



LEGAL NOTICE NO.

THE CHILDREN ACT
(No. 29 of 2022)

**THE CHILDREN (CHARITABLE CHILDREN'S INSTITUTIONS)
REGULATIONS, 2024**

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DRAFT FOR PUBLIC CONSULTATION

THE CHILDREN ACT

(No. 29 of 2022)

IN EXERCISE of the powers conferred by section 89 of the Children Act, 2022 the Cabinet Secretary for Labour and Social Protection makes the following Regulations—

THE CHILDREN (CHARITABLE CHILDREN’S INSTITUTIONS) REGULATIONS, 2024

PART I - PRELIMINARY

Citation. 1. These Regulations may be cited as The Children (Charitable Children’s Institutions) Regulations, 2024.

Interpretation. 2. In these Regulations, unless the context otherwise requires—

“Act” means the Children Act, 2022;

“authorised officer” has the meaning assigned to it under section 2 of the Act;

“Cabinet Secretary” has the meaning assigned to it under section 2 of the Act;

“care order” has the meaning assigned to it under section 153 (1) of the Act;

“Chief Executive Officer” has the meaning assigned to it under section 2 of the Act;

“child” has the meaning assigned to it under Article 260 of the Constitution;

“child services” include any services offered in the promotion and protection of the rights of the child;

“Charitable Children’s Institution” has the meaning assigned to it under section 2 of the Act;

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

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

“County Children Advisory Committee” has the meaning assigned to it under section 2 of the Act;

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

“institution” means Charitable Children’s Institutions;

“manager” means a person appointed or designated as Manager pursuant to section 66 (1) of the Act;

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

“placing authority” means a Children’s Court or the Directorate 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; and

“transition” means the process of holistic and systematic shift of the model of care from institutionalization to family and community-based care.

Application.

3. These Regulations shall apply to—

- (a) renewal of registration of existing institutions;
- (b) regulation of the conduct of charitable children’s institution established through a Public Benefits Organisation, religious organisation or other association, whether incorporated or unincorporated that offer residential care in the name of an institution;
- (c) transition of institutions to family based-care in line with transitional provisions part 16 of the Seventh Schedule of the Act.

Objectives of the Regulations.

4. The objective of these Regulations shall be to provide for—

- (a) renewal of registration and management of charitable children institutions; and
- (b) the transition of charitable children institutions under the Act.

Guiding principles.

5. (1) These Regulations shall be guided by the objectives set out in section 67 of the Act.

(2) Notwithstanding sub regulation (1), institutions shall be managed in a way that is consistent with the rights contained in the Constitution and the Act to ensure –

- (a) maximum survival and development of children;

- (b) non-discrimination of children;
 - (c) respect for the rights of children to express their opinion on matters affecting children; and
 - (d) paramount consideration of the best interest of the child.
- (3) An institution shall be managed in a way that—
- (a) provides minimum standards of care and protection to the child by meeting the physical, emotional, social, intellectual, spiritual and cultural needs of the child;
 - (b) ensure commitment to promoting and providing for the educational needs of children;
 - (c) provides service designed to encourage and assist children to maximize their potential and develop greater independence in skills of daily living;
 - (d) promotes contact with the family and the community for eventual transition and reintegration; and
 - (e) ensures compliance to the objective of section 67 and any other provisions stipulated in the Act.

PART II – REGISTRATION OF EXISTING CHARITABLE CHILDREN’S INSTITUTION

Renewal of registration of existing institutions.

- 6.** (1) Every existing institution that intends to continue operating as a charitable children’s institution under the Act shall apply to the Council, through the County Children Advisory Committee for renewal of registration.
- (2) Pursuant to sub regulation (1) the sub county children advisory committee shall review the application in accordance with these Regulations and submit its recommendations to the Council through the County Children Advisory Committee.
- (3) The application under sub regulation (1) shall be in Form No. CCII set out in the First Schedule and shall be accompanied by the following—
- (a) a copy of the previous certificate of registration;
 - (b) a copy of the mission and policy statement which shall comprise of matters set out in the Second Schedule;
 - (c) minutes of the Sub-County Children Advisory Committee approving the registration of the institution;
 - (d) sub-county Children Advisory Committee inspection

report;

- (e) a public health inspection report;
- (f) the child admission criteria of the institution;
- (g) the child welfare programmes offered by the institution;
- (h) child safeguarding policy;
- (i) child behavior management policy;
- (j) children's complaint procedure;
- (k) police clearance certificate for every staff and volunteer in the institution pursuant to section 65(3) of the Act;
- (l) valid work permit and Certificate of Criminal clearance from country of origin for foreigners working in the institution;
- (m) copies of medical certificate for food handlers employed in the institution;
- (n) certificate of registration for a body corporate and trustees deed in the case of an unincorporated body of persons;
- (o) proof of adequate staffing to meet the needs and objectives of the institutions
- (p) copies of audited book of accounts for previous financial year;
- (q) a copy of the institutions land title deed in the name of the institution or a lease agreement of not less than five years at the time of application.

(4) The Sub- County Children Advisory Committees shall acknowledge receipt of every application for registration in Form No. CCI2 set out in the First Schedule, within fourteen days of receipt of the application, which shall indicate the date (which shall not be later than thirty days from the date of receipt) when the Sub-County Children Advisory Committee shall inspect the premises of the institution to ascertain whether the institution meets the criteria for approval of registration set out in the Third Schedule.

Assessment of the institution.

7. (1) Upon assessment of the institution by the Chief Executive Officer pursuant to section 65(4)(a) 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 65(4)(a) of the Act, the Council shall—

(a) where the institution meets the requirements set out in the Third Schedule, approve the registration of the institution and issue a Certificate of Renewal of Registration in Form No. CCI3 set out in the First Schedule;

(b) where the institution does not meet the requirements set out in the Third Schedule, reject the application for registration and, within fourteen days of its decision, notify the institution of that decision, giving reasons therefor.

(3) Where the Council rejects the application for registration, the Council may—

(a) where the continued operation of the institution does not pose 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

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

(4) An appeal against a decision of the Council made under this regulation 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.

Validity and renewal
of Registration

8. (1) A certificate of approval issued under regulation 7 shall be valid for a period of three years.

(2) Every existing institution registered under these Regulations shall apply for renewal of registration in the manner provided under regulation 6 upon expiry of three years from the date of initial registration under this Regulations, or the date of the last renewal of registration, whichever is the case.

(3) An existing institution shall, six months before the expiry of its Certificate of Approval, make an application for renewal of its certificate.

(4) The procedure for renewal shall be as stipulated in regulation 6.

(5) An existing institution that fails to make an application of renewal one year after the expiry of their certificate shall be

deemed not to be in operation.

Revocation of registration.

9. (1) The County Children Advisory Committee may recommend to the Council to revoke the registration of an institution —

(a) where the institution fails to comply with the provisions of the Act and these Regulations pursuant to section 65(4)(b);

(b) upon recommendation of an inspection report issued pursuant to section 73 of the Act; or

(c) upon request by the institution.

(2) An institution shall not have its registration revoked under sub regulation (1)(a) or (b) unless it has been accorded a reasonable opportunity to make representations to the Council on the intended cancellation of registration.

(3) Where 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.

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

(5) Where the Council is satisfied that the registration of the institution should be revoked, the Council shall recommend to the Cabinet Secretary to revoke the institution's registration by notice in the *Gazette*.

(6) Upon revocation of registration under sub regulation (5), the provisions of section 76(4) and (5) shall apply.

(7) Any person aggrieved by the decision of the Council made under this regulation may appeal to the Cabinet Secretary.

PART II- MISSION AND POLICY STATEMENT AND CHILDREN'S GUIDE

Mission and Policy Statement and Children's Guide

10. (1) Every institution shall keep and maintain a mission and policy statement containing the matters set out in the Second Schedule.

(2) The institution shall submit a copy of the mission and policy statement to the Council, and shall ensure that the mission and policy are displayed in the institution.

(3) The institution shall make a copy of the mission and policy

available upon request for inspection by –

- (a) any staff of the institution;
- (b) a child accommodated in the institution;
- (c) the parent or guardian of a child accommodated in the institution;
- (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.

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

(5) 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 complaint's procedure; and
- (c) the telephone contacts, postal and physical addresses, of the Secretary, the children's officer in the local limits of the institution and any other state or non-state agency, actively engaged in children's services.

(6) 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.

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

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

(9) An institution that fails to comply with this regulation commits an offence.

Review of Mission
and Policy
Statement, and
Children's Guide

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.

(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.

(3) Where the children's guide is revised, the institution shall provide the revised copy thereof to each child accommodated in the institution.

PART III – STANDARDS RELATING TO PREMISES

Suitability of facilities

12. (1) The institution shall ensure that the physical facilities 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 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 any 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 and intersex children, 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;
 - (b) provided for use by only one child at a time;
 - (c) clean and comfortable;
 - (d) appropriate for the sex, age and development of the child 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 children a separate sleeping area located away from any activity area.
- (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 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.

Fire and safety.

13. (1) An 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) The manager shall, where possible and for purposes of meeting the requirements set out in sub-regulation (1), consult with the relevant fire-fighting authorities in the local limits of the institution.

(5) It shall be 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.

14. 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
- (c) motor vehicle coverage for all vehicles used by the staff of the institution and volunteers.

Reception of visitors.

15. (1) The institution shall designate, 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.

Privacy and access to premises.

16. 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 –
 - (i) is intended to safeguard each child’ accommodated in the institution;
 - (ii) is necessary and proportionate;
 - (iii) is kept under review and, if necessary, revised; and
 - (iv) allows children as much freedom as is possible when balanced against the need to protect them and keep

them safe.

Hazards and safety

17. 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;
- (e) suitable arrangements are made to train all the children and staff of the institution in first aid, disaster preparedness and management;
- (f) there are measures to address public health pandemic and public emergencies; and
- (g) there are measures to address safe use of technology.

PART IV- MANAGEMENT OF INSTITUTIONS

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 Secretary 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.

Accessibility for Inspection.

19. For the purposes of sections 73 and 88 of the Act, the institution shall, at all times –

- (a) ensure that the inspection of its physical facilities by the Secretary, inspection Committee or an authorised officer is carried out smoothly;

- (b) provide all the relevant information required for the purpose of inspection; and
- (c) ensure that all areas are accessible, and that all persons required to be interviewed are available.

Visits by persons
Authorised by the
Institution.

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.

(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 –

- (a) forward the report to the Council; and
- (b) take such action as may be necessary to address the issues, (if any) raised in the report.

Child Placement
Plan

21. (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 consider the views of the child.

(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.

Standards of child placement plan.

22. (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; or
 - (ii) the child requests a review of the child's placement plan.

PART V – STAFF OF THE INSTITUTION

Appointment of
manager

23. (1) Pursuant to section 66 of the Act, the institution shall appoint or designate a person with the qualifications stipulated under section 66(2) of the Act as the manager of the institution.

(2) In addition to the qualifications specified in section 66(2) of the Act, the institution shall require the person considered for appointment or designation as Manager, to provide the information set out in the Fifth Schedule.

(3) A person shall not manage an institution unless he or she is fit to do so, and shall be deemed as 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 have the qualifications, skills and experience necessary for managing the institution; and
- (b) they are physically and mentally fit to manage the institution.

Staff of the
institution

24. (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.

Certain persons not fit for appointment.

25. (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, upon conducting independent reference checks, 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) paragraph 1 of the Fifth Schedule;

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

(iii) where sub-regulation (4) applies, paragraph 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.

26. (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.

27. (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 secretary to the Sub-County Children 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 Sub-County Children Advisory Committees, and shall 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 Sub-County Children Advisory Committee has not been notified of such absence, the person in charge of the institution shall, without delay, give notice in writing to the Sub-County Children Advisory Committee specifying the matters set out in sub-regulation (2).

(5) Upon return to duty, the manager shall notify the Sub-County Children Advisory Committee of his or her return not later than

seven days from the date of return.

PART VI – ADMISSION AND ADMINISTRATION OF CHILD WELFARE SERVICES

Procedure on
Admission

28. The manager shall ensure that –

- (a) every child placed under their care is committed through a valid court order except under special circumstances as provided for in the Act;
- (b) 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;
- (c) within seven days of arrival at the institution, each child is informed of rights, responsibilities and operations of the institution, having regard to the age and evolving capacities of the child; and
- (d) no child, without the written permission of the manager, shall leave the premises of the institution unaccompanied or unsupervised.

Assessment of
children

29. (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.

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 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 sex, 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 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.

Contact and access
to information.

33. (1) The institution shall –

(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

(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.

(2) The institution shall ensure that the children accommodated in the institution maintain frequent and continuing contact with their relatives or caregivers.

(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.

(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 –

(a) meet the child's special needs; and

(b) facilitate the child's contact and communication with other persons.

Education, recreation and employment

34. (1) The institution shall promote the educational attainment of children accommodated in the institution by ensuring, among other things, that –

(a) the institution provides adequate educational facilities accessible to the children accommodated in the institution, 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 Secretary 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.

No. 14 of 2013.

(6) For the purposes of this regulation, "basic education" has the meaning assigned to it under section 2 of the Basic Education Act, 2013.

Certain disciplinary actions prohibited.

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;
- (l) any intrusive physical examination of the child;
- (m) recording, either aural or visual, of a child with behavioral issues, for purposes of posting on social media
- (n) the withholding of any aids or equipment needed by a child with disability; or
- (o) 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—

- (a) compel a child to observe or participate in religious activities which are not of the child's persuasion and best interest; or
- (b) use religion as a tool to deny a child any of the child's rights.

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 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.

Smoking in certain parts of the premises

38. An institution shall ensure that, while children are under the supervision of staff of the institution, no person smokes or

prohibited.

uses tobacco, holds lighted tobacco, on the premises, in any vehicle used by staff of the institution to transport children or in any manner prohibited under section 33 of the Tobacco Control Act, 2007.

No.4 of 2007.

Institution to notify certain events.

39. (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, within twenty-four hours, notify the persons specified in respect of the event in column 2 of that Table.

(2) The institution shall provide the necessary service to the child and 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.

40. (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 internal 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 Secretary 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.

Institution to develop
behaviour
management policy.

41. (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 sensitize the child on the behavior management policy and provide a copy to –

- (a) the parent or guardian of the child; and
- (b) 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.

PART VI – RECORDS OF THE INSTITUTION

Case records.

42. (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) for a period of not less than six years in accordance with the Data Protection Act, 2019, and be domiciled at the sub-county children's office.

No. 24 of 2019.

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

Records.

43. (1) The manager shall keep or cause to be kept the records specified in the Eighth Schedule.

(2) Every institution shall update their records and share the updated records with the Secretary and the Council

PART VII – MISCELLANEOUS PROVISIONS

Financial Standing
of the Institution

44. (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 shall be 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 practicing 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.

Regulations and
guidance.

45. 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 Secretary 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.

46. An 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.

Change of user and closure of institution.

47. (1) Pursuant to section 69 of the Act an institution may change user the institution by making an application to the Council in Form XXXX set out in the Schedule.

(2) Where an institution intends to change its location, the institution shall notify the Council in Form xxx set out in the First Schedule, within nine weeks of the intended change of location.

(3) Where an institution intends to close, the institution shall notify the Council in Form XXXX set out in the Schedule.

(4) An institution shall, as soon as is reasonably practicable, give notice in writing to the Council where 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
- (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 by relocating to another area or extended, or if additional changes are made to such premises.

Offences.

48. A person who fails to comply with the provisions of these Regulations commits an offence.

General Penalty.

49. Any person convicted of an offence under these Regulations for which no other penalty is provided shall be liable upon conviction to the penalty set out in section 246 of the Act.

Transition Provisions.

50. (1) A charitable children's institution registered under the Children Act, 2001 (now repealed) shall comply with these Regulations.

(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 and shall be required to renew its registration in accordance with regulation 6.

(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.

Transition of institutions.

51. (1) Pursuant to paragraph 16 of the Seventh Schedule to the Act, all existing institutions shall cease operations on the 26th July, 2032.

(2) An existing institution registered under these Regulations shall, five years before the time specified in sub regulation one, submit to the Council, a transition strategy for purposes of ceasing operations as an institution under these Regulations.

(3) The transition strategy submitted under sub regulation (2) shall specify—

(a) the transition time frame and the steps to be undertaken by the institution;

(b) how the institution shall collaborate, partner and create linkages with their planned programs;

(c) how the institution shall resource mobilize and support their transitional programs;

(d) how the institution shall promote continuum of care; and

(e) how the institution shall conduct monitoring, evaluation and learning.

Revocation of LN. No. 145/2005.

52. The Children (Charitable Children's Institutions) Regulations 2005 are revoked.

FIRST SCHEDULE

R. 6 (1)

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 atam/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, 2022 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.

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

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.

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.
11. Risk assessment for health and safety purposes and subsequent action taken.
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 Fourth 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

Column 1: Event	Column 2: To be notified to				
	Secretary/ County Children's Officer	Placing Authority	Police	Health Authority	Parent
Death of a child accommodated in the institution	yes	yes	yes	yes	yes

Serious injury or accident sustained by a child in the institution	yes	yes			yes
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.	yes	yes		yes	yes
Allegation that a child has committed a serious offence.		yes	yes		
Serious incident necessitating calling the police.	yes	yes			
Absconding/escape by a child.	yes	yes			
Any serious complaint about the home or persons working there.	yes	yes			
Investigation and outcome of any child protection enquiry.	yes	yes			

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 previous institution where the child was received from or, previously held and the destination at the time of exit.

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;

NINETH SCHEDULE

Regulation 8

CHARITABLE CHILDREN INSTITUTIONS RENEWAL

1.	Fees chargeable for renewal of Charitable Children Institutions	Ksh 25000

Made on the2024.

FLORENCE BORE,
Cabinet Secretary for the Labour and Social Protection.