



**BELIZE**

**SOCIAL SERVICE AGENCIES ACT  
CHAPTER 45**

**REVISED EDITION 2003**

**SHOWING THE SUBSIDIARY LAWS AS AT 31ST OCTOBER, 2003**

This is a revised edition of the Subsidiary Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2000.

**ARRANGEMENT OF SUBSIDIARY LAWS**



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This edition contains a consolidation of the following laws-

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CARE FACILITIES) (REGISTRATION, LICENSING  
AND MINIMUM OPERATING REQUIREMENTS)**

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**CHAPTER 45**

**SOCIAL SERVICE AGENCIES (OPERATORS OF DAY CARE FACILITIES)(REGISTRATION LICENSING AND MINIMUM OPERATING REQUIREMENTS) REGULATIONS**

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**CHAPTER 45**

**SOCIAL SERVICE AGENCIES (OPERATORS OF DAY CARE FACILITIES) (REGISTRATION, LICENSING AND MINIMUM OPERATING REQUIREMENTS REGULATIONS**

*(Section 21)*

116 of 1998.  
Ch. 35A.

*[14th November, 1998.]*

**PART I**

**PRELIMINARY**

- 1. These Regulations may be cited as the

Short title.

**SOCIAL SERVICE AGENCIES (OPERATORS OF DAY CARE FACILITIES) (REGISTRATION, LICENSING AND MINIMUM OPERATING REQUIREMENTS) REGULATIONS.**

- 2. In these Regulations, unless the context otherwise requires:-

Interpretation.

“Act” means the Social Service Agencies Act;

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“adult” means a person who is of or above the age of eighteen years, and  
“child” shall be construed as anyone below the age of eighteen years;

“applicant” means a prospective operator, person or entity who or which has duly submitted an application for the registration of a day care facility pursuant to these Regulations, and the word “application” shall be construed and applied accordingly;

“assistant” in relation to the operation of a day care facility, means any person who assists the provider of the day care facility in caring for the children at the day care facility;

“authorized representative” means any person duly authorized by the Ministry to act for the purposes of these Regulations in its behalf;

“business hours” in relation to the operation of a day care facility, means those hours in which the facility will be open for the purposes of taking care of children;

“capacity of day care facility” means the number of children the day care facility is authorized under these Regulations or its licence to take care of at any one time;

“day care facilities” means the entirety of the premises where the day care services are to be provided as identified in the licence;

“day care” means the care and supervision of five or more children aged between one day to five years old for up to twelve or more business hours a day;

“day care services” means those services provided at a day care facility that contribute to the health, education and welfare of children while under the care and supervision of the operator;

“developmentally appropriate practices” means a framework for working with children which applies current knowledge about how children learn and develop based upon age and the individual needs of each child;

“early childhood” means that period in a child’s life from the time of the child’s birth up to eight years of age;

“licence” means a licence to operate as a day care facility issued to a successful



applicant by the Registrar pursuant to section 9 of the Act;

“Minister” has the meaning assigned to it in section 2 of the Act, and “Ministry” shall be construed accordingly;

“operator” in relation to a day care facility, means any person, group of persons, partnership, association, organization, unincorporated entity, corporate entity, institution, or agency, whether public or private, who or which has been issued a licence to operate a day care facility pursuant to the Act and these Regulations;

“parent” in relation to a child receiving services from a day care facility, means the biological, or adoptive or foster parent of the child, and includes any person for the time being with custody rights over such child;

“provider” in relation to a day care agency’s operator, means the operator’s primary person responsible for the day to day operation of the day care facility;

“Registrar” means the Registrar of Social Service Agencies appointed under section 3 of the Act;

“staff/child ratio” in relation to day care facilities, means the ratio of the maximum number of children under the direct supervision and control of one member of staff at any one time.

**PART II**

**REGISTRATION AND LICENSING REQUIREMENTS**

3. (1) No person shall operate, maintain, conduct, advertise or hold himself out as an operator of a day care facility without first obtaining a licence from the Registrar in accordance with the Act, and these Regulations.

Prohibition from operating without a licence.

(2) Any person who contravenes subregulation (1) above commits an offence and shall be liable on summary conviction to a fine not exceeding

five hundred dollars or to imprisonment for a period not exceeding six months.

(3) Where the person convicted of an offence under subregulation (2) above is an association, organization, partnership, group of persons, unincorporated entity, corporate entity, institution or agency, whether public or private, every person who at the date of the commission of the offence was a director or other officer, or a partner or member of such association, organization, partnership, group of persons, unincorporated entity, corporate entity, institution or agency, by whatever name he might be designated, shall also be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge and consent.

Applications for registration. 4. (1) All applicants shall submit to the Registrar a duly completed and signed application form -

Form I.  
Schedule. (a) as set out in Form I of the Schedule hereto, together with a non-refundable fee of twenty-five dollars, in respect of applications for a day care licence for new facilities coming into operation after the commencement of these Regulations;

Form II.  
Schedule. (b) as set out in Form II of the Schedule hereto, together with a non-refundable fee of twenty-five dollars, in respect of applications for a temporary day care licence for existing facilities which were in operation before the commencement of these Regulations;

Form III.  
Schedule. (c) as set out in Form III of the Schedule hereto, together with a non-refundable fee of fifteen dollars, in respect of renewal applications for day care facilities already licensed under these Regulations.

(2) An application made under subregulation (1) above shall be submitted to the Registrar -

- (a) at least sixty calendar days before the proposed date of commencement of operations, in the case of new day care facilities whose operations shall commence after the entry into force of these Regulations;
- (b) at least sixty calendar days after the commencement of these Regulations, in the case of day care facilities already in existence before the commencement of these Regulations; and
- (c) at least sixty calendar days before the expiration of a current licence, in the case of an application for the renewal of a licence.

(3) The application forms set out in the Schedule hereto as Forms I to III shall be available to applicants at any office of the Ministry every Monday to Friday between the hours of 8 o'clock and 12 o'clock in the forenoon and 1 o'clock and 5 o'clock in the afternoon.

Schedule.

5. Every applicant shall -

Registration requirements.

- (a) be an adult;
- (b) be thoroughly conversant with the provisions of the Act and these Regulations;
- (c) be of good repute and character;
- (d) submit together with his application, medical reports, police records, reference letters and any other information requested by the Registrar for all providers, assistants and staff of the day care facility he operates or proposes to operate;

- (e) state the position he holds where the prospective operator is an association, partnership, group of persons, organization, institution, agency, unincorporated entity, corporate entity, or other similar entity;
- (f) submit together with his provider, assistants and staff, to an interview in such form, and at such place and time as may be notified to him in writing by the Registrar;
- (g) allow the Registrar or any person duly authorized by the Registrar in that behalf in writing to inspect during business hours the day care facilities after giving at least twenty-four hours prior written notice to the applicant.

Incomplete or deficient applications.

6. (1) Where an applicant fails to submit all relevant materials and information required by the Registrar in order to process the application, the Registrar shall within fifteen calendar days of the receipt of the application, give written notice to the applicant to submit to him such materials or information within thirty calendar days of the giving of the written notice, and if the thirty calendar days elapse before the applicant responds as required, the Registrar may, in his absolute discretion, refuse to allow the application, duly stating his reasons for such refusal.

(2) Where an application is deficient by reason of not meeting the minimum licensing requirements for day care facilities as provided in the Act or these Regulations, the Registrar shall in writing request the applicant to correct such defects within thirty calendar days of such written request and-

- (a) if the applicant corrects such defects to the satisfaction of the Registrar within the specified time limit, he shall register and licence the applicant as a day care facility; but

(b) if the applicant fails to correct the defects to the satisfaction of the Registrar within the specified time limit, he may disallow the application and refuse to register the applicant as a day care facility, duly stating his reasons for such refusal.

(3) Where an application contains a statement that is false in a material particular, the Registrar may, upon discovery of the falsehood, refuse to register and licence the applicant as a day care facility if he has not yet registered and licensed the applicant, or cancel or suspend the registration and licence of the operator with effect from the date of such discovery if he has already registered and licensed the operator.

(4) Without prejudice to subregulation (3) above, any applicant who provides a false statement in an application commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding six months.

(5) Before suspending or cancelling the registration and licence of an operator as provided in subregulation (3) above, or before refusing to register and licence an applicant, or to renew the registration and licence of an applicant, the Registrar shall give to such operator or applicant, as the case may be, written notice of his intention, in the form set out in Form IV of the Schedule hereto, and shall in that notice inform the day care operator or the applicant that if he is not satisfied with the Registrar's decision he may appeal against the decision in accordance with section 22 of the Act to the Minister within fourteen calendar days of the giving of the notice.

Form IV.  
Schedule.

7. (1) Where an applicant fully complies with the registration requirements as provided in the Act and these Regulations, the Registrar shall register and licence the applicant, or the prospective operator where he is different from the applicant.

Licences.

(2) A licence, issued by the Registrar under these Regulations –

- (a) shall, subject to paragraph (b) below, be for a period of two calendar years;
- (b) shall, where it is issued in respect of a day care facility already in existence and operating on or prior to the commencement of these Regulations, be for a period of three calendar years in the first instance;
- (c) shall specify-
  - (i) the full name and other particulars of the operator;
  - (ii) the full names and other particulars of the providers and assistants;
  - (iii) the physical and postal address of the day care facility;
  - (iv) the capacity of the day care facility;
  - (v) the name, where applicable, of the day care facility;
  - (vi) the licence's type, category, duration, date of commencement and date of expiry; and
  - (vii) the full range of day care services offered and performed by the operator at the day care facility.

(3) A licence issued by the Registrar under subregulation (2)(b) above shall be a temporary licence for a duration of three years issued immediately after the commencement of these Regulations to an existing day care facility which does not meet the minimum standards and requirements of

registration and licencing provided by these Regulations. Such licence shall be issued to enable the day care facility to meet the minimum standards and requirements of registration and licensing provided by these Regulations, and the Registrar may, if satisfied after issuing such a licence that the day care facility and services offered thereat now meet the minimum standards and requirements of registration and licensing provided by these Regulations, cancel the temporary licence either before or on the expiration of the three calendar years and issue to the operator upon written application a two-year renewable licence under subregulation (2)(a) above.

(4) Every licence issued under these Regulations shall be displayed at the day care facility in some clear and conspicuous place where parents of the children at the day care facility and officials of the Ministry have access.

(5) Every licence issued under these Regulations shall be non-transferrable and non-assignable to another operator or to another day care facility.

(6) Every licence shall categorize each day care facility as follows:-

- (a) **category 1** - where a separate building is provided by the operator for the provision of the day care services;
- (b) **category 2** - where a separate section within a building is provided by the operator for the provision of the day care services; or
- (c) **category 3** - where the day care services are provided by the operator within the regular family setting.

8. (1) The capacity of each day care facility licensed under these Regulations shall be determined by the Registrar after considering the space in the day care facility and the category of the day care facility.

Capacity and  
staff/child  
ratio.

(2) The staff/child ratio for every day care facility shall be determined by the Ministry in consultation with the operator. The staff/child ratio shall never exceed twelve children for each member of staff or assistant. Special care shall be taken in determining the staff/child ratio where infants or children with special needs (i.e. with disabilities or who are academically challenged) are involved. Any changes in the staff/child ratio shall be reported forthwith to the Ministry.

Inspections. 9. (1) For the purposes of determining whether the provisions of these Regulations and the Act are being complied with at a day care facility, or for the purpose of making a report to facilitate the registration and licensing of a day care facility, it shall be lawful for the Registrar or any person acting under the authority of the Registrar and after prior notice in writing of at least twenty four hours to enter the day care facility at all reasonable business hours and -

- (a) to inspect the facility with a view to ascertaining all matters and things relevant to such purposes;
- (b) to require the provider of the day care services to produce records, registers and books required to be maintained under these Regulations or the Act; and
- (c) to examine such records, registers and books and to make copies or to take extracts from such records, registers and books.

(2) The provider of the day care services, and any person in charge of any records, registers and books, shall provide all necessary assistance to enable the Registrar or his duly appointed representative to carry out and discharge his functions under this Regulation.

Failure to meet minimum standards. 10. (1) Where it comes to the attention of a parent of a child attending a day care facility that the operator thereof is failing to meet the minimum operating standards for day care facilities provided in these Regulations, the



parent shall report such failure to the Registrar or to the Ministry.

(2) Subregulation (1) shall not be read and construed as limiting the Registrar's powers to independently investigate complaints of failure to meet minimum operating requirements by an operator brought to his attention by persons other than the parents of children attending the day care facility.

(3) Where the Registrar comes to the conclusion, after duly investigating complaints made under this Regulation, that the operator has failed to meet the minimum operating standards required under these, Regulations, he may, depending on the seriousness of the failure, either:-

- (a) warn the operator in writing to forthwith comply with the minimum operating standards, pointing out the areas which the operator should improve in order to comply with these Regulations; or
- (b) suspend the licence for a period not exceeding six months, and notify the operator to comply within that time with the minimum operating standards; or
- (c) cancel the licence.

11. (1) A licence may be suspended by the Registrar for the reasons specified in subregulation (2) below.

Suspension  
and  
cancellation of  
licences.

(2) The reasons referred to in subregulation (1) above are-

- (a) failure to display the licence as required by these Regulations;
- (b) failure to open, keep and maintain such records, registers and books in relation to the operation of the day care facility, including the particulars of children and staff, as

required under the Act and these Regulations;

- (c) failure to provide information requested by the Registrar within the time limit specified in such request;
- (d) failure to ensure that premises are maintained and kept in accordance with minimum standards provided in these Regulations; and
- (e) failure to protect children attending the operator's day care facility from abuse of whatever kind.

(3) Without prejudice to subregulations (2) above, a licence may also be suspended by the Registrar where-

- (a) there are reasonable grounds for believing that the operator or provider of the day care facility has committed a sexual or other criminal offence which is of such a nature as is likely in the opinion of the Registrar to render such operator or provider unfit to hold the licence; or
- (b) there are reasonable grounds for believing that a staff member has committed a sexual or other criminal offence as aforesaid and that the operator or provider has failed to take prompt disciplinary action against such a staff member so as to ensure that such incidents do not recur.

(4) The suspension of an operator's licence under these Regulations shall not exceed six calendar months, and the operator shall, within the period of suspension, be expected to take necessary steps to correct and address the reasons for the suspension to the satisfaction of the Registrar.

(5) If an operator corrects and addresses the reasons for the suspension during the period of the suspension to the satisfaction of the Registrar,

his licence shall automatically without application on his part be reinstated upon the expiry of the suspension, but if he fails to take the necessary steps during the period of the suspension, his licence may be cancelled by the Registrar upon the expiration of the suspension.

(6) Where a licence has been cancelled, a new application for a licence by the same operator shall only be entertained by the Registrar after a period of six months has elapsed after the cancellation.

- 12. Any applicant or operator who is aggrieved by the Registrar’s decision-
  - (a) refusing to issue a licence under these Regulations, or
  - (b) refusing to renew a licence under these Regulations, or
  - (c) suspending a licence under these Regulations, or
  - (d) cancelling a licence under these Regulations;

Appeals against refusals, etc., to issue licence.

may within fourteen calendar days of the receipt by him of the notification of such refusal, suspension or cancellation, as the case may be, appeal against such decision to the Minister in accordance with section 22 of the Act.

**PART III**

**MINIMUM OPERATING REQUIREMENTS OF DAY CARE FACILITIES**

**SUB-PART A**

**ADMINISTRATION**

13. (1) The operator of a day care facility shall ensure that the administration, overall management and operation of the day care facility is

General administrative requirements.

undertaken in full compliance with the minimum operating requirements for day care agencies specified in these Regulations.

(2) The minimum operating requirements referred to in subregulation (1) above are:-

(a) full compliance with these Regulations, the Act, and any other applicable laws, including but not limited to:-

(i) the provision and maintenance of a safely equipped physical environment;

(ii) the provision of developmentally appropriate practices, including programming and services to meet the needs of children;

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(iii) the observance of the Labour Act and other applicable laws in the employment of providers, assistants and members of staff,

(b) ensuring that no child at the day care facility is left unattended by a member of staff, or goes out of sight of members of staff for an extended period of time, or goes without appropriate supervision and care;

(c) providing for the total care and supervision appropriate to each child's age and level of development;

(d) providing immediate medical attention to injured children, and counselling distressed children;

(e) maintaining an accurate staff/child ratio as provided in the licence;

- (f) arranging for substitute staff members to be on call during normal business hours in case of emergencies;
- (g) providing access for providers, assistants and members of staff to training programmes focusing on the improvement and development of a child’s knowledge and other related day care topics sponsored, organized or conducted by the Ministry or other agencies;
- (h) establishing a planned program of developmentally appropriate activities at the day care facility to promote the social, emotional, intellectual, and physical development of each child thereat, and individualising each program where appropriate to meet the special needs of some children.

14. Every operator registered and licensed under these Regulations shall employ persons who are in good physical and mental health, and who are professionally qualified to:

Minimum staffing requirements.

- (a) take care and work well with children; and
- (b) relate and communicate well with adults, especially parents.

15. (1) Every operator registered and licenced under these Regulations shall ensure that the child is adequately protected while at the day care facility by complying with the minimum requirements for the protection of children specified in subregulation (2) below.

Minimum requirements for the protection of children.

(2) The minimum requirements referred to in subregulation (1) above are:-

- (a) ensuring that no corporal punishment is inflicted on a child

attending the day care facility;

- (b) ensuring that no cruel, inhuman or degrading punishment, or any other harsh or degrading measures which would humiliate a child or undermine his self-esteem and confidence, are inflicted on a child attending the day care facility;
- (c) ensuring that every child attending the day care facility is not deliberately deprived of the basic necessities conducive to learning, including food, water, shelter, clothing, and bedding where necessary; and
- (d) ensuring that every child attending the day care facility does not engage in sexual activities with another child while at the day care facility.

(3) In addition to the minimum requirements specified in subregulation (2) above, every operator shall be required to report to the Registrar and to the Ministry for investigation, every case of actual or suspected child abuse which occurs at the day care facility and which comes to his attention.

(4) Failure by an operator to comply with the provisions of subregulation (3) above is an offence and the operator will, upon summary conviction, be liable to imprisonment for a period not exceeding six months or to a fine not exceeding five hundred dollars, or to both such fine and period of imprisonment.

Minimum  
operating  
policies.

16. Every operator registered and licensed under these Regulations shall implement general operating policies to govern the administration and operation of the day care facility, and such policies shall include but shall not be limited to the following areas -

- (a) admission and withdrawal of children into and out of the day care facility;
- (b) the payment of fees and other charges;
- (c) the schedule of the day-to-day activities at the day care facility;
- (d) the drop-off or pick-up points for children attending the day care facility;
- (e) the keeping of the medical history and records of providers, assistants, staff members and children, especially children with special needs as herein defined;
- (f) the health and nutrition policies to be followed at the day care facility;
- (g) behavioural management policies, especially for children, providers, assistants and members of staff; and
- (h) staff training and development policies.

17. (1) Every operator registered and licensed under these Regulations shall confidentially maintain in respect of each child enrolled at the day care facility the forms specified in subregulation (2) below for a period of five calendar years. Records.

(2) The forms referred to in subregulation (1) above are: -

- (a) the statement of health of the child to be enrolled, as set out in Form V of the Schedule hereto; Form V.  
Schedule.
- (b) the day care child enrollment form, as set out in Form VII Form VII.

- Schedule. of the Schedule hereto;
- (c) the authorization form for the administration of medication to an enrolled child while at the day care facility, as set out in Form VIII of the Schedule hereto;
- Form VIII. Schedule.
- (d) the authorization form for emergency health care for an enrolled child while at the day care facility, as set out in Form IX of the Schedule hereto;
- Form IX. Schedule.
- (e) the authorization form allowing certain individuals to drop-off and pick-up enrolled children at specified hours as set out in Form X of the Schedule hereto: and
- Form X. Schedule.
- (f) a field trip permission form, as set out in Form XI of the Schedule hereto, to be completed by an enrolled child's parent whenever the child is participating in a field trip organized by the provider.
- Form XI. Schedule.
- (3) In addition to the records specified in subregulation (2) above, every operator shall also confidentially maintain for a period of five calendar years a statement of health of every provider, assistant and members of staff employed at the day care facility, in the form set out in Form VI of the Schedule hereto.
- Form VI. Schedule.
- (4) Other records to be confidentially kept and maintained by an operator for a period of five calendar years shall include:-
- (a) financial records relating to fees, tuition, operating costs, financial plans and other similar information;
- (b) daily attendance register for children, providers, assistants and members of staff;



- (c) staff records relating to health, reference letters for employment purposes, qualifications, and other similar information; and
- (d) menus and meals served at the day care facility.

(5) An operator who fails to keep and maintain the records specified in this Regulation, or who fails to keep such records in a manner which reflects current activities at the day care facility, or who fails to keep such records in an easily accessible place, commits an offence and is liable on summary conviction to imprisonment for a period not exceeding six months, or to a fine not exceeding five hundred dollars, or both such fine and period of imprisonment.

18. Every operator or provider shall provide each child's parents with the following:-

Relationship of operator and parents.

- (a) opportunities to observe the day care facility in operation prior to and after the enrollment of the child;
- (b) opportunities to discuss the child's needs, and the policies and programmes at the day care facility, prior to and after the enrollment of the child;
- (c) written or oral information relating to the child while at the day care facility, at such times as may be requested by the parents;
- (d) immediate information about accidents, incidents, illnesses, injury, or sickness involving the child while at the day care facility; and
- (e) opportunities to be involved in the Parents-Teachers Association or Parents Group of the day care facility.

**SUB-PART B****PHYSICAL ENVIRONMENT**

General minimum requirements of the physical environment.

19. (1) Every operator registered and licensed under these Regulations shall ensure that every day care facility under his management and control is a place where children learn and play safely, as well as engage in a variety of activities without risk to their own safety.

(2) Without prejudice to the generality of subregulation (1) above, every day care facility registered under these Regulations shall at all times comply with the minimum physical requirements specified in subregulation (3) below.

(3) The minimum physical requirements referred to in subregulation (2) above are as follows: -

- (a) the facility and equipment shall be kept clean, in good repair, and free from anything that may be dangerous to children;
- (b) poisonous substances (paint, cleaning liquid insecticides, medicines, etc) and peeling paint that contains any lead content shall not be accessible to children enrolled at the facility;
- (c) the buildings or facility should be handicap-accessible, preferably a one-storey building with no open stairwells, and stairs should have railings and gates;
- (d) the building shall have adequate space and size for the number and ages of children using it. There should be a minimum of 22 square feet per child indoors for rest and play areas which should be separate. This does not include

space for the kitchen, storage or entrances;

(e) there should be appropriate child care areas for infants, toddlers, and preschoolers.

(4) The buildings at the facility must have:-

(a) lockable doors easily opened for emergencies to prevent children from exiting and unauthorized individuals from entering;

(b) sufficient exits for evacuation purposes and fire safety;

(c) screens against flies and mosquitoes;

(d) floors made from material which is easy to clean;

(e) proper ventilation and lights to ensure the health and comfort of the children;

(f) adequate water supply for hygiene and drinking purposes;

(g) separate kitchen area that is not accessible to children for food preparation;

(h) separate staff area for office work or rest (where feasible);

(i) storage space for materials and equipment;

(j) electricity and safe electrical outlets that are out of reach of the children, or covered with plug covers if at the child's level;

(k) safe and sanitary sewerage and drainage systems; and

- (1) working telephone (where available) with emergency numbers posted in conspicuous places within the facility.
- (5) Bathroom facilities in the building housing the day care facility shall accommodate the number of children at the facility and have:-
- (a) at least two toilets and one sink for every fifteen children enrolled at the facility; and
  - (b) separate staff bathroom, where possible.
- (6) The facility shall have sufficient outdoor playing space for the children, that ensures the safety and comfort of children while undertaking appropriate games and activities.
- (7) The playground at the day care facility shall have the following features:-
- (a) child-safe barriers for the protection of children from traffic, bodies of water, gullies, drains, or other similar physical hazards;
  - (b) adequate fencing with appropriate childproof locks;
  - (c) enough space for each child to play in safety and comfort;
  - (d) shady areas to protect children from the sun, wind and rain;
  - (e) appropriate lawns of soft grass, or areas covered with soft sand, where children may climb on swings and other similar play equipment and jump therefrom to the ground;
  - (f) hard areas where children may ride their toys;

- (g) safe and sturdy play equipment with no protruding nails, any loose features, or other similar characteristics which pose a danger to the safety of the children;
  - (h) a clean environment free from broken bottles, holes, poisonous plants and other hazards which pose a danger to the safety of the children; and
  - (i) a design that ensures effective supervision of the children at all times by the operator, provider, assistants or members of staff.
- (8) The Ministry shall inspect the facility of every applicant to ensure that the minimum requirements of the physical environment at a day care facility comply with the provisions of these Regulations before the issue of a licence.

### SUB-PART C

#### EQUIPMENT AND FURNITURE

20. (1) Each facility shall have certain minimum equipment and furniture of the right size, type and number for the children using the facility, because equipment and furniture are important factors in the learning process which extend or limit the day care experiences of children.

General minimum requirements for equipment and furniture.

- (2) The equipment and furniture at every day care facility shall be:-
- (a) the right-size, number and type for the children using the facility;
  - (b) safe and in good mechanical repair; and
  - (c) durable.

- (3) Toys and educational materials shall correspond to the abilities, interests and social needs of the children.
- (4) Infant specific toys shall be:-
- (a) safe, washable, and not too small to swallow or cause choking;
  - (b) free of sharp edges and tiny pieces or pieces that can break off easily;
  - (c) free of lead-based paint and chipping paint;
  - (d) age-appropriate; and
  - (e) scaled to size to enable the infant to grasp, chew, and manipulate them.
- (5) The following minimum requirements shall also apply:-
- (a) mobiles should be seen, but kept out of the reach of infants;
  - (b) structures should be padded for safe exploration;
  - (c) low-play structures should be provided for climbing;
  - (d) books should be sturdy; and
  - (e) mirrors should be placed where infants can observe themselves but should be out of their reach.

**SUB-PART D**

**MINIMUM PROGRAMMING REQUIREMENTS**

21. (1) Each day care facility shall develop and implement a flexible written daily program plan composed of activities that meet and enhance the individual needs of children with different cultural, language, and developmental differences and special needs.

General minimum programming requirements.

(2) The daily program plan referred to in subregulation (1) above shall be available to parents, staff members and the Ministry, and shall be flexibly scheduled so that children will have:

- (a) indoor and outdoor physical activities which provide opportunities for fine and gross motor development;
- (b) creative experiences which allow them opportunity to develop and express their own ideas, feelings, and culture in all parts of the program, including art, dramatic play, music, and language;
- (c) language learning experiences that provide opportunities for spontaneous conversation as well as experiences with books, poems, stories, and songs;
- (d) experiences that promote self-reliance and self-esteem including care of the body, clothing, possessions, and shared group responsibility for equipment and materials;
- (e) health education experiences that include the modeling of good health and nutrition practices and safety awareness.

(3) The programs plan shall include:-

- (a) child-initiated and adult-initiated activities;
- (b) exploration and discovery activities;
- (c) varied choices in materials and equipment;
- (d) individual and group activities;
- (e) active and quiet play activities;
- (f) nutritious snacks and meals;
- (g) rest, sleep, or quiet activity;
- (h) a tidying-up time; and
- (i) toileting and hygiene.

Special programming requirements for infants.

22. (1) Every operator registered and licenced under these Regulations shall observe the minimum special precautions specified in subregulation (2) below when working with infants enrolled at a day care facility.

(2) The special precautions referred to in subregulation (1) above are as follows:

- (a) toys that are mouthed shall not be shared between infants and shall be disinfected after each use;
- (b) equipment shall be available for the sterilization of utensils for children who are between one day old and nine months old;
- (c) bottles that are being reused shall be sterilized and stored



properly;

- (d) infants shall always be held when given their bottle and bottles shall never be propped up and children left unattended, while feeding or drinking therefrom;
- (e) infants shall be fed according to their individual scheduling and nutritional needs;
- (f) infants shall have sleep periods according to their individual scheduling needs;
- (g) each infant shall have his own crib and bedding that will be disinfected and washed at least weekly;
- (h) cribs shall be securely made and have appropriately spaced railings to ensure safety;
- (i) cribs shall have sufficient space between them;
- (j) there shall be an evacuation plan to carry out infants in case of an emergency;
- (k) infants shall be cared for at the ground level of the building housing the facility; and
- (l) diapering, sleeping, and feeding areas shall be separately located.

**PART IV****MINIMUM HEALTH AND SAFETY  
REQUIREMENTS**

General health precautions to be observed by operators.

23. (1) Every operator registered and licensed under these Regulations shall ensure that, good health habits and practices are observed at the day care facility under his management, and are incorporated into the daily written program plan.

(2) The observance of good health and safety habits at the day care facility shall, without prejudice to the operator's overall responsibility therefor as provided in subregulation (1) above, be the responsibility of providers, assistants, and members of staff.

Nutrition.

24. (1) Every operator registered and licensed under these Regulations shall recognise that malnutrition not only affects the health and growth patterns of children, but also their development and intellectual ability, and shall provide age-appropriate and nutritionally-balanced meals for the children. The food used in the preparation of such meals shall be:-

- (a) of such a quality and quantity to meet the needs of the children; and
- (b) properly stored and prepared in a safe, sanitary manner and environment.

(2) All persons involved in the preparation of meals at or for day care facilities shall observe good personal hygiene and food sanitation practices.

(3) Children shall not be given foods to which they are allergic, as indicated in their records kept and maintained at the day care facility.

(4) The operator shall ensure that the kitchen or food preparation

area at the day care facility is free from insects and rodents.

25. Every day care facility shall be equipped with a clean and safe bed, cot, mat or other bedding material which shall be disinfected on a regular basis, or washed at least once a week, for each child to rest and take a nap with minimal disturbances.

Provision of bedding facilities for rest.

26. (1) The parents of a child enrolled at a day care facility shall provide the child with a blanket, towel and appropriate toilet articles as specified by the operator, and the provider shall ensure that these articles are stored separately in an area marked with the child's name.

Personal articles.

(2) The operator of the day care facility shall also keep the articles specified in subregulation (1) above in reasonable quantities for use in emergencies.

27. The operator shall protect the health and safety of children from household pets where appropriate.

Pets.

28. (1) Every operator shall ensure that providers, assistants, members of staff and children, wash their hands in the circumstances specified in subregulation (2) below.

Handwashing requirements.

(2) The circumstances referred to in subregulation (1) above are: -

(a) before and after -

- (i) each diaper change;
- (ii) helping a child use the toilet;
- (iii) feeding an infant;
- (iv) caring for a sick child;

(v) food preparation; and

(b) after:-

(i) caring for animals and animal equipment; and

(ii) sneezing or coughing.

(3) In addition to the circumstances specified in subregulation (2) above, proper hand-washing procedures shall also be posted on bathroom walls for the benefit of children, who shall wash their hands after using the bathroom and before every meal.

Diapering.

29. The provider shall change diapers as necessary for the child's comfort, wash his hands with soap and water before and after diapering, cleanse the diapering surface, and dispose of any waste material in a sanitary manner out of the reach of children.

Medical precautions and procedures.

30. (1) Providers should be aware of symptoms of common illnesses and be able to recognize them. Health and hygiene inspection should be carried out on each child and visits from the public health nurse should be encouraged whenever possible.

(2) Providers and staff should be in good health and take precautions to minimize the spread of infections.

(3) An outbreak of any communicable disease (whooping cough, chicken pox, measles, etc) should be immediately reported to the public health authority and all parents should be notified.

(4) Each day care facility should have a separate room or partitioned area (where possible) to be used for any child who becomes sick or injured while at the facility. This area should contain a cot, mat, or bed.

(5) Medicines brought in by parents should be labelled clearly with the child's name and instructions for use. The provider or designated staff member at the facility should be responsible for administering the medicine.

31. (1) All staff members should be trained in basic first aid and Cardio Pulmonary Resuscitation. A medical handbook should be at the facility for quick reference in case of accidents and other emergencies.

First aid kit.

(2) Each facility should have a lockable first aid kit to be kept out of the reach of children. The kit should contain antiseptic cream, cotton balls, applicators, thermometer, assorted band aids, sterile gauze, and hydrogen peroxide.

(3) In case of accidents, the provider should take immediate appropriate action to ensure the safety of each child. All accidents should be documented and the parents should be notified immediately.

32. Every operator registered and licensed under these Regulations shall provide a written fire safety plan which shall-

Fire precautions.

(a) include all the fire-fighting equipment in the day care facility, including the location of such equipment;

(b) include the procedures to be followed in the event of a fire outbreak; and

(c) be posted in conspicuous places at the day care facility.

33. Every operator or other person who contravenes any provision of these Regulations commits an offence and where no specific penalty is provided for such contravention, shall be liable on summary conviction to a fine not exceeding five hundred dollars, or to imprisonment for a period not exceeding six months, or to both such fine and period of imprisonment.

Offences and penalties.

Commencement. 34. These Regulations shall come into force on the 1<sup>st</sup> day of December, 1998.

**MADE** by the Minister of Human Development, Women and Youth  
this 9th day of November, 1998.

**(DOLORES BALDERAMOS GARCIA)**  
*Minister of Human Development,  
Women and Youth*

**SCHEDULE**

[Regulation 4 (1) (a)]

**FORM 1**

**APPLICATION FOR A DAY CARE LICENCE**

**FOR ALL NEW FACILITIES**

Date \_\_\_\_\_ Non-refundable application fee =\$25.

Name of applicant \_\_\_\_\_ telephone number \_\_\_\_\_

Name of prospective operator if different from name of applicant.  
\_\_\_\_\_

Mailing or home address \_\_\_\_\_

Address of the day care facility (if any) \_\_\_\_\_

Telephone number at the day care facility \_\_\_\_\_

Type of Facility: Category 1 \_\_\_\_\_ Category 2 \_\_\_\_\_ Category 3 \_\_\_\_\_  
(✓as appropriate)

Category 1 - separate building

Category 2 - separate section of building

Category 3 - services within the regular family setting

Have you ever applied for or held a day care facility licence before?

Yes \_\_\_\_\_ No \_\_\_\_\_ (✓ as appropriate)

If yes, for what reasons are you reapplying?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please complete the following information for the services you intend to provide:

\_\_\_\_\_ I will be the operator and the provider at the day care facility

\_\_\_\_\_ I will be, the operator of the day care facility and employ providers  
(✓as, appropriate)

Capacity (number of children): \_\_\_\_\_ Ages of the children: \_\_\_\_\_

Staff/providers(number and names):

\_\_\_\_\_  
\_\_\_\_\_

Commencement date of proposed operation \_\_\_\_\_ Hours of operation:

\_\_\_\_\_

Day care yearly calendar: \_\_\_\_\_

\_\_\_\_\_

Services offered: \_\_\_\_\_

\_\_\_\_\_

Proposed fees: \_\_\_\_\_

\_\_\_\_\_

Other:

I have received a copy of:



The Operational Manual for Day Care Providers \_\_\_\_\_ Yes \_\_\_\_\_ No

The Social Services Agencies (Operators of Day Care Facilities)(Registration, Licensing and Minimum Operating Requirements) Regulations 1998.

\_\_\_\_\_ Yes \_\_\_\_\_ No

(✓as appropriate).

I understand that an interview/inspection is part of the application/ reapplication process. I hereby give consent to allow access to the Registrar or his authorized representative to the day care facility and records.

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

I understand that notification of any changes regarding location, operator, services, capacity, or providers must be immediately reported to the Registrar/ and to the Ministry.

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Date

Licence # \_\_\_\_\_

**FOR OFFICIAL USE ONLY:**

\_\_\_\_\_ Fees collected \_\_\_\_\_ date of inspection

Interview and inspection \_\_\_\_\_

\_\_\_\_\_

Enclosures: letters of reference \_\_\_\_\_ medical \_\_\_\_\_ Criminal record check \_\_\_\_\_ dcf policies \_\_\_\_\_

**FORM II (Reg. 4(1)(b))**

**APPLICATION FOR A TEMPORARY LICENCE**

**FOR EXISTING DAY CARE FACILITIES**

Date \_\_\_\_\_ Non-refundable application fee = \$25

Name of Applicant \_\_\_\_\_ telephone number \_\_\_\_\_

Name of prospective operator if different from name of applicant \_\_\_\_\_

Mailing or home address \_\_\_\_\_

Address of the day care facility \_\_\_\_\_

Telephone Number at the day care facility \_\_\_\_\_

Type of facility: Category 1\_\_ Category 2\_\_ Category 3\_\_ (√ as appropriate)

- Category 1 - separate building
- Category 2 - separate section of building
- Category 3 - services within the regular family setting

How many years have you been in operation? \_\_\_\_\_

Please complete the following information:

\_\_\_\_\_ I am the operator and provider at the day care facility.

\_\_\_\_\_ I am the operator of the day care facility and employ providers. (√ as appropriate)

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Capacity (number of children): \_\_\_\_\_ Ages of the children \_\_\_\_\_

Staff/providers (number and names): \_\_\_\_\_  
\_\_\_\_\_

Hours of operation: \_\_\_\_\_  
\_\_\_\_\_

Day care yearly calendar: \_\_\_\_\_  
\_\_\_\_\_

Services offered: \_\_\_\_\_  
\_\_\_\_\_

Fees: \_\_\_\_\_

Other:

I have received a copy of  
The Operational Manual for Day Care Providers \_\_\_\_\_ Yes \_\_\_\_\_ No  
The Social Service Agencies (Operators of Day Care Facilities) (Registration,  
Licensing and Minimum Operating Requirements) Regulations, 1998  
\_\_\_\_\_ Yes \_\_\_\_\_ No  
(√/as appropriate)

I understand that an interview/inspection is part of the application process. I hereby consent to allow access to the Registrar or his authorized representative of the Ministry to the day care facility and records.

I understand that any false statements contained herein will make me subject to certain penalties as set out in the Social Services Agencies (Operators of Day Care Facilities) (Registration, Licensing and Minimum Operating Requirement) Regulations, 1998.

I understand that this is an application for a temporary licence and that I have a grace period of three years to meet the minimum requirements set out in the Social Service Agencies (Operators of Day Care Facilities) Registration Licensing and Minimum Operating Requirement) Regulations, 1998.

I understand that notification of any changes regarding location, operator, services, capacity, or providers must be immediately reported to the Registrar/ and to the Ministry.

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Date

Licence # \_\_\_\_\_

---

**FOR OFFICIAL USE ONLY:**

\_\_\_\_\_ fees collected \_\_\_\_\_ date of inspection

Interview and inspection \_\_\_\_\_

Enclosures: letters of reference \_\_\_\_\_ medical \_\_\_\_\_ criminal record  
check \_\_\_\_\_ dcf policies \_\_\_\_\_

**FORM III**

[Regulation 4 (1) (c)]

**RENEWAL APPLICATION FOR A DAY CARE LICENCE**

Date \_\_\_\_\_ Fee for renewal of licence: \$15

Name of Operator \_\_\_\_\_ telephone number \_\_\_\_\_

Mailing or home address \_\_\_\_\_

Name and address of the day care facility \_\_\_\_\_

Telephone number of the day care facility \_\_\_\_\_ Current licence  
number \_\_\_\_\_

Date of issued \_\_\_\_\_ Expiry date \_\_\_\_\_

Do you wish any changes to be made to the conditions in your current licence?

\_\_\_\_\_ Yes \_\_\_\_\_ No

(✓as appropriate)

Please indicate any proposed changes below:

Operator \_\_\_\_\_ Provider(s) \_\_\_\_\_

Location/address \_\_\_\_\_

Name of the day care facility \_\_\_\_\_

Services offered \_\_\_\_\_

\_\_\_\_\_  
Type of licence \_\_\_\_\_ Category of facility (1,2,3) \_\_\_\_\_

I understand that an inspection is a part of the renewal process.

\_\_\_\_\_  
Operator's signature

\_\_\_\_\_  
Date

**FORM IV**

[Regulation 6 (5)]

**NOTIFICATION OF INTENTION**

To: \_\_\_\_\_ Date \_\_\_\_\_  
(Name of Operator on Licence)

Please take notice that pursuant to the powers vested in me under the Social Services Act, Chapter 45, and Regulations made thereunder, I hereby give you notice that I intend to:-

\_\_\_\_\_ Refuse to issue a licence to you

\_\_\_\_\_ Refuse to renew your licence

\_\_\_\_\_ Suspend your licence

\_\_\_\_\_ Cancel your licence

\_\_\_\_\_ Restore your licence

to operate a day care facility at \_\_\_\_\_

For the following reasons \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

And further take notice that under Section 22 of the said Act, you have the right to appeal this matter to the Minister within 14 days of this notice.

\_\_\_\_\_  
Signature of the Registrar/or authorized  
representative

\_\_\_\_\_  
Date



**FORM V**

[Regulation 17 (2) (a)]

**STATEMENT OF HEALTH  
OF CHILD TO BE ENROLLED**

I, \_\_\_\_\_, have examined  
(Physician/Public Health Nurse name)  
\_\_\_\_\_ and have determined that  
(Child's name)

he/she (circle one) is in good physical and mental health to attend and participate  
at \_\_\_\_\_ day care facility.

Immunizations are up to date: \_\_\_\_\_ Yes \_\_\_\_\_ No (✓ as appropriate)

Immunizations  
needed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Special health conditions, allergies, problems: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

History of contagious disease: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Physician/Public Health Nurse signature

\_\_\_\_\_  
Date

**FORM VI**

[Regulation 17 (3)]

**STATEMENT OF HEALTH**

**OF PROVIDER ASSISTANT STAFF MEMBER**

I, \_\_\_\_\_, have examined  
(Physician/Public Health Nurse name)  
\_\_\_\_\_ and have determined  
(Name of provider, assistant or member of staff)

that he/she (circle one) is in good physical and mental health to care for young  
children at \_\_\_\_\_  
(Day Care Facility name)

Immunizations are up to date: \_\_\_\_\_ Yes \_\_\_\_\_ No (✓ as appropriate)

Immunizations needed: \_\_\_\_\_

Special considerations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Physician/Public Health Nurse

\_\_\_\_\_  
Date

**FORM VII**

[Regulation 17(2)(b)]

**DAY CARE FACILITY CHILD ENROLLMENT FORM**

Date \_\_\_\_\_ Name of Day Care Facility \_\_\_\_\_

Child's name \_\_\_\_\_ Age \_\_\_\_\_ Sex \_\_\_\_\_

Child's address \_\_\_\_\_

Child's date of birth: \_\_\_\_\_ Date of enrollment \_\_\_\_\_

**PARENTAL INFORMATION:**

Mother's Name \_\_\_\_\_ telephone number \_\_\_\_\_

Mother's address (home) \_\_\_\_\_

Mother's address (work) \_\_\_\_\_

Mother's work telephone number \_\_\_\_\_

Father's name \_\_\_\_\_ telephone number \_\_\_\_\_

Father's address (home) \_\_\_\_\_

Father's address (work) \_\_\_\_\_

Father's work telephone number \_\_\_\_\_

Name of child's doctor/clinic \_\_\_\_\_ telephone number \_\_\_\_\_

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Address \_\_\_\_\_

In case of an emergency, please contact:

Name \_\_\_\_\_ telephone number \_\_\_\_\_

Address \_\_\_\_\_

Relationship to child \_\_\_\_\_

Are there special considerations, health problems, or allergies that will influence the child's participation in the day care program?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_, wish to enroll \_\_\_\_\_  
(Parent's name) (Child's name)

in the day care program for the following schedule:

(Please check the following)

\_\_\_\_ Monday \_\_\_\_ Tuesday \_\_\_\_ Wednesday \_\_\_\_ Thursday \_\_\_\_ Friday \_\_\_\_

Hours:

\_\_\_\_ Monday \_\_\_\_ Tuesday \_\_\_\_ Wednesday \_\_\_\_ Thursday \_\_\_\_ Friday \_\_\_\_

\_\_\_\_\_  
(Parent's signature)

\_\_\_\_\_  
Date

**FORM VIII**

[Regulation 17 (2) (d)]

**AUTHORIZATION FORM FOR ADMINISTERING  
MEDICATION**

I, \_\_\_\_\_ authorize  
(Parent's name)

\_\_\_\_\_ of \_\_\_\_\_  
(Provider's name) (Name of Day Care Facility)

to administer \_\_\_\_\_ to my child for  
(Name of the Medication)

the following conditions \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ times a day, for \_\_\_\_\_ days, every \_\_\_\_\_ hours.

I understand that the medication must be labelled clearly with my child's name,  
instructions for use and if by prescription the nurse/doctor's signature.

\_\_\_\_\_  
(Parent's signature)

\_\_\_\_\_  
Date

**FORM IX**

[Regulation 17 (2) (d)]

**AUTHORIZATION FOR EMERGENCY HEALTH CARE**

I, \_\_\_\_\_ authorize  
(Parent's name)

\_\_\_\_\_ of \_\_\_\_\_  
(Provider's name) (Name of day care facility)

to administer emergency healthcare to my child in the case of an injury/ accident/  
sickness. This includes transporting my child to  
\_\_\_\_\_ hospital for immediate  
(Name of child's doctor/hospital/clinic)

medical attention if the situation calls for such action and that I be notified as  
quickly as possible.

\_\_\_\_\_  
(Parent's signature)

\_\_\_\_\_  
Date

**FORM X**

[Regulation 17 (2) (e)]

**AUTHORIZATION TO DROP OFF/PICK UP CHILD**

The following individuals are authorized to drop off and pick up my child at the day care facility. I agree that these persons must present proper identification for the release of my child into their care.

1. Name \_\_\_\_\_ telephone \_\_\_\_\_

Address \_\_\_\_\_

Relationship to child \_\_\_\_\_

Signature \_\_\_\_\_

2. Name \_\_\_\_\_ telephone \_\_\_\_\_

Address \_\_\_\_\_

Relationship to child \_\_\_\_\_

Signature \_\_\_\_\_

3. Name \_\_\_\_\_ telephone \_\_\_\_\_

Address \_\_\_\_\_

Relationship to child \_\_\_\_\_

Signature \_\_\_\_\_

\_\_\_\_\_  
Parent's signature

\_\_\_\_\_  
Date



**FORM XI**

[Regulation 17 (2) (f)]

**FIELD TRIP PERMISSION FORM**

I, \_\_\_\_\_ give permission for my child, \_\_\_\_\_  
(Name of parent) (child's name)

to be taken on a field trip to \_\_\_\_\_  
(destination)

on \_\_\_\_\_, leaving the day care facility

at \_\_\_\_\_ am/pm and returning to the day care facility at  
\_\_\_\_\_ am/pm.

I give permission for my child to be transported in a \_\_\_\_\_ car \_\_\_\_\_ bus  
\_\_\_\_\_ boat

(check applicable)

I understand that each child must have an individual permission form, even if they are members of the same family.

\_\_\_\_\_  
Parent's signature

\_\_\_\_\_  
Date