IN EXERCISE of the powers conferred by section 92 of the Children Act, 2020, the Cabinet Secretary, in consultation with the National Council for Children’s Services, makes the following Regulations:

THE CHILDREN (CHARITABLE CHILDREN’S INSTITUTIONS) REGULATIONS, 2020

Arrangement of Regulations

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Fifth Schedule
Information Required in Respect of Persons Seeking to Carry on, Manage or Work at an Institution

Sixth Schedule
# PART I - PRELIMINARY

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<th>Citation and Commencement</th>
<th>1. These Regulations may be cited as The Children (Charitable Children’s Institutions) Regulations, 2020 and shall come into force on such date as the Cabinet Secretary may, by notice in the Gazette, appoint.</th>
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<tr>
<td>Interpretation</td>
<td>2. In these Regulations any word or expression to which a meaning has been assigned in the Act has the meaning so assigned to it, and unless the context otherwise requires –</td>
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<tr>
<td></td>
<td>“Act” means the Children Act, 2020;</td>
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<td></td>
<td>“authorised officer” has the meaning assigned to it under section 2 of the Act;</td>
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<td></td>
<td>“Cabinet Secretary” has the meaning assigned to it under section 2 of the Act;</td>
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<td>“care order” has the meaning assigned to it under section 155 (1) of the Act;</td>
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<td>“Chief Executive Officer” has the meaning assigned to it under section 2 of the Act;</td>
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<td>“child “ has the meaning assigned to it under Article 260 of the Constitution;</td>
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<td></td>
<td>“Charitable Children’s Institution” has the meaning assigned to it under section 2 of the Act;</td>
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<td></td>
<td>“Council” has the meaning assigned to it under section 2 of the Act;</td>
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<td>“Court” has the meaning assigned to it under section 2 of the Act;</td>
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<td></td>
<td>“County Advisory Committee” has the meaning assigned to it under section 2 of the Act;</td>
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<td>“Director” has the meaning assigned to it under section 2 of the Act;</td>
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“institution” means Charitable Children’s Institutions;

“Manager” means a person appointed or designated as Manager pursuant to section 68 (1) of the Act;

“medical practitioner” has the meaning assigned to it under section 2 of the Act;

“placing authority” means a Children’s Court or the Department of Children’s Services, and includes authorised officers as defined in section 2 of the Act;

“Public Benefits Organisation” has the meaning assigned to it under section 2 of the Act;

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<th>Overriding Objectives</th>
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<td>3. In addition to the overriding objectives for the establishment and administration of charitable children’s institutions set out in section 69 of the Act, the overriding objectives of these Regulations are –</td>
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<td>(a) to provide high standards of care and protection of children which ensure that the physical, emotional, social, intellectual, spiritual and cultural needs of the child are met through a holistic approach to wellbeing, particular attention being paid to specific needs;</td>
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<td>(b) to ensure a commitment to promoting and providing for the educational needs of children; and</td>
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<td>(c) to provide a service designed to encourage and assist children to maximize their potential and develop greater independence in skills of daily living.</td>
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<td>(2) Institutions shall be managed in such a way as is consistent with the guiding and overriding rights contained in the Convention on the Rights of the Child, 1989 and the African Charter for the Rights and Welfare of the Child, 1990 to ensure –</td>
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<td>(a) maximum survival and development of children;</td>
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<td>(b) non-discrimination of children;</td>
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<td>(c) respect for the rights of children to express their opinion on matters affecting children; and</td>
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<td>(d) that the best interest of the child shall be of paramount consideration.</td>
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PART II – ESTABLISHMENT AND REGISTRATION OF CHARITABLE CHILDREN’S INSTITUTIONS

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<td>4. An organisation is qualified for registration under the Act as a charitable children’s institution in accordance with these regulations if it is registered as a public benefit organization, religious organization or trust.</td>
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<td>5. (1) Where an institution has admitted twenty or more children pending approval for registration as a charitable children institution, the institution shall apply for approval of registration within six months from the date on which the number of children admitted to the institution numbered twenty, whereupon regulations 6, 7 and 8 shall apply.</td>
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<td>(2) Where an institution has admitted less than twenty children pending approval for registration as a charitable children institution, the institution shall be deemed as carrying out a child welfare programme and shall, within six months from the day the first child was admitted to the institution, apply for approval of its programme pursuant to section 77 of the Act, and in accordance with the Children (Welfare Programme) Regulations.</td>
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<td>6. (1) An application for registration of an institution pursuant to section 66(2) of the Act shall be in Form No. CCI1 set out in the First Schedule.</td>
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<td>(2) In addition to the requirements prescribed in sections 66 and 67 of the Act and in the Second Schedule to these Regulations, the institution shall –</td>
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<td>(a) submit a copy of the proposed mission or policy statement of the institution containing the matters set out in the Second Schedule;</td>
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<td>(b) in the case of an application under a trust, submit a duly registered deed of trust containing the objectives of the trust that are compatible with the overriding objectives of a charitable children’s institutions specified in section 69(1) of the Act; and</td>
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<td>(c) in relation to the management and staff of the institution, submit duly authenticated copies of the documents specified in sub-regulation 3.</td>
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<td>(3) The documents referred to in sub-regulation (2) (c) are –</td>
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<td>(a) in relation to the Manager –</td>
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(i) evidence of the qualifications and experience required under section 68(2) of the Act;

(ii) two passport-size photographs;

(iii) a valid Police Clearance Certificate issued by the Director of Criminal Investigation;

(iv) two written character references;

(v) a statement signed by a medical practitioner that the Manager is in good physical health;

(vi) a statement signed by a psychiatrist that the Manager is in good mental health; and

(b) in relation to each member of staff of the institution –

(i) a valid Police Clearance Certificate issued by the Director of Criminal Investigation;

(ii) a job description;

(iii) a copy of their contract of employment or terms of service; and

(iv) where their functions involve the handling or preparation of food for consumption, a copy of a valid food handlers certificate issued under the Food, Drugs and Chemical Substances Act.

(v) a statement signed by a medical practitioner that the member of staff is in good physical health.

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**Procedure on Submission of Application**

7. (1) Upon receipt of an application for registration, the Chief Executive Officer shall, within fourteen days of receipt of the application, acknowledge receipt thereof in writing in Form No. CCI2 set out in the First Schedule.

(2) The acknowledgement of receipt referred to in sub-regulation (1) shall contain a notice of assessment, which shall take place not later than thirty days from the date of the notice to ascertain whether the premises meets the criteria for approval of registration specified in the Third Schedule.

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**Procedure on Assessment**

8. (1) Upon assessment of the institution by the Chief Executive Officer pursuant to section 66(3) of the Act, the Chief Executive Officer shall prepare and submit to the Council a report on the matters specified in the Third Schedule.
(2) Upon consideration by the Council of the assessment report submitted pursuant to section 66(4) of the Act, the Council may –

(a) approve the establishment of the institution and issue a certificate of approval in Form No. CCI3 set out in the First Schedule;

(b) reject the application for registration and, within fourteen days of its decision, notify the institution of that decision, giving reasons therefor;

(c) where the continued operation of the institution does not pause a danger to the welfare of the children, make recommendations for improvement to the institution for implementation before reassessment within such period as the Council may direct; or

(d) recommend to the Director for the immediate closure of the institution and make arrangements for placing the children accommodated in the institution in other institutions.

(2) A certificate of approval issued under sub-regulation (1) (a) shall be valid for a period of three years.

(3) An appeal against a decision of the Council made under sub-regulation (1) (b) or (d) shall be made to the Cabinet Secretary in Form No. CCI4 set out in the First Schedule within thirty days of receipt of notification of the decision in that regard.

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<th>Renewal of Registration</th>
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<td>(2) The institution shall provide a copy of the mission and policy statement to the Council, and shall make a copy of it available on request for inspection by –</td>
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<td>(a) a Manager or staff of the institution;</td>
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<td>(b) a child accommodated in the institution;</td>
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<td>(c) the parent or guardian of a child accommodated in the institution;</td>
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(d) the placing authority of a child accommodated in the institution; or

(e) any other person who may be authorised under the Act or any other written law.

(3) In this regulation, reference to a child accommodated in the institution includes a child being considered for accommodation in the institution.

(4) The institution shall provide a children’s guide, which shall include –

(a) a summary of the institution’s mission and policy statement;

(b) a summary of the complaints procedure; and

(c) the telephone contacts, postal and physical addresses, of the Director, the children’s officer in the local limits of the institution, and any other state or non-state agency, including public benefit organisations actively engaged in children’s services, and in the promotion and protection of the rights of the child.

(5) The children’s guide shall be provided in a form appropriate to the age, understanding and common needs of the children accommodated in the institution.

(6) The institution shall provide a copy of the children’s guide to the Council and, upon admission, to each child accommodated in the institution.

(7) The institution shall ensure that it is managed in a manner consistent with its mission and policy statement.

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<td>11. (1) The institution shall keep the children’s guide and mission and policy statement under review from time to time and, where appropriate, make such revisions as it considers necessary.</td>
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<td>(2) Where revisions are made to the children’s guide, mission and policy statement, the institution shall notify the Council of such revisions within thirty days of making the revisions, and submit to the Council a copy of the revised children’s guide, mission and policy statement.</td>
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<tr>
<td>(3) Where the children’s guide is revised, the institution shall provide the revised copy thereof to each child accommodated in the institution.</td>
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| Revocation of Approval | 12. (1) Upon inspection pursuant to section 76 of the Act, the Director may, for good reason, recommend to the Council to advise the Cabinet Secretary to revoke the registration of an institution.

(2) If the council is satisfied that there are sufficient reasons to justify revocation of registration of an institution, the Council shall give the institution fourteen days’ notice in writing setting out the reasons for its decision, and inviting the institution to show cause why its registration should not be revoked.

(3) Pending final decision of the Council, the institution shall not admit any child for accommodation in the institution or to any of its child welfare programmes.

(4) Where, on considering the Director’s report and the institution’s response to the Director’s recommendation, the Council is of the opinion that the registration of the institution should be revoked, the Council shall advise the Cabinet Secretary to revoke the registration.

(5) Where the Cabinet Secretary is satisfied that the registration of the institution should be revoked, the Cabinet Secretary may revoke its registration by notice in the Gazette, whereupon section 79(5) and (6) of the Act shall apply. |
| Financial Standing of the Institution | 13. (1) The institution shall operate in such manner as is likely to ensure that the institution is financially viable for the purpose of achieving the aims and objectives set out in its mission and policy statement:

Provided that the institution shall notify the Council of any intention of winding up the institution, or of any foreseeable circumstances that may lead to the winding up of the institution.

(2) It is an offence punishable under Regulation 49 for the institution to use children accommodated in the institution in any exploitative way in the name of raising funds for the institution.

(3) The institution shall –

(a) ensure that proper accounts are maintained and kept up to date in respect of the institution; and

(b) provide a copy of the audited accounts to the Council at the request of the Council. |
(4) The institution shall provide the Council with such information as the Council may require from time to time for the purpose of considering the financial viability of the institution, including:

(a) the annual audited accounts of the institution certified by a person who is a holder of a practising certificate issued pursuant to section 21 of the Accountants Act;

(b) information as to the financing and financial resources of the institution; and

(c) a statement from its bankers expressing an opinion as to the institution’s financial standing.

PART III – STANDARDS RELATING TO PHYSICAL FACILITIES

Suitability of Facilities

14. (1) The institution shall ensure that the physical facilities in the premises used for the purposes of care and protection of children, or for any child welfare programme, are in a location, and of physical design and layout which are suitable for the purpose of achieving the aims and objectives of the institution set out in its mission and policy statement.

(2) Without prejudice to the generality of sub-regulation (1), the institution shall ensure that all physical facilities of the institution used by children are:

(a) well lit, ventilated and adequately heated or cooled (if necessary);

(b) secure from unauthorized access;

(c) suitably furnished and equipped with equipment, furniture and supplies that are:

(i) of sturdy and safe construction, easy to clean and free from hazards; and

(ii) located so as not to block or hamper an exit in the case of fire or other emergency;

(d) kept clean and decorated in a child-friendly manner, and reasonably maintained;

(e) of good construction, and kept in good structural repair internally and externally in accordance with the minimum standards laid down for building and construction; and
(f) equipped with what is reasonably necessary, and adapted as necessary, in order to meet the special needs of children with disabilities accommodated in the institution, so as to enable the children to live as normal a life as possible.

(3) An institution shall –

(a) ensure that its environment is clean;

(b) make suitable arrangements for the disposal of general and clinical waste; and

(c) ensure that children are not used in the disposal of clinical waste, or in any manner that amounts to exploitation of the children.

(4) The institution shall ensure that there are within the institution, for use by children accommodated in the institution, conditions of appropriate privacy –

(a) a sufficient number of toiletries, wash basins, showers or baths with a constant supply of clean water;

(b) adequate personal effects, including undergarments, towels, toothbrushes and combs, which shall not be shared with other children;

(c) a sufficient number of toilets or ablutions, and other sanitary facilities, for the number, age and gender of the children accommodated in the institution;

(d) hand washing basins and water, and soap in or near all the toilets and eating places; and

(e) adequate sanitary towels for girls who have started their menstrual periods, and who shall be taught how to use them.

(5) The institution shall provide for the number and needs of children accommodated in the institution –

(a) sufficient and suitable kitchen, kitchen equipment and utensils;

(b) adequate facilities for preparation and storage of food and beverages; and

(c) proper and safe storage of food, as well as disposal of expired food, and food that is otherwise unfit for human consumption.
(6) The institution shall, as far as is reasonably practicable, ensure that there are, within the institution, adequate facilities for laundry linen and clothing and, for children wishing to do so, to wash, dry and iron their own clothes.

(7) The institution shall ensure that there is provided, within the institution –

(a) adequate communal space for sitting, playing, recreation and dining; and

(b) such facilities for private study as are appropriate to the age and educational needs of the children.

(8) The institution shall ensure that the entire outdoor play area is –

(a) enclosed in a manner that is suitable for the age and development of children, and further ensure that the children are free of harm; and

(b) constructed in a manner and using materials that are suitable for the age and development of the children intended to use it.

(9) An institution shall ensure that all indoor and outdoor play materials and equipment accessible to children are –

(a) suitable for the age and development of the children; and

(b) safely constructed, free from hazard and in good condition.

(10) The institution shall ensure that each child is provided with sleeping accommodation which is –

(a) suitable to their needs, including their need for privacy; and

(b) provided for use by only one child at a time;

(c) clean and comfortable;

(d) appropriate for the size, age and development of the children intended to use it; and

(e) equipped with furniture, storage facilities, lighting, bedding and other furnishing, including windows suitable to their needs.

(11) An institution providing a child care programme to children of less than thirty-six months of age shall provide to such
(12) The institution shall ensure that no child shares a bedroom or sleeping quarters with an adult, nor a child who is of the opposite gender, or of significantly different age.

(13) The institution shall provide resident staff of the institution with –

(a) suitable facilities and accommodation, other than sleeping accommodation, including –

(i) facilities for the purposes of changing clothes; and

(ii) storage facilities;

(b) sleeping accommodation where the provision of such accommodation is needed in connection with their work.

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**Fire and Safety**

15. (1) The institution shall –

(a) take adequate precautions against the risk of fire outbreak, including the provision of suitable fire-fighting equipment;

(b) provide adequate means of escape in the event of a fire outbreak;

(c) make adequate arrangements for –

(i) detecting, containing and extinguishing fire outbreaks;

(ii) giving warnings of a fire outbreak;

(iii) evacuation in the event of a fire outbreak;

(iv) the maintenance of all fire-fighting equipment; and

(v) reviewing fire outbreak precautions, and testing fire-fighting equipment at suitable intervals;

(d) make arrangements for staff of the institution to receive training in fire outbreak prevention; and

(e) ensure, by means of fire drills and practices at suitable intervals, that staff of the institution and, so far as is reasonably practicable, children accommodated in the institution, are aware of the procedure to be followed in the case of a fire outbreak.
(2) An institution shall display a copy of the fire drill system in a prominent and accessible place within the institution.

(3) An institution shall ensure that all staff of the institution have access, in an emergency, to reliable communications equipment.

(4) To meet the requirements set out in sub-regulation (1), the Manager shall, where possible, consult with the relevant firefighting authorities in the local limits of the institution.

(5) It is the responsibility of the Manager –

(a) where there have been changes to the physical facilities of the institution, to develop and implement an evacuation plan for all children and staff of the institution; and

(b) to ensure that effective steps are taken to familiarise all children and staff of the institution with the means of escape, their use and routine to be followed in case of fire outbreak.

| Insurance Against Certain Risks | 16. An institution in which children are accommodated shall take out and maintain an insurance policy cover, which shall include –
|                              |   (a) fire and extended coverage, including coverage for the theft of the children’s personal effects, and the institution’s property;
|                              |   (b) general liability coverage and personal injury coverage, including coverage for staff of the institution and volunteers engaged at the institution; and
|                              |   (a) motor vehicle coverage for all vehicles used by the staff of the institution and volunteers. |

| Reception of Visitors | 17. (1) The institution shall provide and suitably furnish and equip a suitable room or area for the reception of visitors or authorised officers calling to visit or interview children accommodated in the institution.
|                        | (2) The room or area provided for the reception of visitors shall be set in such a way as to ensure privacy and security of children. |

| Review of Quality of Care | 18. (1) An institution shall establish and maintain a system for –
|                           | (a) periodically monitoring the matters set out in the Fourth Schedule; and
|                           | (b) improving on the quality of care provided to children at the institution. |
(2) The institution shall provide the Council and Director with a report in respect of any review conducted by it for the purposes of sub-regulation (1), and make a copy of the report available and accessible to children accommodated in the institution, their parents, guardians and placing authorities.

(3) The system referred to in sub-regulation (1) shall provide for consultation with children accommodated in the institution, their parents, guardians and placing authorities.

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<th>Accessibility for Inspection</th>
<th>19. For the purposes of sections 76 and 91 of the Act, the institution shall, at all times –</th>
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<td>(a) ensure that the inspection of its physical facilities by the Director, Inspection Committee or an authorised officer is carried out smoothly;</td>
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<td>(b) provide all the relevant information required for the purpose of inspection; and</td>
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<td>(c) ensure that all areas are accessible, and that all persons required to be interviewed are available.</td>
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<tr>
<th>Visits by Persons Authorised by the Institution</th>
<th>20. (1) Where the institution is not, by itself, carrying on its day-to-day business, it shall make arrangements for the institution to be visited at least once every month by a person authorised by the institution, and who shall inspect the institution and satisfy themselves that it is managed in the best interest of the children accommodated in the institution.</th>
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<td>(2) The person authorised to undertake the inspection at an institution shall furnish the institution with a report of each visit, and the institution shall –</td>
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<td></td>
<td>(a) forward the report to the Council; and</td>
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<td></td>
<td>(b) take such action as may be necessary to address the issues, (if any) raised in the report.</td>
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**PART IV – STAFF OF THE INSTITUTION**

<table>
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<tr>
<th>Appointment of Manager</th>
<th>21. (1) In addition to the qualifications specified in section 68(2) of the Act for appointment or designation as Manager of an institution, the institution shall require the person considered for appointment or designation as Manager, to provide the institution with the information set out in the Fifth Schedule.</th>
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<tr>
<td></td>
<td>(2) Subject to section 68 of the Act, a person shall not manage an institution unless he or she is fit to do so, and shall be deemed as</td>
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fit so to do if, having regard to the size of the institution, its mission and policy statement, the number and needs (including special needs on account of disability) of the children accommodated in the institution –

(a) they possess the qualifications, skills and experience necessary for managing the institution; and

(b) they are physically and mentally fit to manage the institution.

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<tr>
<th>Staff of the Institution</th>
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| 22. (1) An institution shall ensure that there is, at all times, a sufficient number of suitably qualified, competent and experienced persons employed by the institution, including –

(a) a social worker or social workers;

(b) a person in charge of preparation of food; and

(c) a person in charge of the health of children accommodated in the institution.

(2) For the purposes of sub-regulation (1), regard shall be had to –

(a) the size of the institution, the mission and policy statement, the number and the needs (including needs arising from disability) of the children accommodated in the institution; and

(b) the need to safeguard and promote the health and welfare of the children accommodated in the institution.

(3) The institution shall ensure that the employment of a person on voluntary or temporary basis at the institution shall not prevent children from receiving such continuity of care as is reasonably required to meet their individual needs.

<table>
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<tr>
<th>Certain Persons Not Fit for Appointment</th>
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| 23. (1) An institution shall not –

(a) employ a person to work at the institution, unless the person is fit to work at an institution; or

(b) allow a person who is employed by another person or institution –

(i) to work at the institution in close and regular contact with the children accommodated in the institution; or
(ii) to work in the institution, or otherwise have a regular and close contact with the children accommodated in the institution if the person is not fit to do so.

(2) For the purposes of sub-regulation (1), a person is not fit to work at an institution unless they –

(a) are a person of integrity and good character;

(b) possess the qualifications, skills and experience necessary for the work they are to perform;

(c) are physically and mentally fit for the purposes of the work they are to perform; and

(d) provide to the satisfaction of the institution the information specified in the Fifth Schedule.

(3) The institution shall ensure that –

(a) an offer of employment to a person is subject to sub-regulation (2) (d) being complied with in relation to that person; and

(b) unless sub-regulation (4) applies, no person shall commence work at an institution until such time that sub-regulation (2) (d) has been complied with in relation to that person.

(4) Where the following conditions apply, the institution may permit a person to commence work at an institution notwithstanding sub-regulation (3) (b) –

(a) the institution has taken all reasonable steps to obtain full information in respect of all the matters specified in the Fifth Schedule in respect of that person, but the inquiries in relation to any of the matters specified in clauses (3), (4), (5) and (6) of that Schedule is ongoing;

(b) full and satisfactory information in respect of that person has been obtained in relation to the following:

(i) clause (1) of the Fifth Schedule;

(ii) except where sub-regulation (4) applies, clause (2) of the Fifth Schedule; and

(iii) where sub-regulation (4) applies, clause (7) of the Fifth Schedule;
(c) the institution considers that the circumstances are exceptional; or

(d) pending receipt of, and satisfying itself with regard to, any outstanding information, the institution ensures that the person is appropriately supervised while carrying out his or her duties.

### Standards of Employment of Staff

24. (1) The institution shall employ staff in accordance with the employment laws and regulations for the time being in force, and shall –

(a) ensure that all permanent appointments are subject to the satisfactory completion of a specified period of probation; and

(b) provide all employees with a job description, outlining their duties and responsibilities.

(2) The institution shall establish and administer a disciplinary procedure which shall, in particular –

(a) provide for the suspension of an employee in appropriate cases in the interest of the safety and welfare of children accommodated in the institution; and

(b) provide that failure on the part of an employee to report an incident of abuse or suspected abuse of a child accommodated in the institution is a ground on which disciplinary proceedings may be instituted.

(3) The institution shall ensure that all persons employed by the institution –

(a) receive appropriate training, supervision and appraisal; and

(b) are enabled from time to time to obtain further qualifications appropriate to their work.

### Notice of Absence of Manager

25. (1) Where the Manager or other person involved in the day-to-day management of an institution proposes to be absent from the institution for a period of, or exceeding, twenty-eight days, the institution shall notify the local County and Sub-County Advisory Committees through the children officers deployed in, and in charge of, children affairs in the respective County and Sub-County.

(2) Except in the case of an emergency, the notice referred to in sub-regulation (1) shall be given not later than thirty days before the proposed absence, or within such shorter period as may be
agreed with the County and Sub-County advisory Committees, and the notice shall, with respect to the proposed absence, specify—

(a) its length or expected length;

(b) the reason for the absence;

(c) the arrangements which have been made for the management of the institution; and

(d) the name, address and qualifications of the person proposed to be responsible for the management of the institution during the absence.

(3) Where the absence arises as a result of an emergency, the Manager shall give notice of the absence within seven days from the date of such absence, specifying the matters set out in sub-regulation (2).

(4) Where the Manager has been absent from an institution for a continuous period of twenty-eight days or more and the County and Sub-County Advisory Committees have not been notified of such absence, the institution shall, without delay, give notice in writing to the County and Sub-County Advisory Committees specifying the matters set out in sub-regulation (2).

(5) Upon return to duty, the Manager shall notify the County and Sub-County Advisory Committees of his or her return not later than seven days from the date of return.

PART V – ADMISSION AND ADMINISTRATION OF CHILD WELFARE SERVICES

26. The Manager shall ensure that –

(a) there is a written procedure for the admission of children, including emergency admissions pending the issuing by the Court of a care order under the Act;

(b) within seven days of arrival at the institution, each child is informed of the policies and procedures of the institution, having regard to the age and understanding of the child; and

(c) no child, without the written permission of the Manager, shall leave the premises of the institution unaccompanied or unsupervised.
| Assessment of Children | 27. (1) The Manager shall, within seven days from the date on which a child is admitted in the institution –  
| | (a) make a preliminary assessment of the child with regard to –  
| | (i) the immediate needs of the child;  
| | (ii) if it can be ascertained in the circumstances whether, despite the care order, the child is likely to be reunited with the child’s parent or guardian;  
| | (iii) the child’s legal status; and  
| | (iv) any other information that, in the opinion of the Manager, is relevant to the immediate provision of residential care to the child, or such other care as may be specified in the care order;  
| | (b) determine the immediate objectives of the provision of care, taking into account the developmental, emotional, social, medical and educational needs of the child; and  
| | (c) prepare a written record setting out –  
| | (i) where ascertainable, the immediate needs (if any) of the child that cannot be met by the institution; and  
| | (ii) how, in the opinion of the Manager, those immediate needs will otherwise be met.  
| |  
| Manager to Prepare Child Placement Plan | 28. (1) The Manager shall, within seven days from the date on which a child is placed in the institution under a care order, and upon conducting a needs assessment on the child, prepare a written plan (hereinafter referred to as “the placement plan”) in respect of the child setting out, in particular –  
| | (a) how, on a day-to-day basis, the child shall be cared for, and its welfare promoted and safeguarded by the institution;  
| | (b) arrangement for the child’s health care and education;  
| | (c) arrangements made to facilitate contact with the child’s parent, guardian, relatives and friends of the child; and  
| | (d) arrangements for the child’s care after the child leaves the institution, which shall include the child’s environment adjustment plan.  
| |
(2) The Manager shall review the placement plan annually and, where appropriate, revise it from time to time as the Manager considers necessary.

(3) In preparing or reviewing the placement plan, the Manager shall, having regard to the child's age and understanding, seek and take account of the child's views.

(4) The Manager shall –

(a) ensure that the placement plan is consistent with any plan for the care of the child prepared by the child's placing authority; and

(b) comply with requests made by the child's placing authority to –

(i) provide the placing authority with information concerning the child; and

(ii) appoint a suitable representative to attend any meeting convened by the placing authority concerning the child.

(5) The Manager shall at all times ensure that all children accommodated in the institution have their requisite care orders or other orders of the Court under and by virtue of which the children are respectively placed in the institution.

29. (1) The minimum standard of a child placement plan is that children –

(a) receive effectively planned care in or through the institution; and

(b) have a positive experience of arriving at, or moving on from, the institution.

(2) The standard referred to in sub-regulation (1) requires the Manager to ensure that –

(a) children are admitted to the institution only if their needs are within the range of needs of children for whom it is intended that the institution is to provide care and accommodation in accordance with the institution's mission and policy statement;

(b) arrangements are in place to –
(i) ensure the effective induction of each child into the institution;

(ii) manage and review the placement of each child in the institution; and

(iii) plan for, and help, each child to prepare to leave the institution or to leave into adult care in a way that is consistent with arrangements agreed with the child’s placing authority;

(c) each child’s relevant placement plans are followed;

(d) contact between each child and the child’s parent or guardian, relatives and friends, is promoted in accordance with the child’s placement plan; and

(e) the child’s placing authority is contacted, and a review of the child’s placement plan is requested, if –

(i) the Manager considers that the child is at risk of harm, or has concerns that the care provided for the child is inadequate to meet the child’s needs;

(ii) the child is, or has been, persistently absent from the institution without permission; or

(iii) the child requests a review of the child’s placement plan.

Promotion of Child Welfare

30. (1) An institution shall, at all times, make suitable arrangements to ensure that it operates so as to –

(a) promote and make proper provision for the welfare of children accommodated in the institution; and

(b) make proper provision for the holistic care, education, supervision and treatment of children accommodated in the institution.

(2) The institution shall make suitable arrangements to ensure that it is managed –

(a) in a manner which respects the privacy and dignity of the children accommodated in the institution; and

(b) with due regard to gender, religious beliefs, racial origin, tribal, cultural and other backgrounds, and any special needs, including disability, of children accommodated in the institution.

(3) The institution shall ensure that –
(a) no child is treated unfairly, and that the rules of the institution are applied equitably to the children; and

(b) in all matters, the best interest of the child is of paramount consideration.

| Food and Nutrition | 31. (1) The institution shall ensure that children accommodated in the institution are provided with –
| | (a) food which is –
| | (i) served in adequate quantities and at appropriate intervals so as to meet the nutritional needs of each child, having regard to the child’s age and developmental needs;
| | (ii) properly prepared, wholesome, balanced and nutritious;
| | (iii) suitable for their needs;
| | (iv) sufficiently varied; and
| | (b) access to fresh and clean drinking water.
| | (2) The institution shall ensure that special dietary needs of a child accommodated in the institution, which are due to health, religion, race, tribe or cultural background, are sufficiently met.
| | (3) An institution shall ensure that the children accommodated in the institution are not –
| | (a) fed by means of a mechanically propped bottle with a view of dispensing with the personal attention of a caregiver;
| | (b) forced to consume any food or drink; or
| | (c) left unsupervised at meal times, or while consuming food or drink. |

| Provision of Clothing and Personal Effects | 32. (1) The institution shall ensure that the children accommodated in the institution are appropriately and adequately clothed, and that the clothing meets their individual needs.
| | (2) Without prejudice to the generality of sub-regulation (1), the institution shall ensure that each child has sufficient clothing of a suitable quality and size, having regard to the child’s age, gender, activities and local weather conditions. |
(3) The institution shall provide all necessary facilities and resources to ensure that the personal needs of each child accommodated in the institution are met, having due regard to the child’s age, gender and other special needs.

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<th>Contact and Access to Information</th>
<th>33. (1) The institution shall –</th>
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<td>(a) encourage and facilitate the contact of each child with their parents or guardian, relatives and friends, in accordance with the arrangements set out in the child’s placement plan; and</td>
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<td>(b) ensure that suitable facilities are provided within the institution with regard to each child accommodated in the institution to meet privately at reasonable times, having due regard to the institution’s programme of activities, with their parent or guardian, relative, or other person authorised by law to maintain contact with the child.</td>
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<td>(2) The institution shall ensure that the children accommodated in the institution are, at all reasonable times, and as far as is reasonably practicable, provided with access to relevant facilities for their communication with the outside world.</td>
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<td>(3) Subject to regulation 35 (g), the institution may impose such restrictions, prohibitions or conditions upon a child’s contact or communication where the institution is of the considered view that it is necessary to do so for the purpose of safeguarding or promoting the welfare of the child, and where the institution imposes such restrictions, prohibitions or conditions, the institution shall record the reasons therefor in the child’s case record.</td>
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<td>(4) The institution shall ensure that a child with disability accommodated in the institution is provided with access to such suitable personal aids, equipment or adaptive technology as the child may require to –</td>
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<td>(a) meet the child’s special needs; and</td>
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<td>(b) facilitate the child’s contact and communication with other persons.</td>
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<tr>
<th>Education, Recreation and Employment</th>
<th>34. (1) The institution shall promote the educational attainment of children accommodated in the institution by ensuring, among other things, that –</th>
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<td>(a) the institution provides adequate educational facilities accessible to the children accommodated in the institution,</td>
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having regard to their age, aptitude, needs, interests and potential;

(b) the children make use of the educational facilities provided by the institution pursuant to this regulation;

(c) the routine of the institution is organised in such a way as to further the children’s participation in education, including private study; and

(d) effective links are maintained with the schools (if any) attended by the children accommodated in the institution.

(2) The institution shall, at least once every year, consult with the Board of Management of the public schools in their locality for the purposes of identifying and utilizing the educational resources and facilities available to the children.

(3) Where the institution is of the view that a child is unable to attend a school in its locality due to the severity of the child’s behavioural, physical, emotional, psychosocial or developmental challenges, the institution shall –

(a) record the need for a Personal Educational Plan for the child in the child’s case record and placement plan; and

(b) consult the Director with respect to a Personal Educational Plan for the child.

(4) The institution shall promote and facilitate extra-curricular activities, and ensure that the children accommodated in the institution are –

(a) encouraged to develop, pursue and engage in appropriate recreational activities; and

(b) provided with appropriate play, recreational and leisure facilities.

(5) Where a child accommodated in an institution has attained the age at which they are no longer required to receive compulsory basic education, the institution shall assist with the making of, and giving effect to, the arrangements made for the child’s education, training and employment, having regard to the child’s views and preferences.

(6) For the purposes of this regulation, “basic education” has the meaning assigned to it under section 2 of the Basic Education Act.
35. An institution shall ensure that a child who is under the care or supervision of the institution is not subjected to any of the following –

(a) shoving, hitting or shaking by a staff of the institution or by another child, or confinement or physical restraint by another child;

(b) confinement or physical restraint by a staff of the institution, except as is otherwise authorised in a child’s placement plan;

(c) harsh, belittling, demeaning or degrading treatment by a staff of the institution, or by another child, whether verbal, emotional or physical, that could humiliate the child or otherwise undermine the child’s self-respect;

(d) spanking or any other form of corporal punishment;

(e) separation, without supervision by a responsible adult, from other children;

(f) as a form of punishment, deprivation of meals, snacks, rest or necessary use of a toilet;

(g) any restriction, other than a restriction imposed by a court of competent jurisdiction, or in accordance with regulation 33(3) on –

(i) a child’s contact with their parent or guardian, relative or friend;

(ii) visits to the child by their parent or guardian, relative or friend; or

(iii) a child’s communication with any persons authorised by law to contact the child in accordance with regulation 33(3) (b);

(h) any requirement that a child wears any distinctive or inappropriate clothing;

(i) the use or withholding of medication, medical or dental treatment;

(j) the intentional deprivation of sleep;

(k) the imposition of a financial penalty, other than a requirement for the payment of a reasonable sum (which may be by instalments), by way of reparation;
(l) any intrusive physical examination of the child;

(m) the withholding of any aids or equipment needed by a child with disability; or

(n) any measure which involves –

(i) a child in the imposition of any measure against another child; or

(ii) the punishment of a group of children for the behaviour of an individual child.

Religious Observance

36. (1) The institution shall ensure that, so far as is reasonably practicable, each child accommodated in the institution attends the services of, receives instructions in, and observes any requirements (whether as to dress, diet or other requirements) of, the religious persuasion to which the child belongs.

(2) An institution shall not compel a child to observe or participate in religious activities which are not of the child’s persuasion.

Health Needs and Medication

37. (1) An institution shall promote and protect the health of the children accommodated in the institution and, in particular, the institution shall ensure that –

(a) each child has access to such medical, dental, nursing, psychological and psychiatric advice, treatment, and such other services as the child may require;

(b) each child is provided with such individual support, aids and equipment as the child may require to meet their health and other special needs;

(c) each child is provided with such individual support and advice on health and personal care issues appropriate to their age, needs and wishes, and that female children are provided with appropriate and adequate sanitary facilities;

(d) at all times, and subject to the number of children accommodated in the institution, at least one person on duty at the institution –

(i) is suitably trained in first aid;

(ii) is knowledgeable respecting each child’s medical condition (if any); and
(iii) is capable of effectively communicating with emergency personnel within and outside the institution;

(e) first aid kits are at all times readily accessible to staff of the institution, including times when care is provided outside the institution; and

(f) any person appointed to the position of nurse at the institution is a registered nurse.

(2) An institution shall ensure that a child’s medication is not accessible to a child, except in cases where –

(a) the child’s parent or guardian has instructed the institution to permit access to the medication by the child; and

(b) the nature of the child’s health status is such that, without immediate access to the medication by the child, the child’s health is significantly at risk.

(3) An institution shall, at all times, ensure that a competent member of staff is available and able to –

(a) administer a child’s medication in accordance with the instructions (if any) given by a child’s parent, guardian or medical practitioner, or as otherwise required under the child’s case record or placement plan; and

(b) supervise the administration of the medication where the child is permitted to self-administer the medication on instructions by the child’s parent or guardian, or under the child’s placement plan.

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<th>Smoking in Certain Parts of the Premises Prohibited</th>
<th>38. An institution shall ensure that, while children are under the supervision of staff of the institution, no person smokes or uses tobacco, holds lighted tobacco, on the premises, or in any vehicle used by staff of the institution to transport children.</th>
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| Privacy and Access to Premises | 39. The institution shall ensure that –

(a) the privacy of the children accommodated in the institution is adequately protected;

(b) the children are able to access all appropriate areas of the institution’s premises; and

(c) the limitation (if any) placed on a child’s privacy or access to any part of the institution’s premises – |
| **Hazards and Safety** | 40. The institution shall ensure that –  
(a) all parts of the institution to which children have access are free from hazards to their safety;  
(b) children do not have access to any object or substance that may be hazardous to the health or safety of a child;  
(c) activities in which children participate are, so far as is reasonably practicable, free from avoidable risks;  
(d) unnecessary risks to the health or safety of children accommodated in the institution are eliminated; and  
(e) suitable arrangements are made to train all the children and staff of the institution in first aid, disaster preparedness and management. |
| **Institution to Notify Certain Events** | 41. (1) Where any of the events listed in column 1 of the Table set out in the Sixth Schedule takes place in relation to an institution, the Manager shall, without delay, notify the persons specified in respect of the event in column 2 of that Table.  
(2) The institution shall, without delay, notify the parent or guardian of any child accommodated in the institution of any incident affecting the child’s welfare, unless it is not reasonably practicable to do so, or would otherwise place the child’s welfare at risk.  
(3) A notification made orally in accordance with this regulation shall be confirmed in writing within a reasonable time and, in any event, not later than seven days from the date of the event in issue. |
| **Complaints and Representation** | 42. (1) The institution shall establish a written procedure for considering complaints made by or on behalf of children accommodated in the institution. |
(2) The procedure referred to in sub-regulation (1) shall make provision for –

(a) an opportunity for informal resolution of the complaint at an early stage;

(b) the general rule that no person who is the subject of a complaint takes any part in its consideration otherwise than at the stage of informal resolution only, and in a case where the institution considers it appropriate;

(c) dealing with complaints about the Manager or other person in authority;

(d) procedure in complaints made by a person acting on behalf of a child;

(e) arrangements for the procedure to be known, and copies thereof to be availed to –

(i) the children accommodated in the institution;

(ii) their parents or guardians;

(iii) the placing authority; and

(iv) staff of the institution.

(3) In addition to the matters specified in sub-regulation (2), the complaints procedure to which this regulation relates shall provide that –

(a) a complaint to the Manager may be oral or written, and shall include –

(i) a description of the incident or matter complained of;

(ii) the date and time of the incident;

(iii) the persons involved;

(iv) any action taken; and

(v) any other relevant details;

(b) where a complaint has been made orally, the Manager shall immediately reduce it into writing;

(c) upon receiving a complaint, the Manager shall –
(i) investigate the complaint and prepare a report in that regard;

(ii) take such steps as are necessary to address the matters complained of;

(iii) prepare and submit a report to the institution’s governing body, setting out the complaint and the steps taken to address the matters complained of;

(iv) where the matters complained of are unresolved, make a statement to that effect, and seek the direction or intervention of the institution’s governing body;

(v) where necessary, report to the Director for appropriate action in the matter; and

(vi) where the matter complained of amounts to a criminal offence, report the complaint at the nearest police station within twenty-four hours of receiving the complaint.

(4) The institution shall ensure that –

(a) the children accommodated in the institution are enabled to make a complaint or representation; and

(b) no child is subject to reprisal for making a complaint or representation.

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<tr>
<th>Institution to Develop Behaviour Management Policy</th>
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| 43. (1) The institution shall develop a policy (hereinafter referred to as “the behaviour management policy”) for the maintenance of good behaviour of the children accommodated in the institution.

(2) The behaviour management policy shall outline –

(a) the specific measures of control, restraint and discipline;

(b) the measures that may be taken to reward a child for good behaviour;

(c) the persons, other than the Manager, who are authorised to take the specified measures;

(d) the events, occasions, acts or omission that invite the taking of such measures; and

(e) the procedures to be taken, giving the child an opportunity to be heard, before such measures are taken. |
(3) The institution shall provide a copy of the behaviour management policy to –

(a) the child upon admission to the institution;

(b) the parent or guardian of the child; and

(c) the Council.

(4) The institution shall –

(a) keep and maintain the behaviour management policy under review and, where appropriate, revise it from time to time as the institution considers necessary; and

(b) notify the Council of any such revision within twenty-eight days from the date of revision.

(5) The Manager shall ensure that, within twenty-four hours of the use of any measure of control, restraint or discipline taken in an institution, make a written record of the measure, which shall include –

(a) the name of the child in respect of whom the measure is taken;

(b) details of the child’s behaviour leading to the taking of the measure;

(c) a description of the measure taken;

(d) the date, time and location at which the measure was taken and, in the case of any form of restraint, the duration of the restraint;

(e) the name of the person by whom the restraint was undertaken;

(f) the effectiveness and consequences (if any) of the measure taken; and

(g) the signature of the person authorised to make the record.

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**PART VI – RECORDS OF THE INSTITUTION**

| Case Records | 44. (1) The Manager shall keep and maintain a file on each child, which shall contain a permanent record of the matters specified in the Seventh Schedule, and which shall – |
(a) include the information, documents and records therein specified;

(b) be kept up to date; and

(c) be signed and dated by the person by whom each entry is made.

(2) The Manager shall ensure that all registers, books and records, in respect of children in the care of the institution, are securely stored and kept confidential –

(a) in the institution for as long as the child to whom it relates is accommodated in the institution; and

(b) thereafter, retained in a secure place for a period of not less than six years.

(3) The records referred to in sub-regulations (1) and (2) shall not be disclosed to any person except in accordance with –

(a) any provision of, or under, or by virtue of, any law for the time being in force and authorising such access or disclosure; or

(b) a order of a court of competent jurisdiction authorising access to, or disclosure of, information contained in those records.

Records to be Kept by the Manager

45. The Manager shall keep or cause to be kept the records specified in the Eighth Schedule.

PART VII – MISCELLANEOUS PROVISIONS

Regulations and Guidance

46. The institution shall ensure that a copy of these Regulations (and of any amendments thereof) are kept and maintained in the institution, and made available on request to –

(a) staff of the institution;

(b) the Director or authorised officer;

(c) children accommodated in the institution; and

(d) the parent or guardian of a child accommodated in the institution.

Notice of Changes

47. The institution shall, as soon as is reasonably practicable, give notice in writing to the Council if any of the following events take place or are proposed to take place:
(a) a change in the management of the institution;

(b) where the institution is an organisation (such as a public benefit organisation or religious organisation), if –

(i) the name of the organisation is changed;

(ii) there is change of director, manager or other similar office in the organisation; or

(iii) there is to be change in the identity of any individual;

(c) where the institution is an individual, if a trustee in bankruptcy is appointed, or if the individual makes a composition or arrangement with their creditors; or

(d) the premises of the institution are significantly changed or extended, or if additional changes are made to such premises.

<table>
<thead>
<tr>
<th>Offences</th>
<th>48. A contravention or failure to comply with any of the matters provided in these Regulations is an offence.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penalties</td>
<td>49. Any person convicted of an offence under these Regulations is liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred thousand shillings, or to both.</td>
</tr>
<tr>
<td>Transition Provisions</td>
<td>50. (1) A charitable children’s institution registered under the Children Act, 2001 (now repealed) is required to comply with these Regulations relating to renewal of registration in accordance with regulation 9.</td>
</tr>
<tr>
<td></td>
<td>(2) An institution established under the Children (Charitable Children’s Institutions) Regulations, 2005 (now repealed) shall be deemed to continue as if it was established under these Regulations.</td>
</tr>
<tr>
<td></td>
<td>(3) Anything done or commenced under the Children (Charitable Children’s Institutions) Regulations, 2005 (now repealed) shall be deemed to be validly done as if such thing or matter was done or commenced under these Regulations.</td>
</tr>
<tr>
<td>Repeal of 2005 Regulations</td>
<td>51. The Children (Charitable Children’s Institutions) Regulations 2005 are repealed.</td>
</tr>
</tbody>
</table>

**FIRST SCHEDULE**
Form No. CCI 1

Form of Application for Registration of a Charitable Children’s Institution

Type of organization (Public Benefit Organisation, Religious etc.)……Year of registration ……..
Name of institution…………………………………………………………
Physical address…………………………………………………………
Postal address ................. Telephone No. ............... E-mail

Name of chairperson (or person of equivalent office) ...................
Postal address ................................................................. Telephone No. ...................................... E-mail .................................................................

Name of Chief Executive Officer or other person in charge
.................................................................................................
Postal address ................................................................. Telephone No. ...................................... E-mail .................................................................

Does the institution already host children? Yes ........ No ........ If yes, what is the present capacity? (List total number of children) ........ Male.......... Female.......... Intersex ........

If not, what is the intended capacity? (List total number of children) ........ Male.......... Female .......... Intersex ........

I/We hereby apply for registration as a charitable children’s institution.

I/We have attached all relevant documents and information in support of the application.

Name ........................................ Designation ............... Signature ................................ Date ..............................

FOR OFFICIAL USE ONLY

Received by ........................................ Date ............... (Name, Designation, Signature)

Application approved: Yes /No (delete as appropriate)
*Regulation 7(1)*

Form No. CCI 2

**Acknowledgement of Receipt of Application**

Date ...............................  

This is to acknowledge and notify ........................... (name of organization) of P.O. Box ............................. that we are in receipt of your application for registration as a children's charitable institution and we propose to inspect the institution on the .......... day of .......... 20 ....... at .............am/pm. For the purpose of ascertaining the suitability of your institution for registration under the Regulations.

Yours faithfully,

..................................................
Chief Executive Officer

*Regulation 8 (1)*

Form No. CCI 3

**Certificate Of Registration Of A Charitable Children’s Institution**

This is to certify that ................................. (name of organisation) of P.O. Box ................................. situated in ... (registered office or location) is registered as a charitable children’s institution under regulation 8 (1) of the Children (Charitable Children’s Institutions) Regulations, 2020 for a period of three years from .......... to ..........................

Issued on the ....................... day of .........................., 20.........

Registration No. .....................................................

Cabinet Secretary....................... Dated .................................

*Regulation 8 (3)*

Form No. CCI 4
**Form of Appeal Against Rejection of Application for Registration as a Charitable Children’s Institution**

To: The Cabinet Secretary, Ministry of ......
Nairobi.

I/We the undersigned, on behalf of ........................................ (name of organization), wish to appeal against the decision of the Council rejecting our application for registration as a charitable children’s institution (attach copy of application) communicated to me/us by a letter attached herein dated .............. on the following grounds:

(State grounds for appeal)

Name of Chairperson (or person of equivalent office) ...................
Signature ................................................................................
Address ...................................................................................

Name of Person in Charge......................................................
Signature ................................................................................
Address ...................................................................................
Date .................................................................

*Regulation 10 (1)*

**SECOND SCHEDULE**

*Matters for Inclusion in the Mission and Policy Statement*

1. A statement of the overall aims of the institution, and the objectives to be attained with regard to children accommodated in the institution.

2. A statement of the facilities and services to be provided to children accommodated in the institution.

3. The name and address of the Manager.

4. The relevant qualifications and experience of the Manager.

5. The number, relevant qualifications and experience of persons working in the institution, and if the workers are of the same gender, a description of the means whereby the home will promote appropriate role models of both genders.
6. The arrangements for the supervision, training and development of employees.

7. The organizational structure of the institution.

8. The following details –

(a) the age-range, gender and number of children for whom it is intended that accommodation should be provided;

(b) whether it is intended to accommodate children who are disabled, have special needs or any other special characteristics; and

(c) the range of needs (other than those mentioned in sub-paragraph (b))

9. Any criteria used for admission to the institution, including the institution’s policy and procedures for emergency admissions, if the institution provides for emergency admissions.

10. If the institution provides or is intended to provide accommodation for more than twenty children, a description of positive outcomes intended for children in an institution of such size, and of the institution’s strategy for counteracting any adverse effects arising from its size on the children accommodated there.

11. The arrangements made to protect and promote the health of the children accommodated in the institution.

12. The arrangements for the promotion of the education of the children accommodated in the institution, including facilities for private study.

13. The arrangements to promote children’s participation in recreational, sporting and cultural activities.

14. The arrangements made, for the consultation with the children accommodated, about the operation of the institution.

15. The arrangements for the prevention and protection of children against abuse.

16. The fire precautions and any other emergency procedures in the institution.

17. The arrangements for the children’s religious instructions and observance.
18. The arrangements for contact between a child and his parents, relatives and friends.

19. The arrangements for dealing with complaints.

20. The arrangements for dealing with reviews of placement plans.

21. The type of accommodation, including the sleeping accommodation, provided, and, where applicable, how children are to be grouped, and in what circumstances they are to share bedrooms.


Regulation 7 (2)

THIRD SCHEDULE

Criteria for Approval of Charitable Children’s Institutions

1. Show proof of financial stability and sustainability.

2. Have a mission and policy statement.

3. Adequate premises to meet objectives set out in the mission and policy statement.

4. Adequate staffing to meet needs and objectives of the institution.

5. Where it is a non-governmental or religious organization, it must show proof of registration.

6. Where it is an individual or body unincorporated, it must show a list of trustees.

7. Accommodate or have capacity to accommodate at least twenty children.

Regulation 18 (1)

FOURTH SCHEDULE
Review of Quality Care

1. In respect of each child accommodated in the institution, compliance with the placing authority’s plan for the care of the child (where applicable) and the placement plan.

2. The deposit and issue of money and other valuables handed in for safekeeping.

3. Accidents and injuries sustained in the institution or by children accommodated there.

4. Illnesses of children accommodated in the institution.

5. Allegations or suspicions of abuse in respect of children accommodated in the institution and the outcome of any investigation.

6. Staff recruitment records and conduct of required checks for new workers in the institution.

7. Visitors to the institution and to children in the institution.

8. Notifications to the events in the Sixth Schedule.

9. Any unauthorized absence from the institution of a child accommodated there.

10. The use of measures of control, restraint and discipline in respect of children accommodated in the institution.


12. Medicines, medical treatment and first aid administered to any child accommodated in the institution.

13. In the case of qualifying school, the standards of educational provisions.

14. Duty rosters of persons working at the institution, and the rosters actually worked.

15. The institution’s daily programme of events.

16. Fire drills and tests of fire equipment.

17. Records of appraisal of employees.
18. Minutes of staff meetings.

*Regulations 21 and 23*

**FIFTH SCHEDULE**

Information Required in Respect of Persons Seeking to Carry on, Manage or Work at an Institution

1. Proof of identity including a recent photo.

2. A Police Clearance Certificate and details of any criminal offences a person may have been charged within a court of law, particularly those outlined in the Sixth Schedule to the Act.

3. Three written references, including a reference from the person’s most recent employer, if applicable.

4. Where a person has previously worked in a position whose duties involved work with children or vulnerable adults, so far as reasonably practicable, verification of the reason why the employment or position ended.

5. Documentary evidence of qualifications.

6. A full employment history, together with a satisfactory written explanation of any gaps in employment.

*Regulation 41 (1)*

**SIXTH SCHEDULE**

Events and Notification

<table>
<thead>
<tr>
<th>Column 1: Event</th>
<th>Column 2: To be notified to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Death of a child accommodated in the institution</td>
<td>Director/County Children's Officer</td>
</tr>
<tr>
<td></td>
<td>yes</td>
</tr>
<tr>
<td>Event</td>
<td>Yes</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Serious injury or accident sustained by a child in the institution</td>
<td></td>
</tr>
<tr>
<td>Outbreak of any infectious disease which in the opinion of the medical practitioner attending to the children at the institution is serious enough to be notifiable.</td>
<td></td>
</tr>
<tr>
<td>Allegation that a child has committed a serious offence.</td>
<td>yes</td>
</tr>
<tr>
<td>Serious incident necessitating calling the police.</td>
<td>yes</td>
</tr>
<tr>
<td>Absconding/escape by a child.</td>
<td>yes</td>
</tr>
<tr>
<td>Any serious complaint about the home or persons working there.</td>
<td>yes</td>
</tr>
<tr>
<td>Investigation and outcome of any child protection enquiry a child.</td>
<td>yes</td>
</tr>
</tbody>
</table>
Regulation 44 (1)

SEVENTH SCHEDULE

Information to be Included in the Case Records of Children Accommodated in Institutions

1. A photograph of the child.

2. The child’s name and any name by which the child has previously been known, other than a name used by the child prior to adoption.

3. The child’s date of birth and gender.

4. The child’s religious persuasion, if any.

5. The child’s background information and home particulars immediately before entering the institution.

6. The full names, addresses and contact information of the persons with whom the child previously resided.

7. Reports made to the police in respect of the child.

8. Incidents in which the child was involved that necessitated the intervention of any State Department or agency.

9. An order or orders of the Court (if any) made in respect of the child.

10. The statutory provisions under which the child is provided with accommodation.

11. The date and circumstances of all absences of the child from the institution, including whether the absence was authorized and any information relating to the child’s whereabouts during the child’s absence.

12. The date of, and reason for, any visit to the child whilst in the institution and reasons for the prohibition, control, restrictions or conditions placed upon a child's contact with parents, friends or any other person authorized by law.

13. A copy of any statement of special educational needs maintained in relation to the child.

14. The date and circumstances of any measure of control, restraint or discipline used on the child.
15. Any special dietary or health need of the child.

16. The full name, address and telephone number of the school or learning institution attended by the child.

17. Reports from schools or learning institution’s received in respect of the child while accommodated in the institution.

18. Arrangements for, including any restrictions on, contact between the child, the child’s parents and any other person.

19. A copy of any plan for the care of the child prepared by the placing authority, and of the placement plan.

20. The date and result of any review of the placing authority’s plan for the care of the child, or of the placement plan.

21. Details of any accident or serious illness involving the child while accommodated in the institution.

22. Details of immunization, allergy or medical examination of the child and of medical or dental need or treatment of the child.

23. Details of health examination or development test conducted with respect to the child or in connection with their school.

24. Details of medicines kept for the child in the institution, including any medicines which the child is permitted to take independently, and details of the administration of medicine on the child.

25. The dates on which money or valuables are deposited by or on behalf of a child for safekeeping and the dates on which such money is withdrawn, or on which such valuables are returned.

26. The address, and the type of establishment or accommodation, to which the child goes on ceasing to be accommodated in the institution when he ceases to be accommodated in the institution.

27. Any other details relevant to the placement, reception and accommodation of the child in the institution.

Regulation 45

**EIGHTH SCHEDULE**

*Other Records with Respect to Institutions*
1. A record in the form of a register showing in respect of each child accommodated in an institution –

(a) full names, age and gender of the child in the care of the institution;

(b) the names, addresses and contact numbers of the parents or guardians, siblings and, if ascertainable, any other close relatives of each child;

(c) date of his admission to the institution;

(d) date on which he ceased to be accommodated there;

(e) address prior to being accommodated in the institution;

(f) address on leaving the institution;

(g) his placing authority;

(h) the statutory provision under which he is accommodated.

2. A record showing in respect of each person working at the institution –

(a) full name;

(b) gender;

(c) date of birth;

(d) home address;

(e) qualifications relevant to, and experience of work involving children;

(f) whether he or she works at the home full-time or part-time (whether paid or not) and if part-time, the average number of hours worked per week; and

(g) whether he or she resides at the institution.

3. A record of any persons who reside or work at any time at the institution, who are not mentioned in the records kept in accordance with paragraph 1 or 2.

4. A journal to record any significant event that involves a child.
5. A record of all deaths and requisite documents, and accidents occurring in the institution, or to children whilst accommodated at the institution.

6. A record of the receipt, disposal and administration of any medicine to any child.

7. A log recording announced and unannounced evacuation and fire drills, specifying the following details:

   (i) the date and time of the drill;

   (ii) the time taken for complete muster;

   (iii) the persons present, and the challenges observed during the drill; and

   (iv) the recommendations to address these challenges.

8. A record of all money deposited by a child for safekeeping, together with date on which that money was withdrawn, or the date of its return.

9. A record of all valuables deposited by a child and the date of their return.

10. A record of all accounts kept in the institution.

11. A record of menus served.

12. A copy of the staff duty roster for persons working at the institution and a record of the actual rosters worked.

13. A daily programme of events occurring in the institution.

14. A visitors’ log specifying the following details:

   (i) the name and contact information of each visitor and the relationship between the visitor and the visited child;

   (ii) the date of the visit;

   (iii) the purpose of the visit;

   (iv) the length of the visit; and

   (v) such other information relating to the visit as the Manager considers necessary;