

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 (WELFARE PROGRAMMES) REGULATIONS, 2020

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Citation and Commencement	1. These Regulations may be cited as The Children (Welfare Programmes) Regulations, 2020 and shall come into force on such date as the Cabinet Secretary may, by notice in the Gazette, appoint.
Interpretation	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 – “ Act” means the Children Act, 2020;

	<p>“authorised officer” has the meaning assigned to it under section 2 of the Act;</p> <p>“Cabinet Secretary” has the meaning assigned to it under section 2 of the Act;</p> <p>“Chief Executive Officer” has the meaning assigned to it under section 2 of the Act;</p> <p>“child “ has the meaning assigned to it under Article 260 of the Constitution;</p> <p>“Charitable Children’s Institution” has the meaning assigned to it under section 2 of the Act;</p> <p>“Council” has the meaning assigned to it under section 2 of the Act;</p> <p>“Director” has the meaning assigned to it under section 2 of the Act;</p>
<p>Guiding Principles and Objectives</p>	<p>3. (1) The guiding principles of these Regulations are –</p> <p>(a) child welfare policies and services shall reflect an understanding and appreciation of factors that positively or negatively affect child development and family systems;</p> <p>(b) family-based care is critical to the development of a child;</p> <p>(c) Child welfare programs shall take into consideration the age, gender, cultural background and any other special needs of the children; and</p> <p>(d) the best interest of the child is of paramount consideration.</p> <p>(2) The main objective for the establishment of child welfare programmes shall be to ensure responsive family and community-oriented programmes designed to –</p> <p>(a) promote and strengthen parent’s ability to care for their children; and</p> <p>(b) mitigate the effect of family poverty, and to prevent social exclusion.</p>

Form of Application	<p>4. (1) A person specified in section 77(1) of the Act may apply to the Chief Executive Officer for registration of a child welfare programme in Form No. CWP1 set out in the First Schedule.</p> <p>(2) In addition to the matters specified in section 77 (1) of the Act, the applicant shall furnish the Chief Executive Officer with copies of the following -:</p> <p>(a) in the case of a public benefit organisation or charitable children institution, a certificate of registration;</p> <p>(b) in the case of an application under a trust, a duly registered Deed of Trust containing the objectives of the trust;</p> <p>(c) in the case of an individual applicant –</p> <p>(i) identification documents;</p> <p>(ii) two passport-size photographs;</p> <p>(iii) evidence of the qualifications and experience required to manage a child welfare programme;</p> <p>(iv) a valid Police Clearance Certificate; and</p> <p>(v) two written character references;</p> <p>(d) minutes of Area Advisory Council recommending registration;</p> <p>(e) child protection and safeguarding policy;</p> <p>(f) a mission and policy statement containing the matters set out in the Second Schedule;</p> <p>(g) evidence of good financial standing sufficient to support the proposed programme; and</p> <p>(h) the institutional framework and management structure of the programme.</p>
Procedure on Submission of Application	<p>5. (1) Upon receipt of an application, the Chief Executive Officer shall, within thirty days of receipt of the application, acknowledge receipt thereof in writing in Form No. CWP2 set</p>

	<p>out in the First Schedule.</p> <p>(2) The acknowledgment 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 receipt of application, to ascertain whether the programme meets the criteria for approval of registration set out in sub-regulation (3).</p> <p>(3) To qualify for registration under these Regulations, a Child Welfare Programme shall –</p> <p>(a) be established by a registered charitable children’s institution, Public Benefit Organisations, Civil society Organisation, Faith-Based Organisation or other non state agency;</p> <p>(b) show proof of resources, including financial and human resources, required to administer the programme;</p> <p>(c) be in accordance with the institution’s mission and policy objectives;</p> <p>(d) be suitably designed to satisfy specific needs of children; and</p> <p>(e) be in the best interest of the children accommodated in the institution.</p>
<p>Procedure on Assessment</p>	<p>6. (1) Upon assessment of the proposed programme, the Chief Executive Officer shall prepare and submit a report of their findings to the Council pursuant to 77(2) of the Act.</p> <p>(2) The Council shall consider the Chief Executive Officer’s report and recommendations and –</p> <p>(a) approve the whole or part of the proposed programme, where the proposed programme complies with regulation 5(3); or</p> <p>(b) disapprove the whole or part of the proposed programme, where the proposed programme does not comply with regulation 5(3), and give written notice of its decision in that regard setting out the reasons for disapproval.</p>

	<p>(3) Where the Council approves the whole or party of the proposed programme, the Council shall issue a certificate of approval in Form No. CWP3 set out in the First Schedule.</p> <p>(4) A certificate of approval issued under sub-regulation (3) is valid for one year renewable for a period a not exceeding three years.</p> <p>(5) An appeal against a decision of the Council made under this regulation shall be made to the Cabinet secretary in writing within thirty days of receipt of notification of the decision in that regard.</p>
Consequences of a Decision Pursuant to Sections 78 and 79 of the Act	<p>7. (1) Upon review of a child welfare programme pursuant to sections 78 of the Act, and on deregistration and termination of the programme pursuant to section 79 of the Act (as the case may be), the right of appeal under section 79(4) of the Act lapses where no appeal is lodged within thirty days of receipt of notice of deregistration and termination of the programme.</p> <p>(2) Where an appeal is made, the Cabinet Secretary may, in consultation with the Council –</p> <p>(a) direct that the programme continues in operation on such terms as the Cabinet Secretary may determine pending final determination of the appeal; or</p> <p>(b) direct that the programme be discontinued for the time being pending final determination of the appeal, whereupon section 79(6) shall apply.</p> <p>(3) Nothing in sections 78 or 79 of the Act prevents a person from making a fresh application for approval of registration of a child welfare programme under the Act.</p>
Register of Approved Child Welfare Programmes	8. The register of approved child welfare programmes referred to in section 72(3) of the Act shall include the matters specified in the Fourth Schedule.
Repeal of Regulation 4 of the 2005 Regulations	9. Regulation 4 of the Children (Charitable Children’s Institutions) Regulations, 2005 is repealed.

FIRST SCHEDULE

Regulation 4 (1)

Form No CWP 1

Notification of Establishment of a Child Welfare Programme

M/s of P.O. Box do hereby notify the Chief Executive Officer of our intention to implement a child welfare programme whose details are given hereunder.

Name/title of intended programme(s).....

Objectives

Main Objectives

Specific Objectives

Mode of Operation

Area(s) of Operation.....

Program location details:

County.....

Sub-County.....

Ward.....

Location.....

Target Group(s).....

Intended Period of Operation.....

Name of Chairperson Signature..... Date

Name of Person in Charge.....

Email address and telephone contact of the person in charge.....

Signature Date

Regulation 5 (1)

Form No CWP 2

Acknowledgement of Receipt of Application

Date

This is to acknowledge and notify (name of applicant) of P. O. Box that we are in receipt of your application for registration of a child welfare programme and that we propose to assess the program on the day of 20atam/pm.

Yours faithfully,

.....

Chief Executive Officer

Regulation 6 (3)

Form No CWP 3

Certificate of Approval of Child Welfare Programme

National Council for Children’s Services
P O Box
Nairobi.

This is to certify that (name of applicant) has been approved to implement whole /part(s) of child welfare programme as specified below, in accordance with section 77 (2) of the Children Act, 2020

Part(s) of Child Welfare Programme approved:

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Valid from.....to.....

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Chairperson of Council

Date

Regulation 4(2) (d)

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 to be targeted under the programme.
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 programme 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 programme.
8. The following details –
 - (a) the age-range, gender and number of children for whom it is intended that the programme should target;
 - (b) whether it is intended to serve children with disability, those with special needs or any other special characteristics; and
 - (c) the range of needs (other than those mentioned in sub-paragraph (b))
9. The arrangements made to protect and promote the health of the children accommodated in the institution.
10. The arrangements for the promotion of the education of the children accommodated in the institution, including facilities for private study.
11. The arrangements to promote children's participation in recreational, sporting and cultural activities.
12. The arrangements for the prevention and protection of children against abuse.
13. The fire precautions and any other emergency procedures in the institution.
14. The arrangements for the children's religious instructions and observance.
14. The arrangements for contact between a child and their parents, relatives and friends.
15. The arrangements for dealing with complaints.
16. The arrangements for dealing with reviews of placement plans.

17. 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.

18. A description of the programme's policy in relation to anti-discriminatory practice as respects children and their rights.

Regulation 8

THIRD SCHEDULE

Register of Children Welfare Programmes

Date of Registration	Title of the Child Welfare Programme	Objectives of the Programme	Physical address and contact details	Serial Number of the Certificate of Approval
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