LOCAL AUTHORITY NOTICE 1397 OF 2018

CITY OF TSHWANE METROPOLITAN MUNICIPALITY: HEALTH BY-LAW FOR CHILD CARE SERVICES

The City Manager of the City of Tshwane Metropolitan Municipality hereby publishes in terms of Section 7 of the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998), read with Section 13 of the Local Government: Municipal System Act, 2000 (Act 32 of 2000), and Section 162 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996); the City of Tshwane Metropolitan Municipality: Health By-Law for Child Care Services, as approved by Council on 29 March 2018.

The said By-laws reflected hereunder will come into operation on date of promulgation hereof.

DR MOEKETSI EMMANUEL MOSOLA
CITY MANAGER

(Notice 189 of 2018)
22 AUGUST 2018

CITY OF TSHWANE METROPOLITAN MUNICIPALITY HEALTH BY-LAW FOR CHILD CARE SERVICES

PREAMBLE

To provide for the regulation of Childcare Services in the area of jurisdiction of the City of Tshwane by setting down structural and general requirements for compliance monitoring and certification of Child Care Services premises and to provide for any matters incidental thereto.

WHEREAS section 24(a) of the Constitution provides that everyone has the right to an environment that is not harmful to their health and wellbeing; and

WHEREAS the need to improve the quality of life of all the residents of the City; and

WHEREAS the need to regulate health related matters for childcare services rendered in the City in general as well ensuring a safe environment for our children to learn and grow,

BE IT THEREFORE ENACTED by the City of Tshwane as follows:-

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CHAPTER 1

DEFINITIONS AND APPLICATION OF BY-LAWS

1. Definitions

For the purposes of these by-laws, unless the context indicates otherwise –

"**adequate**" means adequate in the opinion and satisfaction of the relevant authority, regard being had to all legislative prescripts and guidelines

"**approved**" means approved by the relevant authority, regard being had to the reasonable environmental health requirements that may apply to each particular case;

"**authorised officer**" means any employee, official or metropolitan police officer of the Municipality who is duly authorised to exercise any power or perform any function in terms of this by-law;

"**certificate of acceptability**" means a certificate of acceptability issued by the Municipality in terms of the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food published under Government Notice R638 in Government Gazette No. 41730 of 22 June 2018, published in terms of the section 15(1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972), as amended;

"child" means any person under the age of 18(eighteen), years and "**children**" denotes the plural meaning of "**child**";

"**child care service**" means, whether for profit or otherwise, the temporary or partial care of children under 18(eighteen), years of age apart from their parents, but does not include any school, boarding school, school hostel or any establishment which is maintained or used primarily for the tuition or training of children and which is controlled by or which has been registered or approved by the State;

"children's home" means any land or building used and maintained for the for the accommodation, reception, protection, care and bringing-up of more than six children living apart from their parents, guardian or person in whose custody the child is, but does not include any school of industries or reform school approved by the State;

"**day mother**" means any owner of a private household partially or temporarily maintained for the care of not more than 6(six) children at a time for gain subject to the conditions in terms of Schedule 9 of the Tshwane Town Planning Scheme, 2008 as amended from time to time;

"Council" means the Council of the Municipality referred to in section 157(1) of the Constitution, 1996; of the City of Tshwane Metropolitan Municipality established in terms of the Municipal Structures Act, 1998 read with Government Notice 1866 published in Provincial Gazette Extraordinary No. 128 of 30 June 2010, as amended;

"**environmental health practitioner**" means the environmental health practitioner appointed and in service as such by the Municipality;

"**health certificate**" means a health certificate issued in terms of section 4 of this By-law;

"**health certificate holder**" means a person to whom a health certificate has been issued in terms of section 4 of this By-law, and includes a juristic person, partnership or association of persons to whom a health certificate has been issued including a person acting on behalf of such health certificate holder, as the case may be;

"**metropolitan police officer**" means metropolitan police officer appointed by the Municipality and provided for in section 64G of the South African Police Service Act, 1995 (Act 68 of 1995), as amended;

"Municipality" means the corporate administration of City of Tshwane Metropolitan Municipality which has exclusive executive and legislative competencies within the Tshwane jurisdictional area as described in section 155(1) of the Constitution, 1996, established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); and includes: -

(a) a structure, official, or other person exercising a delegated authority or power or carrying out a function in terms of this By-law, or any power delegated in terms of the Corporate System of Delegations of the Municipality provided for in section 59 of Municipal Systems Act, 2000; or

(b) a service provider fulfilling a responsibility under this By-law, assigned to it in terms of section 81(2) of the Municipal Systems Act, 2000 or any other contractual assignment or law, and any amendments thereto after date of commencement.

as the case may be and "**City**" shall bear the same meaning;

"National building regulations" means National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977); as amended;

"person in charge" means the owner, the principal or any person who evidently appears to be in effective control of a childcare service;

"place of childcare" means land and buildings used for the admission, protection and temporary or partial care of more than six (6) children up to the age of 18 (eighteen) years away from their parents, but does not include a boarding school, school hostel, institution, overnight accommodation for such children or Place of Instruction. Depending on its registration, a Place of Child Care can admit babies, toddlers, pre-school aged children and school-going children on a full day or other basis and may include pre-primary school education;

"play area" means a separate area identified for children to play

"**premises**" means any land or building or part of any land or building in or on which a child care service is operated;

"**registration certificate**" means a registration certificate issued by the National Department of Social Development;

"**suitable**" means suitable in accordance with the objective and reasonable opinion of the Environmental Health Practitioner.
"**SPLUMA, 2013**" means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), read with all Regulations, Directives, Guidelines, Land Use Management Schemes and the City's Land Use Management By-laws as published under Local Authority Notice 327 in Provincial Gazette Extraordinary No. 72, Vol. 27 of 2 March 2016, as amended;

"**Tshwane Town-planning Scheme, 2008**" means the Town-planning Scheme, 2008, as amended from time to time, of the Tshwane Municipality and shall; where applicable, include any subsequent Land Use Management Scheme adopted by the Council in terms of SPLUMA, 2013; as amended from time to time;

2. Application of by-laws

These by-laws apply to all child care services operated within the area of jurisdiction of this Municipality.

3. Application of by-laws to existing child care services

(1) Notwithstanding the provisions of section 4, the environmental health practitioner may grant an extension of time to a person who was operating a children's home before the date of commencement of these bylaws so that such person may comply with the provisions of these by-laws within 12 (twelve), months or such shorter period as may be determined by the environmental health practitioner.

(2) The Municipality may, in any case where reasons to its' satisfaction are given, extend the period stated in subsection (1) by not more than 12 (twelve), months.

CHAPTER 2

HEALTH CERTIFICATES

4. Health certificates

Subject to the allocated zoning and land-uses in terms of the City of Tshwane Town Planning Scheme 2008 (Revised 2014) and specific title deed provisions;

(1) No person may operate or conduct an activity of a child care service on any premises unless he or she is in possession of a health certificate to the effect that the premises and the general facilities and services comply with these by-laws. Such health certificate must state: –

(a) the number of children permitted to be cared for on the premises as well as the number of children of different age groups per age group permitted to be cared for at the premises.
(b) the minimum and the maximum ages of the children permitted to be cared for on the premises; and
(c) the hours during which the child care service may operate.
(d) the approved area in m² of the child care service.

(2) A health certificate must at all times be displayed: –
(a) on the premises to which it relates; and
(b) in such a manner as to be clearly visible at all times to any member of the public entering the premises.

(3) The environmental health practitioner may issue a health certificate if he or she is satisfied that provisions of these by-laws are being complied with in respect of the child care service and premises in question; provided that if the environmental health practitioner is of the opinion that such compliance is not reasonably practicable owing to the physical features and facilities of the premises, he or she may issue a health certificate subject to compliance with such other reasonable requirements as he or she may deem necessary.

(4) If a health certificate holder dies or ceases to operate the child care service to which his or her health certificate relates, the health certificate becomes invalid and is not transferable to any other person or to any heir of or successor in title to the health certificate holder.

(5) If a health certificate holder proposes transferring a child care service operated on certain premises to other premises, he or she must obtain a health certificate in respect of such other premises before the child care service may be operated on those premises.

(6) When a child care premises provides meals from a kitchen, the health certificate holder must be in possession of a certificate of acceptability in respect of the child care service.

5. Validity of health certificates

A health certificate issued for a childcare service premises shall be valid for a period of two years from the date of issue and shall be renewed by way of an application to the city; a calendar month prior to the expiry of such certificate.

6. Withdrawal of health certificates

The Municipality may, at its discretion withdraw a health certificate and / or certificate of acceptability issued in terms of this By-law if the health certificate holder is convicted of a breach of any of the provisions of this By-law.

CHAPTER 3

REQUIREMENTS FOR PREMISES OF CHILD CARE SERVICES FOR CHILDREN UNDER COMPULSORY SCHOOL-GOING AGE

7. Compliance with the Tshwane Town-planning Scheme 2008 and the National Building Regulations.

All land and buildings of any child care service shall be in line with the Schedules and Clauses of the Tshwane Town-planning Scheme 2008.

All structures on the premises of any child care service for children under compulsory school-going age must comply with the requirements of the National Building Regulations made under the National Building Regulations and Building Standards Act, 1977, (Act 103 of 1977), as amended, as well as uniform policies that are developed for the city regulating the service unless the premises are situated in an unproclaimed area.

8. Indoor activity area

An indoor activity area must be set aside and clearly demarcated on every premises on which a child care service for children under compulsory school-going age is operated. Such indoor activity area must meet the following requirements:-

(a) The indoor activity area must consist of 1,5m² of free floor area per child and may be used for activities, eating and sleeping purposes only.

(b) The indoor activity area for children from the age of three (3) years to compulsory school going age must be separate from the indoor activity area for children under the age of three (3) years. Divisions or moveable partitions may be used to create such separations or partitioning.

(c) Any structure used as an indoor activity area must have:–

(i) exterior walls and a roof so constructed as to prevent the permeation of wind and rain;

(ii) windows which open to provide sufficient natural light and cross-ventilation; and

(iii) a floor which has a smooth surface that is easy to wash and that prevents the permeation of dampness.

9. Outdoor play area

An outdoor play area must be provided on the premises of every child care service facility for children under compulsory school-going age. Such outdoor play area must meet the following requirements:-

(a) The outdoor play area must consist of not less than 2m² of outdoor area per child; provided that, if no outdoor play area is available on the premises, an approved additional indoor play area of 1,5m² (one comma five square meters), per child is substituted for the outdoor play area.

(b) The outdoor play area must be free of any excavations, steps, projections, levels or surfaces that may, in the opinion of the Municipality, be dangerous or may constitute a hazard.

10. Toilet and wash facilities for children

Toilet and wash facilities must be provided for the children on all premises on which a child care service facility for children under compulsory school-going age is operated. Such facilities must meet the following requirements:-

(a) Toilet and wash facilities for children from the age of three years to compulsory school-going age must be in an approved separate screened-off and roofed area of the premises and must include:–

(i) where no sewer system is available in respect of the premises: –

(aa) a suitable improvised toilet on the premises or immediately adjacent to the premises;

(bb) one bucket for every eight children, which bucket must be of a size suitable for use as a toilet and placed under a properly constructed seat; and

(cc) a container with a tight-fitting lid for the disposal of the contents of the bucket or buckets, as the case may be, provided that the contents of the container are disposed of regularly during the day into the approved toilet and that the bucket or buckets and the container and any chamber-pot, pot or "potty" is kept in a clean and sanitary condition at all times;

(ii) where a sewer system is available in respect of the premises, one approved toilet for every 20 (twenty), children;

(iii) where washbasins are available, one washbasin for every 20 children, which washbasin must: –

(aa) be at such height as to be conveniently used by children; and

(bb) be supplied with running water, provided that if no running water is available, a minimum of 20 (twenty) litres of potable water is supplied on a daily basis in a container that can be closed, which container must be accessible for supply to the washbasins; and

(iv) where no washbasins are available, one suitable container for every 20 children, provided that: –

(aa) such container can be filled from a potable water container that can be closed;

(bb) such container is placed at a height convenient for children; and

(cc) a minimum of 20 (twenty) litres of potable water is supplied on a daily basis from the potable water container.

(b) Toilet and wash facilities for children who are under three years of age or still in nappies must include an approved separate nappy-changing area in which is provided: –

(i) a nappy-changing unit with a surface that can easily be cleaned, which unit must: –

(aa) have one bath or sink for every 20 (twenty) children who are in nappies; and

(bb) be supplied with water; provided that if no running water is available on the premises, an approved source of potable water is readily available and accessible to the nappy-changing area on a daily basis;

(ii) disposable material for the cleaning of children who are in nappies;

(iii) approved separate containers for the storage of clean nappies and soiled nappies; and

(iv) approved facilities for the cleaning of cloth nappies.

11. **General requirements for toilet and wash facilities for all children**

The toilet and wash facilities contemplated in section 8 must meet the following general requirements:

(a) In the toilet and wash facilities, an adequate supply of toilet paper, soap and tissues must be available and accessible to the children.

(b) In the toilet and wash facilities, an approved towel and/or facecloth must be provided for each child for his or her individual use, and each child must use the towel and/or facecloth allocated to him or her.

(c) Suitable pegs or hooks must be affixed in the toilet and wash facilities for the hanging of the children's towels and facecloths, and such pegs or hooks must be individually marked.

(d) An adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials must be provided in the toilet and wash facilities.

12. Laundry

If laundry is done on premises on which a child care service for children under compulsory school-going age is operated, the laundry must be done in an area of the premises that is separate from any area used by the children, and the children may not have access to the area in which laundry is done. No laundry may be done in a kitchen on the premises.

13. Requirements for kitchens in childcare premises

(1) On any premises on which a child care service for children under compulsory school-going age is operated, an approved area must be set aside as a kitchen for the preparation of food and the washing up and rinsing of crockery, cutlery, pots, pans and other kitchen utensils. Such kitchen must meet the requirements for food handling premises made under the Foodstuffs, Cosmetics and Disinfectants Act, 1972, and published under Government Notice R.962 in Government Gazette 35906 of 23 November 2012, as amended from time to time.

(2) If any child who is bottle-fed is accommodated in the child care service, the child's bottles and other feeding utensils must be suitably rinsed and sterilised in the kitchen. Any filled bottles brought from home must be suitably stored in the kitchen in such manner as to prevent contamination and spoilage. Bottles must be clearly marked with the name of the child.

(3) Children may not have access to any of the kitchen area including the storage space or storage facility contemplated in subsection (2).

14. Seating, resting and play equipment

All premises on which a child care service for children under compulsory school-going age is operated must provide: –

(a) suitable seating for each child;

(b) suitable and safe tables of the correct size to ensure that each child sits comfortably;

(c) an approved resting or sleeping mat or mattress for each child if full-day care is provided on the premises, provided that –

(i) each mat is marked with the name or symbol of the child to whom the mat is allocated; and

(ii) each mattress is covered with a removable washable cover which is marked with the name or symbol of the child to whom the mattress is allocated;

(d) a clean blanket for each child, which blanket must be marked with the name or symbol of the child to whom the blanket is allocated; and

(e) suitable and safe indoor play equipment and outdoor play for the children's use.

15. Enclosing the premises

Any premises on which a child care service for children under compulsory school-going age is operated or conducted must be enclosed with an appropriate and approved means of enclosure so as to: –

(a) prevent a child from leaving the premises of his or her own accord;

(b) prevent the entrance of domestic animals onto the premises; and

(c) prevent unauthorised access or entry.

16. Separate facilities for after-school centre

If a child care service cares for children of compulsory school-going age (in an after-school centre) and children under compulsory school-going age on the same premises, the facilities available for the children of compulsory school-going age must be separate from the facilities available for the children under compulsory school-going age.

CHAPTER 4

REQUIREMENTS FOR PREMISES OF CHILD CARE SERVICES FOR CHILDREN OF COMPULSORY SCHOOL-GOING AGE (AFTER-SCHOOL CENTRES)

17. Indoor study area

An indoor study area consisting of 1,5m² (one comma five square meters), of free floor area per child must be provided on any premises on which a child care service for children of compulsory school-going age is operated. Any structure used as an indoor study area must have: –

(a) exterior walls and a roof so constructed as to prevent the permeation of wind and rain;

(b) windows which open to provide sufficient natural light and cross-ventilation; and

(b) a floor which has a smooth surface that is easy to wash and that prevents the permeation of dampness.

18. **Outdoor play area**

An outdoor play area must be provided on any premises on which a child care service for children of compulsory school-going age is operated. Such outdoor play area must consist of not less than 3m² of outdoor area per child and must be free of any excavations, steps, projections, levels or surfaces that, in the opinion of the Municipality, may be dangerous or may constitute a hazard.

19. **Toilet and wash facilities for children**

On any premises on which a child care service for children of compulsory school-going age is operated, toilet and wash facilities must be provided for the children. Such facilities must meet the following requirements:

(a) The toilet and wash facilities for the children must be in an approved separate screened-off area of the premises and must include: –

(i) where no sewer system is available in respect of the premises –

(aa) an approved toilet on the premises or immediately adjacent to the premises;

(bb) one bucket for every eight children, which bucket must be of a size suitable for use as a toilet and placed under a properly constructed seat; and

(cc) a container with a tight-fitting lid for the disposal of the contents of the bucket or buckets, as the case may be: Provided that the contents of the container are disposed of regularly during the day into the approved toilet and that the bucket or buckets and the container are kept in a clean and sanitary condition at all times;

(ii) where a sewer system is available in respect of the premises, one approved toilet for every 20 (twenty), children;

(iii) where washbasins are available, one washbasin for every 20 (twenty), children, which washbasin must: –

(aa) be at such height as to be conveniently used by children; and

(bb) be supplied with running water, provided that if no running water is available, a minimum of 20 (twenty) litres of potable water is supplied on a daily basis in a container that can be closed, which container must be accessible for supply to the washbasins; and

(iv) where no washbasins are available, one suitable container for every 20 (twenty), children; provided that: –

(aa) such container can be filled from a potable water container that can be closed;

(bb) such container is placed at a height convenient for children; and

(cc) a minimum of 20 (twenty), litres of potable water is supplied on a daily basis from the potable water container.

(b) Separate wash facilities must be provided for girls and boys.

20. **General requirements for toilet and wash facilities for children**

The toilet and wash facilities contemplated in section 17 must meet the following general requirements: -

(a) In the toilet and wash facilities, an adequate supply of toilet paper, soap and tissues must be available and accessible to the children.

(b) An adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials must be provided in the toilet and wash facilities.

21. Kitchen

(1) An approved area must be set aside and clearly be demarcated as a kitchen for the preparation of food and the washing up and rinsing of crockery, cutlery, pots, pans and other kitchen utensils on all and any premises on which a child care service for children of compulsory school-going age is operated or conducted. Such kitchen must meet the requirements as set out in section 11.

(2) If cutlery and crockery are required for use by the children, an adequate supply of cutlery and crockery must be available in the kitchen for the use of each child.

22. Storage

(1) All and any premises on which a child care service for children of compulsory school-going age is operated must have adequate and suitable storage space and storage facilities for: –

(a) food, crockery, cutlery and kitchen utensils;

(b) the personal belongings of each child; and

(c) the personal belongings of the staff of the child care service.

(2) The children may not have access to any storage space or storage facility contemplated in subsection (1).

23. Seating

All premises on which a child care service for children of compulsory school-going age is operated or conducted must provide: –

(a) suitable seating or chairs, as the case may be, for each child; and

(b) suitable and safe tables of the correct size to ensure that each child sits comfortably must be provided.

CHAPTER 5

REQUIREMENTS FOR CHILDREN'S HOMES

24. General Requirements

Every children's home; whether services are rendered for gain or not, must subject to the correct zoning and land-uses in terms of the City of Tshwane Town Planning Scheme 2008 and specific title deed conditions; comply with the provisions of Chapters 3 and 4 in respect of the requirements mentioned therein and further comply with the additional requirements set out in this By-law.

25. Accommodation requirements

(1) Premises from which a children's home is operated shall provide separate living quarters for sleeping accommodation for any guardian or child, and any person in whose custody the child is together with the child as well as make provision for separate sleeping accommodation for the different sexes of children 7 (seven), years and older.

(2) The premises must also meet the following requirements:-

(a) No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons than would allow namely;-

(i) Less than 11,3m² (eleven comma three square meters), of free air space and 3,7m² of floor space for each person over the age of 10 years, and

(ii) Less than 5,7m² of free air space and 1,9m² of floor space for each person under the age of 10 years;

(b) no latrine, closet, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, caravan, storeroom, lean-to, shed, kitchen, dining room, food preparation area, or loft may be used as sleeping accommodation.

(c) If a dormitory is provided on the premises-

(i) a single bed, manufactured of metal or some durable material and equipped with a mattress, must be provided for every person housed in the dormitory.

(ii) a separate locker must be provided for every person making use of the dormitory for safeguarding the person's clothing and other possessions;

(iii) every bed in the dormitory must be so placed that its sides must be at least one metre away from any part of any other bed;

(d) the children's home must be provided with-

(i) an area for the preparation and cooking of food, adequate for the use and easily accessible to any resident of the home;

(ii) adequate wash-up facilities; and

(iii) where meals are provided to children housed in the children's home, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and or benches, at least 1,2m² for every seat provided for dining purposes;

(e) the children's home premises must be provided with the following bathing facilities

(i) a bath for every 8 children separate for the sexes and designated accordingly

(ii) showers may be substituted for baths in the following ratios:-

(aa) Males- two thirds of total number of baths
(bb) Females- one third of total number of baths

(iii) the facilities referred to in subparagraphs (i) and (ii) must be designated for the different sexes.

(f) a children's home sleeping quarters must be provided with sanitary fixtures as prescribed in the National Building Regulations and Buildings Standard Act as amended, as such fixtures must be designated for the different sexes.

(g) A children's home sleeping quarters must be provided with an adequate supply of hot and cold running potable water.

(h) All rooms and passages must be provided with adequate ventilation and lighting as provided for in the National Building Regulations and Building Standards Act as amended.

(i) Openings such as doors, windows or fanlights may not be obstructed in any manner that interferes with the lighting or cross ventilation of they provide.

(j) (i) a separate room with metal bins and canvas laundry bags must be provided for the storage of dirty articles used in connection with the sleeping quarters, after removal to be laundered.

(ii) if articles used in connection with sleeping quarters are laundered on the premises, a separate washing, drying and ironing area equipped with the necessary facilities for this purpose must be provided.

(k) A store-room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with the sleeping quarters, must be provided.

(l) (i) all walls and ceilings must have a smooth finish and be painted with a light coloured wash-able paint, or have some other approved finish.

(ii) the floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete or other durable, impervious material brought to a smooth finish; and

(iv) the floor surface of every habitable room must be constructed of an approved material.

(m) The following facilities must be provided for people who are employed and also reside on the premises

(i) Sleeping quarters equipped with a bed, mattress and locker which comply with the paragraphs (a)(b) and (c) for each employee; and

(ii) If employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with provisions of paragraph (d).

(n) Adequate changing facilities must be provided for non-resident employees.

(o) Adequate ablution and sanitary facilities, which comply with the provisions of paragraphs (e) and (f), must be provided for resident and non-resident employees.

(p) An adequate refuse holding area must be provided and an approved removal system must be maintained.

(q) All walls, floors and roofs must be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor.

(r) All accesses to a sleeping quarters must have a door which when closed which could keep out the wind or rain water.

(s) All windows must be constructed in a manner that prevents rain entering the sleeping quarters wen the windows are closed.

CHAPTER 6

FACILITIES FOR STAFF

26. Staff toilet and hand-washing facilities

All premises from which a child care service is operated must have toilet and hand-washing facilities for the staff of the child care service. Such toilet and hand-washing facilities must meet the following requirements:-

(a) The staff's toilet and hand-washing facilities must be easily accessible to the staff and be separate from the toilet and wash facilities used by the children under compulsory school going age.

(b) Soap and towels must be available in the staff's toilet and hand-washing facilities at all times.

27. Bathroom facilities of staff resident on the premises

If the staff of a child care service resides on the premises on which the child care service is operated, the toilet and bathroom facilities for the staff must be easily accessible from their living quarters.

CHAPTER 7

SAFETY AND MEDICAL CARE OF CHILDREN IN CHILD CARE SERVICES

28. Sickbay

(1) On any premises on which a child care service for children under compulsory school-going age is operated, an area must be set aside as a sickbay for the treatment and care of any child who becomes ill or is injured, which area may only be used as a sickbay. Such sickbay must be equipped with: –

(a) an approved fully lockable and fully equipped first-aid unit (as in Annexure A), which unit must be kept out of the children's reach; and

(b) a bed or mattress.

(2) An approved method for washing hands must be used in the sickbay referred to in subsection (1).

29. Medical care of children

(1) Any person who operates a child care service must: –

(a) in respect of any child who becomes ill or has suffered an injury requiring medical attention: –

(i) notify the child's parent or guardian immediately; and

(ii) summon medical assistance;

(b) in respect of any child who becomes ill or has suffered any injury, but does not require medical assistance provide the necessary care and treatment in the sickbay on the premises of the child care service;

(c) in the event of any child having a notifiable disease, notify the relevant authority immediately; and

(d) in respect of children under compulsory school-going age, ensure that all the children have completed the basic immunisation schedules as determined by the National Expanded Programme on Immunisation, provided that if the children are too young for the immunisation, the person operating the child care service ensures that the immunisation schedule is completed as soon as the children are old enough.

(2) A telephone must be available to notify a parent or guardian and summon medical assistance in accordance with subsection (1).

30. Safety measures

Any person who operates a child care service must take the following safety measures on the premises on which the child care service is operated: -

(a) The children must be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other object or thing which may be dangerous or cause injury to any child.

(b) Any slats or rails forming part of a fence, security gate, playpen, bed, cot or any other object or structure whatsoever for children under compulsory school-going age must meet the following requirements:

(i) The slats or rails may not be more than 75 mm apart.

(ii) The slats or rails must be suitably installed and be maintained in a good state of repair.

(iii) If the slats or rails are painted, only non-toxic paint may be used.

(c) All medicines, pesticides, detergents and other substances that may be harmful to children must be stored so as not to be accessible to any child.

(d) No noxious or poisonous plant or shrub is permitted on the premises, and no animal may be kept on the premises without the approval of the environmental health practitioner.

(e) No person known or suspected to be suffering from an infectious or contagious disease or who has been in contact with a person so suffering is allowed on the premises while such person is in the opinion of the environmental health practitioner capable of transmitting the infectious or contagious disease.

(f) No paddling pool, swimming pool, sand pit or other structure is permitted on the premises of a child care service for children under compulsory school-going age unless the approval of the environmental health practitioner has been obtained.

(h) Cases of head lice should be reported to parents and children and children should not be allowed to be back at childcare whilst the problem still exists.

(i) Any reasonable measures that may in the opinion of the environmental health practitioner be necessary to protect the children from any physical danger must be taken.

31. General obligations

(1) The health certificate holder must, in respect of the child care service to which his or her health certificate relates: –

(a) ensure that the children, while they are in the care of the child care service, are at all times properly cared for and under the direct supervision of an adequate number of adults;

(b) maintain every part of the premises on which the child care service is operated, including any outdoor area and all structures and equipment, in good repair and in a clean and tidy condition;

(c) ensure that all persons on the premises on which the child care service is operated are physically clean and in a state of good health;

(d) ensure that no person on the premises on which the child care service is operated uses tobacco or any tobacco product in the presence of any child;

(e) ensure that no person on the premises on which the child care service is operated is under the influence of alcohol, any drug or any other harmful substance; and

(f) ensure that, if meals are provided for children –

(i) the meals meet the requirements of the relevant authority;

(ii) all menus for the meals are approved by the relevant authority and are adhered to; and

(iii) the menus for the meals are so displayed as to be visible to the parents of the children.

(2) If any child care service for children under compulsory school-going age transports children to and/or from the premises of the child care service, the person who operates the child care service must ensure that –

(a) while being transported, the children are supervised by at least one adult apart from the driver of the vehicle until the children are handed over to their parents or guardians;

(b) the doors of the vehicle in which any child is transported are lockable such that they cannot be opened from inside the vehicle by a child;

(c) no child is transported in the front seat of a vehicle;

(d) a baby in a carry cot is not placed under a seat of a vehicle;

(e) the vehicle in which any child is transported is not overloaded in terms of any applicable legislation;

(f) the driver of the vehicle in which any child is transported is licensed to transport passengers in accordance with the applicable legislation; and

(g) the vehicle in which any child is transported is licensed and is roadworthy in accordance with the applicable legislation.

(3) This section of the by-law authorises Metropolitan Police Officers to stop any vehicle purporting to be a vehicle transporting children to a childcare services premises with the sole purpose of ensuring compliance with section 31(2) of this By-law.

CHAPTER 8

CONDITIONS AND REQUIREMENTS APPLICABLE TO THE OPERATION OF CHILD CARE SERVICES

32. Application for admission

(1) A health certificate holder must ensure that an application form requesting the following information is completed in full by the parent or guardian of a child on the admission of the child to the child care service to which the health certificate relates:-

(a) The child's name and date of birth;

(b) the name, address and telephone number of the parent or guardian;

(c) the place of employment and work telephone number of the parent or guardian;

(d) the name, address and telephone number of a responsible person other than the parent or guardian who may be consulted in emergencies; and

(e) the name, address and telephone number of the child's medical practitioner; and

(f) a brief file record of description allergically conditions, if any, which the child may have as well any medicine to which the child may be allergic to.

(2) A health certificate holder must ensure that, on the application form referred to in subsection (1), the parent or guardian gives permission for the child's medical practitioner to be consulted.

(3) A health certificate holder must, in respect of a child care service for children under school-going age, ensure that any application form contemplated in subsection (1) is retained for a minimum of two years after the date of termination of the child's care: he/she must also ensure that the date of the child's admission to the child care service and the date of the termination of the child's care in the child care service must be recorded on the application form.

33. Registers

A person who operates a child care service must keep –

(a) a register in which is recorded the particulars and dates in respect of –

(i) all children who have been admitted to the child care service; and

(ii) all children who are no longer in the care of the child care service; and

(b) a register of attendance in which –

(i) the presence or absence of each child is noted daily; and

(ii) each child's date of birth is recorded.

34. Medical reports

Every person who operates a child care service must obtain from the parent or guardian of each child admitted to the child care service a report which contains the following health information and which must be retained:-

(a) Information concerning the child's general state of health and physical condition;

(b) information about and the dates of any operations that the child has undergone and any illnesses and communicable diseases that the child has suffered from;

(c) if the child is under compulsory school-going age, details of any immunisation that the child has received; and

(d) details of allergies that the child suffers from, and information about medical treatment that the child is undergoing or has undergone.

35. Journal

Every person who operates a child care service must keep a journal, diary, logbook or other similar book in which important or significant events relating to the child care service and the children, including accidents, are recorded.

36. Suspension or termination of operation

A health certificate holder must notify the Municipality of the suspension or termination of the operation of the child care service to which his or her health certificate relates.

37. Right of entry and inspection of premises and records

A duly authorised officer of the Municipality may, for any purpose connected with the enforcement of these by-laws, at all reasonable times and without prior notice –

(a) enter any premises on which a child care service is operated; or

(b) enter any premises if he or she has reasonable grounds to suspect that a child care service is operated on the premises,

in order to carry out such examination, inquiry or inspection on the premises as he or she may deem necessary.

CHAPTER 9

OFFENCES, PRESUMPTIONS AND REPEAL

38. Offences

(1) A person is guilty of an offence under these by-laws if he or she, in respect of an official of the Municipality duly authorised under these by-laws or by the Municipality to enter and inspect any premises:–

(a) denies the official entry to the premises or causes or permits any other person to deny the official entry;

(b) obstructs or hinders the official in the performance of duties or causes or permits any other person to so obstruct or hinder the official;

(c) fails or refuses to give the official information that he or she is lawfully required to give or causes or permits any other person to refuse to give the official such information; or

(d) knowingly gives the official false or misleading information or causes or permits any other person to give the official such information.

(2) A person is guilty of an offence under these by-laws if he or she prevents any authorised person lawful entry to any premises on which a child care service is operated.

(3) A person is guilty of an offence under these by-laws if he or she fails or refuses to comply with any provision of these by-laws or any requirement imposed by the environmental health practitioner in terms of section 4.

(4) A health certificate holder is guilty of an offence under these by-laws if, in respect of the child care service to which his or her health certificate relates, he or she allows: –

(a) a greater number of children than the number stated on the health certificate, and land uses approval to be enrolled in the child care service or to be present on the premises of the child care service;

(b) a child to be enrolled in the child care service or to be present on the premises of the child care service if such child is older than the maximum age or younger than the minimum age for children who may be cared for on the premises in terms of the health certificate;

(c) the child care service to be operated during hours not stated in the health certificate and land uses approval.

(5) A person who is guilty of an offence under these by-laws is liable on conviction to a fine as may be provided for in the Adjustment of Fines Act, 1991 (Act 101 of 1991), as amended, or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment. In the case of a continuing offence, such person is guilty of a separate offence and liable on conviction to a fine, or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment in respect of every day or part of a day during which the offence continues.

39. Presumptions

If, in any prosecution under these by-laws, it is alleged: –

(a) that the owner, lessee or occupier of any premises operates a child care service on those premises, he or she will be deemed to have operated a child care service on those premises unless the contrary is proved; and

(b) that a child was of a certain age, such child will be deemed to have been that age unless the contrary is proved.

40. Repeal

The City of Tshwane Health By-Laws for Childcare Services promulgated on 16 June 2010 and the Kungwini Crèches, Preschool, Institutions and Nursery Schools bylaws promulgated on 11 June 2007 are herewith repealed

41. Short title and commencement

This By-law is called the City of Tshwane Health Bylaws for Childcare Services and shall come into operation on the date of publication hereof in the Gauteng *Provincial Gazette.*

ANNEXURE A

SUGGESTED CONTENTS OF A FIRST AID BOX

The first aid box must be clearly marked as such and stored out of the reach of children. Every ECD practitioner must know where the first aid box is stored.

A list of emergency numbers must be placed (stuck) inside the first aid box

Inside the first aid box must be a list of the contents of the box

2 pairs Latex gloves For supply of plastic bags	For incidents involving blood or body fluids
1 pair of household gloves	For cleaning after blood spills
A small plastic bowl	To hold water and Savlon while cleaning and washing wounds
50 ml Savlon	For cleaning and washing wounds
100 ml household bleach (to dilute with 10 liters of water)	For blood spills
1 packet gauze swabs (20)	For covering larger wounds and eye injuries
1 packet cotton wool (or a roll of tissue paper)	For cleaning out wounds and covering and compressing wounds
Waterproof plasters (20)	For protecting cuts and scraps or other breaks in the skin. Waterproof dressing must be used if a workers works with food or drinks
Safety pins	To secure bandages dressing and slings
Micropore (or cellotape)	For securing dressing

75 mm bandage for a long strip of material	For stopping bleeding, covering wounds, or making sling
One way resuscitator (or an airway)	To keep airways open
Plastic bags	For refuse disposal
Scissors	For cutting plasters bandage and material
Tweezers	For extracting splinters and bee stings
Tissues	For general absorption of liquids

IMPROVISED FIRST AID BOX

2 litre ice-cream container	Scrap cotton for bandages
Scrap small pieces of material for nose wipes	1 Litre container (to make re-hydration drink
Scrap cotton for dressings	Scrap cotton triangular bandages
Scrap material for face cloths	Cardboards & padding for rigid splints