



LEGAL NOTICE NO.

THE CHILDREN ACT, 2022

(No. 29 of 2022)

THE CHILDREN (WELFARE PROGRAMMES) REGULATIONS, 2024

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THE CHILDREN ACT, 2022

(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, on the recommendation of the National Council for Children’s Services, makes the following Regulations —

THE CHILDREN (WELFARE PROGRAMMES) REGULATIONS, 2024

PART I—PRELIMINARY

Citation. **1.** These Regulations may be cited as the Children (Welfare Programmes) 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;

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

“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;

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

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

Application.

3. These Regulations shall apply to—

- (a) the Council when approving, registering, evaluating and monitoring the implementation of child welfare programmes; and
- (b) charitable children institutions implementing the child welfare programmes.

Guiding principles.

4. The implementation of these Regulations shall be guided by the following principles—

- (a) the best interest of the child;
- (b) confidentiality and right to privacy;
- (c) sustainability of programmes;
- (d) non-discrimination;
- (e) do no harm; and
- (f) meaningful child participation.

Object and purpose.

5. The main objective for the establishment of child welfare programmes shall be to ensure responsive family and community-oriented programmes designed to—

- (a) promote and strengthen a family’s ability to care for their child;
- (b) encourage family and community-based care;
- (c) positively affect child development and family systems; and
- (d) mitigate the effect of family poverty, and to prevent social exclusion.

Duty of the Council.

6. The Council shall, pursuant to section 42 of the Act—

- (a) advice on technical and support services to state and non-state agencies participating in child welfare programmes;
- (b) regulate, register, approve, evaluate and monitor implementation of child welfare programmes proposed by charitable children's institutions.

Criteria for approval of programmes.

7. A child welfare programme shall meet the following criteria to qualify for approval and registration under these Regulations—

- (a) be established by a registered charitable institution;
- (b) the charitable institution shall show proof of resources, including financial and human resources, required to administer the programme;
- (c) be in accordance with the organizations institution's mission and policy objectives;
- (d) be suitably designed to satisfy specific needs of children.

Application for approval.

8. (1) A charitable institution shall apply to the Council for approval before administering a child welfare programme.

(2) The application under sub regulation (1) shall be submitted to the Council in Form CWP1 set out in the First Schedule and be accompanied by the following documents—

- (a) a certificate of registration or Deed of Trust (whichever is applicable);
- (b) minutes of the Sub County Children Advisory Committee recommending the programme;
- (c) evidence of good financial standing sufficient to support the proposed programme;

- (d) a mission and policy statement containing the matters set out in the Second Schedule;
- (e) the institutional framework and management structure of the programme and the information set out in the Second Schedule;
- (f) the institution's child protection and safeguarding policy; and
- (g) the report of the County Children Advisory Committee recommending the programme.

Review of application.

9. (1) The Chief Executive Officer shall, within fourteen days of receipt of the application made under regulation 7, acknowledge receipt thereof in writing in Form CWP2 set out in the First Schedule.

(2) The acknowledgment of receipt referred to in sub-regulation (1) shall contain a notice of assessment, to ascertain whether the programme meets the criteria for approval of registration set out in these Regulation.

(3) The assessment referred to in sub regulation (2) shall take place not later than thirty days from the date of receipt of application submitted under regulation 7.

(4) Upon assessment of the proposed programme, the Chief Executive Officer shall prepare and submit a report of their findings to the Council pursuant to 74(2) of the Act.

(5) The Council shall consider the Chief Executive Officer's report and recommendations and –

- (a) approve the whole or part of the proposed programme, where the proposed programme complies with regulation 7; or
- (b) reject the whole or part of the proposed programme, where the proposed programme does not comply with regulation 7, and give written notice of its decision in that regard setting out the reasons for disapproval.

(6) Where the Council approves the whole or part of the proposed programme, the Council shall issue a certificate of approval in Form No.

CWP3 set out in the First Schedule.

(7) A certificate of approval issued under sub-regulation (6) shall be valid for a period of five years.

(8) An appeal against a decision of the Council made under this regulation shall be made to the Cabinet secretary in writing within thirty days of receipt of notification of the decision in that regard.

Registration of proposed programme.

10. Upon approval of a program under regulation 8 the Council shall register the program.

Monitoring of programmes.

11.(1) The Council shall periodically monitor and inspect the progress of the child welfare programmes being implemented in the country.

(2) Notwithstanding the generality of sub regulation (1) the County Children Advisory Committee shall, pursuant to section 75 of the Act, review the programme within their area of jurisdiction and advise the Council on whether the programme is operating according to the standards stipulated by the Council.

Register of Approved Child Welfare Programmes.

12. The Council shall pursuant to section 70(3) of the Act, maintain a register of approved child welfare programmes containing the matters specified in the Third Schedule.

Offences.

13. Any person who implements or attempts to implement a children's welfare programme in contravention with the provisions of the Act and these Regulation commits an offence and shall be liable upon conviction to the penalty set out in sections 65(5) and 74 of the Act.

Reintegration.

14. The procedure for the reintegration of a child in an institution whose welfare programmes have been deregistered shall include—

- (a) identification of the child;
- (b) child assessment;
- (c) family tracing and assessment;

- (d) development of case plan;
- (e) implementation of the case plan;
- (f) reunification or placement of the child to the family or community;
- (g) monitoring or case review;
- (h) case closure; and
- (i) transfer

Deregistration.

15. (1) The Council may, pursuant to section 76 of the Act, deregister a child welfare programme.

(2) Any person aggrieved by the decision of the Council to deregister a welfare programme may appeal to the Cabinet Secretary with a further appeal to the High Court.

(3) Where an appeal is made under sub regulation (2), the Cabinet Secretary may, in consultation with the Council –

- (a) direct that the programme continues in operation on such terms as the Cabinet Secretary may determine pending final determination of the appeal; or
- (b) direct that the programme be discontinued for the time being pending final determination of the appeal, upon which the provisions of section 76(5) shall apply.

(3) Nothing in sections 75 or 76 of the Act prevents a person from making a fresh application for approval of registration of a child welfare programme under the Act and these Regulations.

Transition.

16. Any existing public benefits organisation or charitable children institution desirous of continuing implementation of a child welfare programme registered in line with the provisions of the repealed Act shall notify the Council in line with section 74 of the Act and shall comply with the provisions of these Regulations within six months of coming into force.

FIRST SCHEDULE

FORMS

Form No CWP 1

(r. 4 (1))

NOTIFICATION OF ESTABLISHMENT OF A CHILD WELFARE PROGRAMME

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

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

Objectives

Main Objectives

.....
Specific Objectives

.....
Mode of Operation

Area(s) of Operation.....

Program location details:

County.....

Sub-County.....

Ward.....

Location.....

Target

Group(s).....

Intended Period of Operation.....

Name of Chairperson Signature..... Date

Name of Person in Charge.....

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

Signature Date

Regulation 5 (1)

Form No CWP 2

Acknowledgement of Receipt of Application

Date

This is to acknowledge and notify (name of applicant) of P. O. Box that we are in receipt of your application for registration of a child welfare programme and that we propose to assess the program within the next 30 days.

Yours faithfully,
.....

Chief Executive Officer

Regulation 6 (3)

Form No CWP 3

Certificate of Approval of Child Welfare Programme

National Council for Children’s Services

P O Box
Nairobi.

This is to certify that (name of applicant) has been approved to implement whole /part(s) of child welfare programme as specified below, in accordance with section 74 (2) of the Children Act, 2022

Part(s) of Child Welfare Programme approved:

.....
.....
.....

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

.....
Chairperson of Council

Date

Regulation 4(2) (d)

SECOND SCHEDULE

Matters for Inclusion in the Mission and Policy Statement

1. A statement of the overall aims of the institution, and the objectives to be attained with regard to children accommodated in the institution.
2. A statement of the facilities and services to be provided to children to be targeted under the programme.
3. The name and address of the Manager.
4. The relevant qualifications and experience of the Manager.
5. The number, relevant qualifications and experience of persons working in the institution, and if the workers are of the same gender, a description of the means whereby the programme will promote appropriate role models of both genders.

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

18. A description of the programme’s policy in relation to anti-discriminatory practice as respects children and their rights.
19. Provision of services to strengthen families including parenting training, mental health psychosocial support, economic livelihood.
20. Complaint and grievance mechanisms for reporting cases of abuse.
21. Volunteerism should be need based and in conformity with the National Standards on Volunteerism and Child Protection and Safeguarding Policy
22. Monitoring and Evaluation framework.
23. Approval of programmes from relevant Ministries and departments
24. An assessment/suitability report by the County Children Advisory Committee on the Child welfare programs to be implemented.

THIRD SCHEDULE

Regulation 8

REGISTER OF CHILDREN WELFARE PROGRAMMES

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

FOURTH SCHEDULE

Regulation 8

REGISTER OF CHILDREN WELFARE PROGRAMMES

1.	Fees chargeable for registering Child Welfare Programme	Ksh 5000
2.	Fees chargeable for renewal of Child Welfare Programme	Ksh 3000

Made on the, 2024.

FLORENCE BORE,
Cabinet Secretary for Labour and Social Protection.

DRAFT FOR PUBLIC CONSULTATION