(b) the period of operation of the child care centre;

(c) the particular approach to programming that is followed, including —

(i) philosophy of care;

(ii) daily programme schedule or time-table; and

(iii) any specialised services;

(d) the procedure for registration, admission and withdrawal of children;

(e) the fees payable;

(f) the procedure for handling illnesses and emergencies of children; and

(g) the procedure for transport of children, where provided, including transport arrangements and parental permission for excursions and related activities outside the child care centre.

(2) The programme statement shall be made available to parents.

Daily programme schedule.

9. (1) Every operator shall submit a written daily programme schedule to the Director for approval.

(2) Every child care centre shall comply with the daily programme schedule as approved by the Director.

(3) The daily programme schedule shall include the following —

(a) group and individual activities;

(b) activities designed to provide gross and fine motor, cognitive, social and emotional development;

(c) active and quiet play;

(d) rest periods;

(e) meal times; and

(f) routine care periods.

(4) The approved schedule shall be displayed on a notice board in the child care centre and be made available for inspection at all times.

(5) All early childhood educational activities must be undertaken by programme staff who have successfully obtained training in child care recognised by the Director.

(6) Provision shall be made in the schedule to separate children, who are yet unable to walk, from other children during play periods.

Parent involvement.

10. Every child care centre shall —

(a) establish a system for sharing with parents information on matters that may affect the children; and

(b) allow parents to visit the child care centre at any reasonable time, provided that the visits do not cause undue interference with the child care centre's programme.

PART IV

HEALTH, MEDICAL CARE, NUTRITION AND DISCIPLINE

Immunisation and illness.

11. (1) No child care centre shall enrol any child who has not been given immunisation required by any written law.

(2) Any symptom of ill-health or communicable disease detected in a child shall be recorded for appropriate follow-up action to be taken.

(3) Any child who develops any symptom of serious illness shall be taken to a supervised area designated for rest and care for the child to be examined by a registered medical practitioner or until such time as his parents or guardian can take him home.

(4) Where a serious accident, illness or death occurs to a child, the operator shall forthwith —

(a) obtain all necessary emergency medical assistance;

(b) notify the parents or guardian of the child;

(c) maintain proper record of the occurrence; and

(d) notify the Director within 24 hours of its occurrence or, if a public holiday falls during that period, on the day following the public holiday.

(5) When a child dies, the operator shall cause the police to immediately notified of the death.

First aid facilities.

12. (1) Every child care centre shall maintain a first aid kit for emergency treatment which shall be kept in an accessible and safe place on the premises.

(2) There shall be, at all times, at least one person in a child care centre who holds a valid certificate in first aid recognised by the Director.

Medicines and drugs.

13. (1) Every child care centre shall ensure that —

(a) no medicines or drugs are to be administered to a child unless otherwise prescribed by a registered medical practitioner, or in accordance with the written instructions of the guardian of the child;

(b) all containers of any medicines or drugs to be administered to a child are clearly labelled with the child's name and instructions for administration of the medicines or drugs; and

(c) all medicines or drugs are to be kept out of reach of children.

(2) The operator shall cause a proper written record to be maintained for administration of medicine or drugs in relation to each child at the centre. The record shall include —

(a) the name of the child;

(b) the name of medicine or drugs administered;

(c) the dosage of medicine or drugs administered;

(d) the name of person who administered the medicine or drugs;

(e) the time and date of administration; and

(f) the manner of administration.

Health of staff.

14. (1) Every child care centre staff shall undergo a medical examination, including a general physical examination, a chest X-ray, full urine test and blood test for haemoglobin count, and be certified free from communicable diseases by a registered medical practitioner before employment.

(2) All staff over the age of 45 years shall undergo a chest X-ray once every 3 years.

(3) Any person engaged in the preparation of food in a child care centre shall undergo a medical examination as specified in sub-regulation (1) and be vaccinated against typhoid before employment and subsequently once every 3 years.

Infectious diseases.

15. (1) Every child care centre shall immediately report any suspected or known case of infectious disease amongst the staff or children to a health officer.

(2) The operator shall ensure that any staff member or child in a child care centre or any person engaged in the preparation of food or rendering of services in a child care centre, who is suffering from an infectious disease is excluded from the child care centre until a registered medical practitioner certifies that he may be permitted to return.

(3) The Director may, on the advice of a health officer, order the closure of any child care centre for such period as may be considered necessary if there has been found or reported more than one case of infectious disease at or about the same time amongst the staff or children of the child care centre or persons engaged in the preparation of food or rendering of services in the child care centre.

Nutrition.

16. (1) Every child care centre shall have a written menu and shall serve food that conforms with the dietary requirements as specified by the Director.

(2) Every child care centre shall provide feedings for each infant under one year of age which are in accordance with the guidelines approved by the Director or in accordance with the written instructions of the parents or guardian regarding the type and scheduling of feeds for infants with special needs.

(3) Written menus shall be planned at least one week in advance, and shall be displayed on a notice board in a child care centre and be made available for inspection at all times.

Behaviour and guidance.

17. Every operator shall cause to ensure that the staff shall not administer the following disciplinary measures —

- (a)* any form of corporal punishment, including the following —
 - (i)* striking a child, directly or with any physical objects;
 - (ii)* shaking, pushing, spanking or other forms of aggressive contact; and
 - (iii)* requiring or forcing the child to repeat physical movements;
- (b)* harsh, humiliating, belittling or degrading responses of any kind, including verbal, emotional and physical;
- (c)* deprivation of meals; or
- (d)* isolation and physical restriction of movements.

PART V

RECORDS AND REPORTS

Contents and maintenance of children's records.

18. (1) Every child care centre shall keep up-to-date records which shall be made available for inspection by the Director at all times.

(2) The records referred to in sub-regulation (1) shall include —

- (a)* an application for enrolment signed by the guardian of the child;
- (b)* the name, date of birth and home address of the child;
- (c)* the names, home addresses, telephone numbers and any other particulars of the child's guardian which may be required by the Director;
- (d)* the place and telephone number at which a guardian, or alternative person to whom the child may be released, can be reached in case of emergency when the child is in the care of the child care centre;
- (e)* the written authorisation from the guardian for emergency medical care;
- (f)* the name, address and telephone number of the family physician of the child, if any;
- (g)* the date of admission of the child;

- (h) the date of discharge of the child;
- (i) the monthly fees payable;
- (j) a record of the daily attendance of the child;
- (k) three-monthly record of the growth of every child who is 18 months of age and below;
- (l) a six-monthly record of the height and weight of each child over 18 months of age;
- (m) up-to-date health information on each child including medical reports, vaccination and immunisation history, chronic physical problems, injuries and communicable diseases;
- (n) a written recommendation, signed by a registered medical practitioner, with regard to any special requirements for diet, rest or exercise in relation to a particular child, if any; and
- (o) reports of accidents requiring hospitalisation or the occurrence of a death of a child.

(3) Every child care centre shall keep all records of the children confidential and shall ensure that the records are not inspected otherwise than by —

- (a) the operator;
- (b) the Director or any officer authorised by him;
- (c) the guardian of the child; and
- (d) any other person otherwise authorised by law to inspect the records.

Record of official inspections.

19. Every operator shall cause to keep records of official visits of inspection made by the Director, health officer or any authorised officer making an official inspection visit.

Records to be kept and retention period.

20. Every operator shall cause to keep the following records for the periods hereinafter specified —

(a) particulars of every child and the child's parents or guardian for a period of 3 years from the date of the child's withdrawal from the centre, which shall include —

- (i) photostated copy of the child's birth certificate or other identification documents;
- (ii) documentary evidence of the mother's or single father's employment status;
- (iii) relevant documentary evidence of the nationality of the father and mother;
- (iv) documentary proof of single status of the father; and
- (v) enrolment form of the child;

(b) receipt books for a period of 3 years from last entry; and

(c) central attendance register and class attendance register for a period of 3 years from last entry.

Reporting of child abuse.

21. The operator who has reasonable cause to suspect any case of child abuse shall immediately report it to the Director.

Report of legal action.

22. Any legal action initiated against a child care centre which affects any child, staff or the operation of the child care centre shall be reported by the operator to the Director.

PART VI

STAFF

Submitting of particulars of staff.

23. (1) The operator shall cause to submit the particulars of every staff in such form as the Director may determine.

(2) Where any change in the staff occurs, the operator shall cause to inform the Director in writing within 30 days of the change.

Appointment of staff.

24. (1) The operator shall employ a sufficient number of programme staff who have the relevant qualifications and training recognised by the Director for that particular grade of staff to ensure compliance with regulation 25.

(2) The operator shall employ programme staff who have obtained —

(a) the necessary child care qualifications as determined by the Director; and

(b) a valid certificate in first aid recognised by the Director.

Programme staff-child ratio.

25. (1) The programme staff-child ratio required for each age group of children shall be determined as follows —

<i>Age of Children</i>	<i>Programme Staff-Child Ratio</i>
(a) 2 months to 18 months	1 : 5
(b) above 18 months to 30 months	1 : 8
(c) above 30 months to 3 years	1 : 12
(d) children with disabilities	1 : 4

(2) The ratios specified in sub-regulation (1) shall apply at all times except during the periods of arrival, departure and rest. During such times, the staff ratio to children shall not be less than two-thirds of the ratios specified in sub-regulation (1) and may include non-programme staff.

(3) Children in a child care centre shall not be left alone without staff supervision at any time.

Director may prohibit employment of certain staff.

26. The Director may prohibit any child care centre from employing any staff who has been convicted of —

(a) any offence involving child abuse or child neglect;

(b) any offence against sections 26 and 27 of Children Order, 2000 (S 64/00);

(c) any offence against subsection (1) of section 75 of Emergency (Islamic Family Law) Order, 1999 (S 12/00);

(d) any offence against Women and Girls Protection Act (Chapter 120);

(e) any sexual offence under the Penal Code (Chapter 22); or

(f) any offence against the Unlawful Carnal Knowledge Act (Chapter 29).

PART VII

CHILD CARE CENTRE PREMISES

Child care centre to comply with specifications.

27. Every child care centre shall comply with the specifications set out in the First Schedule.

Playgrounds.

28. (1) Every child care centre shall have access to outdoor play space for gross motor activity.

(2) Playgrounds within the compounds of a child care centre shall be adequately fenced.

(3) Before the children are allowed the use of any playground, a physical inspection shall be made by the staff to ensure that the playground equipment is in a safe working condition and that the playground is free from broken glass, other sharp or harmful objects and standing water.

(4) Every child care centre without access to outdoor play space shall have additional indoor space which shall be equipped with materials for gross motor activity and which comply with specifications set out in the First Schedule.

Equipment and furnishings.

29. (1) Every child care centre shall provide sufficient and suitable chairs, tables, play materials and equipment.

(2) Where children who are 18 months of age and below are enrolled, a child care centre shall also provide —

(a) separate facilities for changing diapers and dressing; and

(b) a cot for each child enrolled.

(3) A mattress and mattress cover shall be provided for each child during sleeping or resting periods.

PART VIII

HYGIENE AND ENVIRONMENTAL HEALTH

Washing and sanitary facilities.

30. Every child care centre shall have washing and sanitary facilities of a type suitable for children as set out in the Second Schedule.

Maintenance of child care centre.

31. The premises and equipment of a child care centre shall be maintained in a clean and sanitary condition and kept in a good state of repair to the satisfaction of the Director.

Personal care.

32. (1) Every child care centre shall —

(a) establish sanitary procedures for changing diapers; and

(b) sanitise changing and eating surfaces, toys and other objects handled by the children.

(2) Every child shall have his own personal effects including towel, comb, toothbrush and a change of clothes.

(3) Every child shall have his own locker or storage space in the child care centre. Lockers or storage space shall be of sufficient size to contain the personal belongings, including the clothing of every child.

Prohibition on smoking.

33. No smoking shall be allowed in the child care centre during its operating hours.

Kitchen facilities.

34. Every child care centre shall have sufficient and suitable kitchen facilities for the preparation of meals for children attending the child care centre and for the washing up of utensils.

Serving of food.

35. (1) Every child care centre shall ensure that each child is provided with individual eating and drinking utensils.

(2) Children shall not be fed from the same eating and drinking utensils.

(3) Cracked or chipped eating and drinking utensils shall not be used for the serving or consumption of food.

PART IX

SAFETY AND EMERGENCY INFORMATION

Storing of inflammable substances and cleaning agents.

36. Inflammable substances and cleaning agents shall be stored in an area separate from food supplies in a locked cabinet or in a location inaccessible to children.

Inspection by authorised officers.

37. The operator shall permit or cause to permit any officer authorised under section 13 of the Act to enter at all reasonable times and inspect any building in which a child care centre is situated.

Fire precautionary measures.

38. Every operator shall cause to ensure that —

(a) there is a fire emergency plan;

(b) the written procedure is displayed on a notice board on the premises;

(c) fire evacuation drills are conducted at least once in 6 months;

(d) a written record is maintained of all fire drills;

(e) any apparatus or fire-fighting equipment recommended by the Director of the Fire Service is installed, regularly inspected, maintained and ready for use;

(f) the staff are conversant with the method of using such equipment;
and

(g) all exits from the child care centre building as well as all passageways and staircases are clear of obstruction at all times.

Emergency information.

39. (1) Every child care centre shall have a list of emergency telephone numbers which is readily available to the staff and which shall include the telephone numbers of -

(a) fire services;

(b) ambulance services; and

(c) the Royal Brunei Police Force.

(2) Up-to-date information for use in an emergency shall be easily accessible at all times and shall include -

(a) contact information on the nearest source of emergency care and means of transportation thereto;

(b) home and work addresses and telephone numbers of each child's guardian;

(c) any special medical information provided by the child's guardian or doctor; and

(d) any additional information on the special needs of the child, as specified by the child's guardian or doctor, that might be useful in handling an emergency situation.

PART X

FINANCIAL MATTERS

Child care fees.

40. The operator shall inform the Director in writing of -

(a) the daily, weekly or monthly fees, registration fees, deposits and incidental fees to be charged; and

(b) any change in the amount of these fees at least one month prior to change.

PART XI

MISCELLANEOUS

Use of premises.

41. No child care centre shall be used for purposes other than the ordinary conduct and business of a child care centre during its period of operation.

Submission of returns.

42. (1) The operator shall submit to the Director any returns which the Director may require.

(2) The returns shall be submitted in such manner as may be determined by the Director.

Penalty.

43. Any person who contravenes or fails to comply with any of the provisions of these Regulations shall be guilty of an offence and liable on conviction to a fine not exceeding \$2,000, and in the case of a continuing offence to a further fine not exceeding \$50 for every day during which the offence continues after conviction.

FIRST SCHEDULE

(regulations 27 and 28(4))

SPECIFICATIONS FOR A CHILD CARE CENTRE PREMISES

1. Every child care centre shall be housed on the ground floor of a building unless otherwise approved by the Director. The site of the child care centre shall be located away from main roads and other traffic hazards wherever possible.

2. No swing door shall be installed in any child care centre.

3. The floor shall not be of bare concrete.

4. The floor shall be clean, damp-proof, safe, level, washable and with a non-slip surface.

5. Every child care centre shall have a designated space for activity areas, playing, toilet and bathing facilities, washing, eating, resting, an office, staff rest periods, isolation of sick children, storage of food, beds, bedding, toys, indoor and outdoor play material and equipment and medical supplies.
6. Every child care centre shall have a designated space for the preparation of food and snacks and such space shall be rendered inaccessible to children.
7. Every child care centre shall have a minimum of 3 square metres of usable floor space (excluding service areas) as indoor activity area for each child enrolled. Additional space as determined by the Director shall be provided for children who are unable to walk.
8. Every child care centre shall have access to outdoor play space. Where this is not possible, there shall be additional indoor gross motor activity area. The space provided, both indoors or outdoors, shall be at least 30 square metres or one-fifth of the centre's capacity at 5 square metres per child, whichever is more. The gross motor activity area shall exclude service and children's activity areas.
9. Power points within designated child care centres shall either be raised to a level which is out of children's reach or rendered harmless or ineffective to children.
10. Drains in child care centres shall be covered.
11. Any child care centre which is not located on the ground floor of the building shall have grilles on all windows. Compliance with this requirement may be waived for those child care centres with central air-conditioning, in which case, the windows shall be kept closed at all times when the children are on the premises.
12. Where there are staircases in a child care centre, safety gates shall be installed at both ends of a staircase.

SECOND SCHEDULE

(regulation 30)

HYGIENE AND ENVIRONMENTAL HEALTH

1. Every child care centre shall provide wash hand basins and flush toilets as follows —

<i>Number of Children</i>	<i>Number of Wash Hand Basins</i>	<i>Number of Flush Toilets</i>
47 and below	2	2
48 — 71	3	3
72 — 95	4	4
96 — 119	5	5
120 — 143	6	6
144	7	7.

2. Where a child care centre has a capacity of more than 144 children, there shall be one additional toilet and wash hand basin each for every 32 children in excess of 144 children.

3. Wash hand basins shall be of child-size and fixed at a height approximately 500 millimetres to 600 millimetres from the floor.

4. A mirror of a suitable size shall be fixed to the wall above the wash hand basins.

5. Flush toilets shall be of the child-sized pedestal type of toilet of a height not exceeding 350 millimetres (measured without seat) from the floor.

6. Flush toilets shall be separated by partitions of a height of one metre.

7. Internal walls of toilet blocks shall be lined with glazed tiles to a height of at least 1.5 metres. The wall behind and above wash hand basins and sinks shall be lined with glazed tiles to a height of not less than 450 millimetres.

8. Bathing facilities for children shall be provided.

9. Where children who are 18 months of age and below are enrolled, the child care centre shall provide sinks with running water near the diaper change area at a ratio of one sink for every 10 children aged 18 months of age and below.

11th. MARCH, 2006

Made this 8th. day of Safar, 1427 Hijriah corresponding to the 8th. day of March, 2006.

PEHIN ORANG KAYA SERI DEWA
MEJAR JENERAL (B) DATO SERI PAHLAWAN
HAJI AWANG MOHAMMAD BIN HAJI DAUD
Minister of Culture, Youth and Sports,
Brunei Darussalam.