

The Early Childhood Regulations, 2005

In exercise of the power conferred upon the Minister by section 22 of the Early Childhood Act, and of every other power hereunto enabling, the following Regulations are hereby made -

General

- Citation. 1. These Regulations may be cited as the Early Childhood Regulations, 2005.
- Interpretation. 2. In these Regulations -
"infant" means a child under the age of eighteen months;
"operator" means the person required to apply for registration of an early childhood institution under section 3 of the Act.
- Conduct of inspections. 3. Inspections under section 17 of the Act -
(a) shall be conducted at least twice yearly; and
(b) may be conducted with or without prior notice to the operator.

Forms and application procedure

- Application for registration. Form 1. Schedule. 4. - (1) Every application for registration under section 3 of the Act shall be in accordance with Form 1 of the Schedule and shall be accompanied by an application fee of three thousand dollars.
- (2) A person who wishes to operate an early childhood institution on more than one premises shall apply for separate registration in respect of each premises.
- (3) A new application for registration shall be made in the case of any transfer of the

institution to a different operator or to different premises.

Form of registration certificate, permits, notices. Form 2. Schedule. Form 4. Schedule.

5. - (1) Every registration certificate under section 3 of the Act shall be in accordance with Form 2 of the Schedule.

(2) Every permit under section 5 of the Act shall be in accordance with Form 3 of the Schedule.

(3) Every notice under section 11 of the Act (intention to refuse application for renewal of registration or to suspend or cancel registration) shall be in accordance with Form 4 of the Schedule.

Qualifications

Qualifications of applicant.

6. - (1) In addition to the matters to be submitted with an application for registration under section 4 of the Act, the applicant shall furnish proof of the following qualifications -

(a) in respect of the operator and every employee of the institution, training in early childhood development by an institution approved by the Commission for the purposes of this Regulation;

(b) in respect of each employee, training in -

(i) paediatric first aid, including rescue breathing and first aid for choking;

(ii) the use of universal precautions against blood borne illnesses;

(iii) recognizing signs of child abuse; and

(iv) referral mechanisms and reporting requirements under the

Public Health Act and the Child
Care and Protection Act.

(2) No person shall be employed in the performance of duties (whether for remuneration or otherwise) at an early childhood institution unless that person is annually certified to be in good health by a registered medical practitioner.

(3) The operator of an early childhood institution which provides care for any children over the age of thirty-six months shall employ at least one qualified teacher at the institution.

(4) Upon the employment of a new employee, the operator shall submit forthwith to the Commission in relation to that employee, the matters referred to in paragraphs 1(f) and (g) of the Second Schedule to the Act (health certification, food handler's permit, name, job description and terms of employment).

(5) The operator of an early childhood institution shall ensure that every employee receives training in recognizing the symptoms of common illnesses.

(6) In this regulation -

"employee" means an employee who has responsibility for the supervision, education or care of children at the institution as part of the requirements of that employment;

"qualified teacher" means a person who has, at minimum, been issued a diploma by a recognized teacher training college.

Records and Reports

Notification of changes in premises, etc. 7. - (1) The operator of an early childhood institution shall notify the Commission in writing as to any -

(a) change or proposed change in the structure or nature of the premises at which the institution is operated;

(b) substantial change in the number of children enrolled at the institution; or

(c) other fact or circumstance reasonably likely to affect the operation of the institution or the welfare of any children enrolled thereat, as soon as is reasonably practicable upon becoming aware of the change, proposed change, fact or circumstance, as the case may be.

(2) In any case to which paragraph (1) applies, the operator shall ensure that any licence, permit or other approval required under any other law as a result of the change, is obtained and a copy given to the Commission at the time of notification under paragraph (1).

(3) In paragraph (1), "substantial change" means an increase or decrease of more than ten in the number of children enrolled.

Fire safety
plan.

8. The operator of an early childhood institution shall submit to the Commission within ninety days after the date of registration of the institution under the Act a written fire safety plan, which shall -

- (a) describe the type and location of the institution's fire-fighting equipment;
- (b) detail the procedures to be followed in the event of a fire; and
- (c) be displayed in a conspicuous place, at the institution.

Notification of
communicable

9. - (1) If any child at an early childhood institution is diagnosed as having a communicable

disease.

disease, the operator of that institution shall, upon becoming aware of the diagnosis, forthwith in writing notify the Medical Officer (Health) Local Board for the parish.

(2) In this regulation, "communicable disease" and "Medical Officer (Health)" have the meaning assigned to them by section 2 of the Public Health Act.

Report of
child
abuse at
institution.

10. - (1) A person who is an operator or employee of an early childhood institution, who has information that causes, or ought reasonably to cause, that person to suspect that any child is being abused at an early childhood institution, shall report that information in writing to the Commission.

(2) The obligation to report under paragraph (1) does not affect any other obligation that person may have to make a report under section 6 of the Child Care and Protection Act or under any other law.

Confidentiality
of personal
information
re child.

11. - (1) The operator of the institution shall ensure that any personal information kept by the institution in relation to any child is kept confidential and is not disclosed, whether or not the child is still enrolled at the institution, except as follows -

- (a) to a member of staff of the institution, for the purpose of enabling better understanding of, and care for, the child;
- (b) with the written consent of the child's parent or guardian; or
- (c) as required by a Court or any law.

(2) In paragraph (1) "personal information" means medical records, academic records, the file

mentioned in paragraph (4) or any information taken in confidence from, or in respect of, the child.

(3) Where a child is no longer enrolled at the institution, all personal information relating to that child shall be given in its original form to that child's parent or guardian if that parent or guardian so requests.

(4) The operator of an early childhood institution shall ensure that there is maintained as part of the records of the institution, a file in respect of each child enrolled at the institution, containing -

- (a) the child's name, gender and date of birth;
- (b) a photograph of the child;
- (c) the child's immunization records;
- (d) a medical report in respect of the child, completed and signed by a duly qualified medical practitioner;
- (e) the names, addresses and telephone numbers of the persons to be contacted in case of any emergency in respect of the child;
- (f) a record of the child's daily attendance at the institution;
- (g) a medication and illness log;
- (h) accident and incident reports;
- (i) assessment reports done internally or obtained from other sources;
- (j) the names of the persons authorized to collect the child from the institution;
and
- (k) a record of all known food or drug allergies affecting the child.

records.

institution shall ensure that the following records are kept and maintained up-to-date at the institution -

- (a) personnel records in respect of each employee, including a job description, list of qualifications, the health certifications required under regulation 6 and the name of the party to be notified in case of any emergency;
- (b) daily attendance records in respect of the children enrolled at the institution, including the times of arrival and departure of each child;
- (c) daily attendance records in respect of each employee, including a record of the hours worked by each employee;
- (d) a record of every incident of illness occurring while a child is attending the institution, including -
 - (i) the date and time of the illness or injury;
 - (ii) the person affected;
 - (iii) a description of the symptoms of the illness;
 - (iv) the response of the staff upon becoming aware of the illness or injury; and
 - (v) the name of the persons notified, (for example, a parent, guardian or other relative, a medical practitioner, etc.);
- (e) an injury report log, containing every injury report required to be made under paragraph (2);

- (f) a daily record of the meals served at the institution;
- (g) a record of every medication administered to a child enrolled at the institution including the name, the quantity administered and the date and time of administration;
- (h) a timetable showing the daily schedule of activities for children enrolled at the institution; and
- (i) proper accounting records in respect of the financial activities of the institution, in accordance with recognized accounting standards.

(2) When an injury occurs at the institution, which requires first aid or medical attention for any child or other person at the institution, the operator shall ensure that an injury report is completed, including the following information -

- (a) the name, gender and age of the person injured;
- (b) the date and time of the injury;
- (c) the location where the injury occurred;
- (d) a description of the circumstances leading to the injury;
- (e) a description of the nature of the injury;
- (f) if the injured person is a child, the name of the employee responsible for the care of the child at the time the injury occurred;
- (g) the action taken to treat the injury, including the name of the person who treated the injury;

(h) the name of the person completing the report; and

(i) the name and address of the institution.

(3) The report mentioned in paragraph (2) shall be completed in triplicate and each copy shall be distributed as follows -

(a) if the person injured is a child -

(i) one copy shall be given to the parent or guardian of the child; and

(ii) another copy shall be placed in the file referred to in regulation 11(4);

(b) if the person injured is an adult -

(i) one copy shall be given to the injured person, or if that person is not in a condition to receive the copy, to the party appointed by that person to be notified in the case of any emergency; and

(ii) another copy shall be placed on the institution's personnel record relating to that employee, and

in every case, one copy shall be filed in chronological sequence in the log referred to in paragraph (1)(e).

(4) All information required to be kept under this regulation shall be kept by the institution for a period of not less than seven years from the date on which the information is recorded.

(5) The personnel records referred to in paragraph (1) (a) shall be kept confidential and shall not be disclosed except as required for the purposes of this Act or any other law or as directed by a court.

***Health and safety in early
childhood institutions***

Labelling,
storage, of
medicines, etc.

13. All medicines, cleaning agents or toxic substances at an early childhood institution shall be appropriately labelled and stored in a locked cupboard or other receptacle, which shall be kept out of the reach of children and away from equipment and the area in which food is stored.

Safety
measures.

14. - (1) The operator of an early childhood institution shall take such steps as are necessary to ensure that -

- (a) fire fighting and safety equipment are inspected at least once annually and are kept in an easily accessible area;
- (b) fire drills are regularly carried out and that all members of staff participate therein;
- (c) health, sanitation, nutrition and disaster plans are in place for children and staff, including an evacuation plan for the safeguarding of infants in the case of an emergency; and
- (d) the institution is equipped with an adequate supply of basic first aid items as presented in the *Red Cross First Aid Kit Guidelines* (including antiseptic cream, cotton balls, applicators, a thermometer, dressing for wounds and hydrogen peroxide), and that a

first aid kit so equipped is taken on all field trips or outings that take place off the premises of the institution and are participated in by children enrolled at the institution.

- (2) The health plan referred to in paragraph (1) (c) shall include -
- (a) standard procedures for emergency medical care;
 - (b) provision for periodic health assessments of employees of the institution as part of the terms of their employment;
 - (c) the provision of a separate room or designated area within a room, for the care of a child who needs to be separated from other children at the institution due to illness or injury, and policies for determining when a child needs to be so separated;
 - (d) provision for a child with a communicable illness or communicable disease to be -
 - (i) separated from contact with other children at the institution;
 - (ii) sent to the child's place of residence as soon as is reasonably practicable after the illness or disease comes to the knowledge of the operator or any employee of the institution; and
 - (iii) prohibited from returning to the institution until such time as a duly qualified medical

practitioner certifies the

child to be in good health; and

- (e) a description of illnesses common to children, procedures for the treatment of such illnesses and precautions to protect the health of other children and employees at the institution.

(3) The sanitation plan referred to in paragraph (1)(c) shall provide policies and procedures to secure hygienic use of the kitchen, toilet, bedding and other facilities of the institution by children and employees at the institution, including -

- (a) bathroom facilities for employees separate from bathroom facilities used by children at the institution;
- (b) a clean water supply;
- (c) an optimum ratio of one toilet for every twenty children a ratio of at least two toilets and one washbasin equipped with clean water, for every forty children at the institution, with easy access by such children;
- (d) garbage disposal, sewage and drainage facilities in accordance with health standards;
- (e) conformation to all applicable public health standards in the preparation and handling of food served to children enrolled at the institution;
- (f) hand-washing procedures relating to children and staff, particularly as regards bathroom use, food preparation and consumption,

diaper changes and contact with sneezing, coughing or any illness.

(4) The nutrition plan referred to in paragraph (1)(c) shall provide that meals and snacks provided by the institution for children enrolled therein meet the minimum components recommended for a balanced diet for children in the relevant age groups as set out in guidelines issued by the Minister responsible for Health.

(5) Where a child has special dietary needs, an allergy condition or is required to have medication administered -

- (a) written instructions in relation thereto shall be supplied to the operator by the child's parent or guardian; and
- (b) the operator shall ensure that those instructions are adhered to by the institution.

Health
certification
of children.

15. - (1) Subject to paragraph (2), a child shall not be admitted into an early childhood institution unless that child is certified -

- (a) by a duly qualified medical practitioner to be in good health; and
- (b) to be immunized against communicable diseases according to standards approved from time to time by the Minister for a child of that age.

(2) Nothing in paragraph (1) shall be construed as preventing a child with a disability from being admitted to an early childhood institution.

(3) It shall be the duty of the parents or guardian of a child with a disability to -

- (a) inform the operator of the disability at the time of seeking enrollment at the early childhood institution or, if the disability is diagnosed after enrollment, as soon as practicable after the diagnosis; and
- (b) provide the child with whatever special equipment is reasonably necessary to facilitate the child's attendance at and participation in the activities of, the institution, having regard to the nature of the disability.

(4) In this regulation, "a child with a disability" means a child suffering from -

- (a) a disabling permanent physical handicap, that is to say, a physical disability, infirmity, malformation or disfigurement of indefinite duration, resulting from illness, injury or congenital defect;
- (b) a disabling permanent mental handicap; or
- (c) a learning disability.

(5) Where an early childhood institution has enrolled any child with a disability, appropriate equipment and material shall be made available to stimulate the child's interest and involvement in activities in keeping with the child's level of development and condition of health.

Safety of
equipment,
play areas,
toys, etc.

16. - (1) The provisions of this regulation shall apply for the purpose of securing the safety of areas and equipment used by children at any early childhood institution.

(2) Every outdoor play area of an early childhood institution shall have the following features -

- (a) sheltered areas to protect children from the sun, wind and rain;
- (b) if any swing or climbing equipment is provided, such equipment shall be located on soft grass or soft sand;
- (c) if tricycles or other riding toys are provided for use by children there shall be paved areas kept clear of motor vehicular traffic and demarcated for such use; and
- (d) be free of broken bottles, poisonous plants or other toxic substances or any other matter which is reasonably likely to create a hazard of injury to a child.

(3) The operator of the institution shall ensure that children, while at the institution, are supervised at all times by a sufficient number of staff of the institution.

(4) For the purposes of paragraph (3), "a sufficient number of staff" means a cumulative ratio of at least -

- (a) one member of staff for every five children under the age of twelve months present at the institution;
- (b) one member of staff for every eight children who have attained the age of twelve months but who have not yet attained the age of twenty-four months, present at the institution;
- (c) one member of staff for every seven children who have attained the age of

twenty-four months but who have not yet attained the age of thirty-six months, present at the institution;

- (d) one member of staff for every ten children who have attained the age of thirty-six months but who have not yet attained the age of six years, present at the institution; and
- (e) one member of staff for every fifteen children who have attained the age of six years, present at the institution.

(5) The operator shall ensure that toys or other equipment to which the children have access are -

- (a) safe, sturdy and in good repair, with no protruding nails, sharp edges or other unsafe characteristics;
- (b) free of lead-based paints and chipping paint;
- (c) age-appropriate;
- (d) washable and not so small as pose a risk of choking or swallowing.

(6) The operator shall ensure that the following health precautions are adhered to at the institution -

- (a) toys that are designed to be mouthed are not shared between infants and are disinfected after each use;
- (b) toys, bedding and equipment are sterilized at reasonably frequent intervals so as to reduce the risk of infection.

Care of
infants.

17. With respect to the care of infants at an early childhood institution, the operator of the institution shall ensure that -

- (a) each infant is fed and given the opportunity to sleep, in accordance with that infant's own nutritional and scheduling needs;
- (b) infants shall be kept at the ground level only of any building on which the institution is operated;
- (c) diapering, feeding and sleeping areas are separately located;
- (d) infants are held and appropriately supervised by a member of staff while being bottle-fed;
- (e) each infant has his own crib and that the bedding thereof is washed and disinfected at least once per week;
- (f) cribs have sufficient space between them and that each crib is securely and safely made, with appropriately spaced rails.

Education programmes

Daily educational programme plan.

18. - (1) Every early childhood institution shall develop and implement a flexible daily programme plan composed of activities that take into account -
- (a) the developmental stages of different age groups;
 - (b) individual abilities and needs;
 - (c) the need to respect each child's primary language while encouraging the use of standard English as the official language of Jamaica;
 - (d) the need to encourage a non-sexist approach to learning and play that recognizes children's preferences and not their gender;
 - (e) differences in learning styles;

- (f) the need to provide a variety of experiences in order to promote the physical, social, emotional, creative, intellectual and spiritual development of children; and
- (g) all specific areas of development.

(2) The plan referred to in paragraph (1) shall -

- (a) be displayed in writing in a conspicuous place on the premises of the institution, and a copy thereof shall be made available upon request to -

- (i) any parent or guardian of a child enrolled, or seeking enrollment, at the institution; or

- (ii) the Commission;

- (b) include -

- (i) indoor and outdoor physical activities that provide opportunities for fine and gross motor development;

- (ii) create experiences which allow the child to develop and express his own ideas, feelings and culture in all parts of the programme (such as art, dramatic play, music and language);

- (iii) language learning experiences that provide opportunities for spontaneous conversation, as well as experiences with books, poems, stories and songs;

- (iv) experiences that promote self-reliance and self-esteem (including

the care of the body, clothing and possessions, toilet training and hygiene) and health education experiences that include the modelling of good health and nutrition practices and safety awareness;

- (v) child-initiated and adult-initiated activities;
- (vi) exploration and discovery activities;
- (vii) individual and group activities (including the promotion of shared group responsibility for equipment and materials);
- (viii) active play, quiet activity and rest or sleep;
- (ix) varied choices in material and equipment;
- (x) a tidying up time; and
- (xi) nutritious snacks and meals, as appropriate.

(3) Measures shall be taken at an early childhood institution for -

- (a) written observations of each child's progress to be recorded, dated and categorised into areas of learning to identify the child's level of performance and to inform planning; and
- (b) those observations to be communicated to the child's parent or guardian on a periodic basis.

of parent or guardian.

programmes at an early childhood institution shall be designed to facilitate the input and involvement of the child's parent or guardian.

(2) The early childhood institution shall afford the child's parent or guardian the right to -

- (a) exclude the child from any specific area of activity provided by the institution;
- (b) visit the institution at any time when the child is on the premises;
- (c) give or withhold consent, in writing, to the child's participation in any activities conducted or arranged by the institution and occurring off the premises,

and shall inform the parent or guardian of that right.

(3) The early childhood institution shall schedule meetings with the parent or guardian of each child in order to -

- (a) review the child's development and adjustment to the environment;
- (b) reach agreement on appropriate disciplinary measures, other than corporal punishment; and
- (c) discuss issues, needs and concerns specific to that child.

(4) Each meeting under paragraph (3) shall -

- (a) be documented by the employee participating in the review and be signed by that employee and the child's parent or guardian;
- (b) be held no less frequently than as follows -
 - (i) once, as part of the intake process before the child begins

attending at the early childhood institution; and

- (ii) thereafter, at least once in every six months.

(5) The early childhood institution shall facilitate the sharing of observations, concerns and comments from parents of children enrolled at the institution, and employees of the institution, by providing an easily accessible log book for that purpose.

Miscellaneous

Compliance with policies and standards.

20. The operator of an early childhood institution shall ensure that the provisions of the *Standards for the Operation, Management and Administration of Early Childhood Institutions* issued from time to time by the Minister are adhered to as closely as is reasonably attainable by that institution, taking into account the resources available to the institution.

Offences.

21. A person who contravenes any provision of these Regulations for which no penalty is specifically provided commits an offence and is liable upon conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

SCHEDULE

(Regulation 4)

Form 1

EARLY CHILDHOOD REGULATIONS

*Form of Application for Registration of
an Early Childhood Institution*

Tick (✓) where appropriate

DEMOGRAPHICS

- 1. Date _____
- 2. Name of Operator _____
- 3. Mailing or home address _____
- 4. Telephone number _____
- 5. Address of the Early Childhood Institution

- Street _____ Parish _____
- 6. Telephone number of telephone contact at the
Early Childhood Institution _____

NATURE OF APPLICATION

- 7. Type of Facility:
Day Care (birth - 3 years)
Basic School/Pre School (4 - 6 years)
- 8. Have you ever applied for or held an Early
Childhood Institution Registration Certificate or
Permit?

Yes No
- 9. If yes, state number _____
- 10. For what reasons are you applying?

 Registration Upgrade status

 Re-registration Other
- 11. New Facility Existing Facility
- 12. Expected Commencement Date _____
Commencement Date _____

STAFFING

13. Categories of Staff and Qualifications

<u>Title/Role</u>	<u>Qualification</u>	<u>Number</u>
a. Director/Manager	NCTVET NVQ-J Level 4 Bachelor in Education or Diploma in Teaching, certificate in nursing or a degree in social work or child develop- ment related field	_____
b. Lead Teacher (Qualified Teacher)	Bachelor in Education (B.Ed.) or Diploma in Teaching	_____
c. Associate Teacher	NCTVET NVQ-J Level 3 or Associate Degree in EC	_____
d. Assistant Teacher II	NCTVET NVQ-J Level 2 or equivalent qualification	_____
e. Assistant Teacher I	NCTVET NVQ-J Level 1 or equivalent qualification	_____

EARLY CHILDHOOD SERVICES PROVIDED

14. Number of children: _____
15. Ages of the children: _____
16. Hours of Operation: _____
17. Additional services offered:
 After care Summer school Other

LEGAL REQUIREMENT

18. I have received a copy of the Standards for Early Childhood Institutions
- Yes No

I am aware of the legal requirements for the operation of Early Childhood Institutions as outlined by the Early Childhood Act and its Regulations. I hereby give consent to allow the Commission, or any person authorized to conduct an investigation or inspection under the Act, access to the Early Childhood Institution and its records.

I understand that any false statements contained herein will make me liable to certain penalties as set out in the Act.

I understand that notification of any changes regarding demographics, nature of application, staffing and services provided must be immediately reported to the Commission.

Applicant's signature

Date



FOR OFFICIAL USE ONLY:

_____ Fees collected _____ Date of inspection

Interview and inspection

Enclosures:

- Two passport-sized photographs
- Fire Brigade Report
- Food Handler's Permit
- Name and description of employees
- Details of proposed structure
- Floor plan
- Furniture and equipment
- References
- MOH Report
- Medical Certificate
- Terms of employment
- Description of structure
- Type of accommodation
- Other

Form 2

Registration Certificate



Early Childhood Act

Certificate of Registration



_____ is hereby authorized to operate an Early Childhood Institution under the
Early Childhood Act

Chairman
Early Childhood Commission

Date issued

Executive Director
Early Childhood Commission

Expiry Date

THIS CERTIFICATE IS TO BE FRAMED AND DISPLAYED ON PREMISES

Form 3

THE EARLY CHILDHOOD REGULATIONS

Permit to operate an Early Childhood Institution

.....
of.....
in the Parish of.....
is hereby authorized to operate an Early Childhood Institution located at.....
under the provisions of the Early Childhood Act and regulations thereunder.
This permit shall be subject to the conditions stated overleaf or attached hereto and shall be in force from the.....day of.....20..... and, subject to the provisions of the Early Childhood Act and regulations made thereunder, shall cease to be in force on the.....day of.....20.....

Dated the.....day of.....20.....

..... Chairman Early Childhood Commission Executive Director Early Childhood Commission
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Form 4

THE EARLY CHILDHOOD REGULATIONS

Notice of cancellation, suspension or refusal of registration or permit or of refusal of application for renewal of registration

To: _____ Date: _____
(Name of Operator)

Location of Early Childhood Institution: _____

.....
Please take notice that pursuant to the powers vested in the Early Childhood Commission under the Early Childhood Act, and regulations made thereunder, the Early Childhood Commission hereby gives notice that your:-

_____ application for registration has been refused

