

**2003 EDUCATION (EARLY CHILDHOOD S.R.O. 39  
EDUCATION) REGULATIONS**

**COMMONWEALTH OF DOMINICA**

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**2003 EDUCATION (EARLY CHILDHOOD EDUCATION) REGULATIONS S.R.O. 39**

**COMMONWEALTH OF DOMINICA**

STATUTORY RULES AND ORDERS No.39 OF 2003

REGULATIONS

MADE by the Minister under section 78 of the Education Act 1997 (11 of 1997).

(Gazetted September 12<sup>th</sup>, 2003)

PRELIMINARY

1. These Regulations may be cited as the - Short title.  
**EDUCATION (EARLY CHILDHOOD EDUCATION) REGULATIONS 2002.**

2. In these Regulations - Interpretation.  
“Act” means the Education Act 1997; 11 of 1997.  
“applicant” means a legal person or body applying for a permit to operate an Early Childhood Education Facility;  
“Council” means the Council on Early Childhood Education established by the Minister under section 77 of the Act;  
“facility” means an Early Childhood Education Facility as defined in section 2 of the Act;  
“food” includes drink;  
“member of staff”, in relation to a facility, means a person engaged in the provision of early childhood education at the facility, whether as an employee or otherwise;  
“Minister” means the Minister with responsibility for Education;  
“permit” means a permit issued by the Minister, under section 96 of the Act, to operate a facility;

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“permit holder” means a legal person or body holding a permit;

“programme” means the activities planned to help the children’s physical, social, emotional, cognitive and spiritual development;

“principal” includes a supervisor of a facility or any person who is responsible for the management of a facility and its programmes;

“teacher” includes a care giver.

**PART I**

**REGISTRATION, RECORDS  
AND RELATED MATTERS**

Prescribed form of application and information.

**3.** (1) An application made under section 95 (1) of the Act for a permit to establish an Early Childhood Education Facility shall be made in writing to the Minister and must contain the following information:

- (a) the full name and address of the applicant;
- (b) evidence of the need for such a facility in the community and the aims and objectives of the facility;
- (c) the address and telephone number, if any, of the facility to which the application relates;
- (d) the name, if any, by which the facility will be publicly known;
- (e) a floor plan to scale and structural details of the premises of the facility proposed to be used for early childhood education;
- (f) the nature of the early childhood education to be provided at the facility;
- (g) the times during which it is proposed to use the facility for providing early childhood education;

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- (h)* the maximum number of children for whom, at any time, it is proposed to provide early childhood education at the facility;
- (i)* the ages of children for whom it is proposed that early childhood education may be provided at the facility;
- (j)* whether it is proposed that a parent should be on the premises of the facility for a period during which early childhood education is to be provided for any child;
- (k)* the proposed hours of operation;
- (l)* whether it is proposed to prepare and serve meals to the children attending the facility;
- (m)* a statement of projected income and expenditure over a two-year period;
- (n)* as regards a person who is or would be a member of staff of the facility -
  - (i)* the person's name, address and date of birth;
  - (ii)* the person's educational qualifications and experience in early childhood education or similar qualifications or experience;
  - (iii)* the person's health status, job description, employment contract, evaluation report, and police record;
  - (iv)* the hours during which it is proposed that the person will work at the facility; and
  - (v)* the age group of the children for whom the person is to be primarily responsible;
- (o)* in the case of any other person who is not a member of staff, but who is otherwise employed at the facility -

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- (i) the person's name, address and date of birth;
- (ii) the person's duties; and
- (iii) the hours it is proposed that the person will work at the facility;

(p) the daily routines and daily activities that are proposed for children at the facility, and where necessary, the routines and activities for each age group.

(2) For the purposes of subregulation (1)(n)(i), in conjunction with the information required, an applicant must submit to the Ministry a relevant birth or baptismal certificate or some other authoritative means of identification.

(3) The application for the permit shall be accompanied by an application fee of one hundred dollars.

Consultation.

**4.** The Minister shall consult with the Council -

- (a) in satisfying himself whether the requirements specified under section 96 of the Act have been met;
- (b) in deciding on the conditions subject to which a permit may be granted under the Act to a facility;
- (c) in determining the maximum number of children who can be admitted to a facility under section 99 of the Act; and
- (d) in deciding any other matter that he considers necessary respecting early childhood education.

Display of Permit.

**5.** (1) Where a permit is issued to an applicant to operate a facility under section 96 of the Act, the permit holder shall ensure that the permit signed by the Chief Education Officer and the Minister is prominently displayed at all times at the facility.

(2) A permit holder shall keep available at the facility a copy of these Regulations and a copy of the permit.



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**6.** (1) A permit holder shall keep an admission register in which he shall enter the prescribed particulars in relation to each child for whom early childhood education is being provided at the facility and any change in those particulars.

Admission Register.

(2) For the purposes of subregulation (1), the prescribed particulars are-

- (a) the child's full name and address;
- (b) the child's date of birth and sex;
- (c) the name of the child's parents;
- (d) the telephone number or numbers, if any, of a parent;
- (e) a statement relating to the child's general health and well-being based on a medical report from a medical or nurse practitioner;
- (f) the child's immunisation particulars;
- (g) the name and telephone number of a person who may be contacted in the event of an emergency concerning the child, if a parent cannot be contacted;
- (h) the name, address and telephone number of a medical practitioner or nurse who may attend to the child;
- (i) the name of the person or persons authorised to pick up the child from the facility on a daily basis.

(3) A relevant birth certificate must be produced in conjunction with the information required under subregulation (2).

(4) It shall be sufficient compliance with the requirements of subregulation (1), if the permit holder -

- (a) enters in the register the prescribed particulars in relation to a child that have been supplied by a parent of that child and which the permit holder

reasonably believes to be correct;

- (b) receives the relevant birth certificate as required under subregulation (3);
- (c) enters in the register any change in a prescribed particular which he reasonably believes to have occurred, whether on information supplied by a parent of the relevant child or otherwise; and
- (d) corrects any error in the particulars entered in the register of which he becomes aware.

Medical records.

7. (1) A permit holder shall keep in accordance with this regulation a medical history record and a medication record of every child attending the facility.

(2) If a child, while attending a facility or under the supervision of a member of staff during an activity organised by the permit holder of the facility, sustains injury or is suffering from an illness, the permit holder shall enter in the medical history record the following particulars in relation to that child:

- (a) the child's name;
- (b) in the case of an injury, the date on which, the time at which, and the circumstances in which, the injury was sustained;
- (c) the nature of the injury sustained or the symptoms of the illness being suffered, as the case requires;
- (d) if the child is found to be or is suspected to be suffering from a communicable disease, the name of the disease.

(3) Subject to subregulations (4) and (5), where medication is administered to a child at a facility, the permit holder shall enter in the medication record the following particulars in relation to that child:

- (a) the child's name;

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- (b) the name and dosage of the medication;
- (c) the date on which and the time at which the medication was administered;
- (d) the fact that a written request or consent was received as regards the administration of the medication, and where relevant the fact that a prescription was provided.

(4) A permit holder may not administer medication to a child at his facility, unless he has been requested in writing to administer the medication by a parent of the child or has received the consent in writing of a parent to administer the medication.

(5) Where medication to be administered under this regulation has been prescribed, the parent must supply the relevant prescription to the permit holder and, if there are any side-effects, inform the permit holder.

**8.** A permit holder shall keep an attendance register in which he shall enter or cause to be entered the dates of attendance of each child at the facility.

Attendance register.

**9.** (1) A permit holder shall keep an excursion book in accordance with this regulation in which the particulars of any activity outside of the premises of the facility organised by the permit holder shall be entered.

Excursion Book.

(2) Subject to subregulation (3), where a child is removed from a facility for the purpose of taking part in an activity organised by the permit holder of that facility, the permit holder shall enter in the excursion book the following particulars in relation to that child:

- (a) the child's name;
- (b) the date, time, place and nature of the activity;
- (c) the fact that consent was obtained, in writing, from a parent of the child to remove the child from the premises for the purpose of taking part in the activity.

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(3) A permit holder may not remove a child from a facility for the purpose of taking part in an activity organised by the permit holder of that facility or by any other person, unless he has obtained, in writing, the consent to do so from a parent of the child.

Renewal of permits.

**10.** (1) For the purpose of section 102 (2) of the Act, a permit holder who wishes to renew his permit shall apply in writing to the Minister for such renewal not less than three months before the expiry date of his permit and such application must furnish the information prescribed under regulation 3.

(2) The Minister may request any permit holder who is seeking a renewal under subregulation (1) to furnish him with any register, record, book or other relevant document and the documents shall be supplied within the time stipulated in the written request.

Section of Register for facilities.

**11.** The Chief Education Officer shall establish and maintain a section of the Private Schools Register, to be kept under section 94 (1) of the Act, for Early Childhood Education Facilities, and that section of the register must include the following particulars as regards each facility issued a permit and registered—

- (a) the particulars required to be mentioned in a permit under section 100 of the Act;
- (b) the name and qualifications of the Principal of the facility;
- (d) the day that the permit expires;
- (e) the particulars of any notice served on the proprietor of the facility under section 107 of the Act;
- (f) the particulars of any modification, transfer or revocation of the permit or cancellation of the registration of the facility;
- (g) the particulars of any conviction of a permit holder for a breach of the Act or Regulations.

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**PART II**

**ENVIRONMENTAL AND OTHER RELATED  
STANDARDS AND REQUIREMENTS**

**12.** (1) A facility shall be located in an environment that is safe and free from environmental pollution and atmospheric hazards such as smoke, chemicals used in aerial spraying or crop dusting, unpleasant odours, irritants and dangerous noise levels. Location of facility.

(2) Premises that are adjacent to a place that is used for the manufacture or storage of flammable or combustible materials or dangerous chemicals are unsuitable to be used for the operation of a facility.

**13.** (1) A facility shall be spacious and only admit such number of children as can be comfortably accommodated on its premises. Facility to be spacious.

(2) Every child attending a facility shall be allowed at least twelve square feet of open floor space indoors, appropriate work corners, and at least twenty-four square feet of play area outdoors.

(3) The open floor space referred to under subregulation (2) does not include passageways, storage areas, fixed furniture, areas occupied by cots or cribs, sleeping areas, toilet areas, bathrooms, washrooms, kitchens, offices, laundries, entrances and staff rooms.

(4) Where more than twenty-five children of two and half years of age or over are attending a facility, the facility shall ensure that the children are provided with adequate space for play indoors.

(5) The play area outdoors does not include-

- (a) the area of garden beds, permanent storage areas, sheds or land that is not useable in the opinion of the Chief Education Officer, as a play area; or

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*(b)* the area of any fenced body of water and the area within that fencing.

Fences and gates.

**14.** (1) The premises where a facility is located shall be perimeter fenced to a height of at least six feet and the gates shall be secured with a latch placed beyond the reach of children.

(2) A gate used as an access to the premises of the facility for vehicles shall be locked at all times when children are in the play area.

(3) If the entrance to the premises of a facility leads directly to a street or a car park, there shall not be direct access from the facility to the street or car park.

(4) If the premises of a facility are adjacent to water or other hazards, the Chief Education Officer or an authorised person may, by written notice, require the permit holder to provide appropriate fencing to a standard acceptable to the Chief Education Officer.

(5) If there is a swimming pool on the premises of the facility the pool shall be appropriately fenced to a standard acceptable to the Chief Education Officer.

Buildings of facility.

**15.** (1) Subject to subregulation (2), any building that is used by a facility to offer early childhood education shall not form part of a dwelling house or be used for any other activity that is likely to cause a deterioration of the building or equipment or affect the general operations of the facility and any building used to provide early childhood education shall be at or close to ground level.

(2) The Minister may, in a particular case, approve -

*(a)* the use of a building that is above ground level, if he considers the building safe and suitable for early childhood education;

*(b)* the use of a building that is also used as a dwelling house, if -

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- (i) the part of the building used as a dwelling has a separate entrance; and
- (ii) the part of the building and outdoor space used for early childhood education is not used for domestic purposes when children are attending the facility.

(3) A building used by a facility for early childhood education shall be asbestos free and designed or remodelled with the safety of the children in mind.

(4) When an inspection of a facility is being done under section 95 (2) of the Act, the structural integrity of every building used or to be used by the facility for early childhood education shall be checked by the Physical Planning Department and certified as safe.

(5) The structural integrity of every building used by a facility for early childhood education may be checked when a facility is inspected under section 106 of the Act.

(6) When artificial lighting is used at a facility, fluorescent lamps shall be used and electrical outlets shall be properly covered and kept out of the reach of the children.

(7) Every building of a facility shall have -

- (a) a sound ceiling with non-slip floors that are even;
- (b) adequate ventilation with doors, windows and, if necessary, fans strategically placed;
- (c) walls that are painted in light colours and kept clean;
- (d) proper acoustics that ensure the protection of the children from excessive noise from both inside and outside the facility; and
- (e) adequate receptacles for garbage.

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Play materials and equipment of facility to be safe.

**16.** A facility shall provide safe indoor and outdoor play materials and equipment, which may include sandpits, swings, climbing frames, tunnels, and tyres.

Design.

**17.** The design of a facility shall allow supervision of all indoor and outdoor areas of the facility to which children may have access.

Administration Area.

**18.** A facility shall have an area for administration and for private consultations with parents.

Rest Area.

**19.** A facility shall have a suitable rest area to be used for providing temporary care for ill or injured children.

Telephone.

**20.** (1) Subject to subregulation (2), a facility shall have a telephone in working order.

(2) A facility, on application in writing to the Minister, may be permitted to operate without a telephone, if the facility has easy access to a working telephone.

Children's Bathrooms.

**21.** (1) Subject to subregulation (2), every facility shall provide to the satisfaction of the Chief Education Officer an adequate number of bathrooms that are convenient, private, accessible, safe and comfortable for use by children.

(2) Every facility shall provide at least one flush toilet and a hand basin for every fifteen children aged twelve months or over attending the facility.

(3) For the purposes of subregulation (2), the toilets used by children in the age group twelve months to under three years of age may be training commodes.

(4) Every facility shall ensure -

(a) an adequate supply of running water and soap;

(b) adequate and safe storage space for cleaning materials, creams, lotions, clothes, towels and other linen.



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(5) Every facility shall provide –

- (a) disposable towelling; or
- (b) warm air hand dryers; or
- (c) a towel for each child over two years of age.

(6) If individual towels are provided by the facility, each towel must be-

- (a) individually hung in a manner that prevents it from overlapping or coming into contact with another towel; and
- (b) washed -
  - (i) at least once a week;
  - (ii) whenever soiled; and
  - (iii) before it is used by another child.

(7) A facility that caters for children aged fifteen months or over shall provide a bath or shower with running water and a held shower rose, and such bath or shower shall be located adjacent to the area catering for the children of that age.

(8) A bath or shower referred to under subregulation (7), shall have a non-slip floor or an appropriate rubber mat.

**22.** (1) A kitchen at a facility shall be used only for the preparation and storage of food and non-toxic materials, and associated activities. Kitchens.

(2) A kitchen at a facility shall be painted with washable paint and be equipped with-

- (a) sufficient refrigerated space for the storage of perishable food, having regard to the facility's capacity and hours of operation;
- (b) cupboards and bins for the storage of food, crockery, tableware and kitchen utensils, that

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provide protection from dust, flies, vermin and other forms of contamination;

*(c)* impervious bench tops and tables;

*(d)* running water supplied to a double bowl or single bowl sink;

*(e)* vermin-proof receptacles for refuse; and

*(f)* a hand basin.

Cleaner's sink.

**23.** (1) A facility shall have a cleaner's sink that is supplied with running water in a location that does not pose a risk to the safety of the children.

(2) The cleaner's sink shall not be located in a kitchen.

Laundry.

**24.** (1) Subject to subregulations (2) and (3), where a laundry service is provided at a facility, its laundry must include-

*(a)* a laundry tub or washing machine;

*(b)* a storage mechanism that prevents the spread of infection, for the purpose of storing soiled clothes and napkins that are to be laundered on the premises; and

*(c)* a device for sterilising articles soiled with body fluids before laundering on the premises.

(2) A laundry at a facility shall be located in a separate room.

(3) The requirement for a storage mechanism that prevents the spread of infection, for storing soiled clothes and napkins applies to a facility that does not provide a laundry service.

Furniture and equipment.

**25.** (1) A facility shall provide indoor and outdoor equipment and furnishings that are adequate and appropriate having regard to-

*(a)* the capacity of the facility;

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(b) the age range of the children catered for at the facility; and

(c) the recommendations of the Chief Education Officer as notified to the permit holder from time to time.

(2) A facility shall ensure that its indoor and outdoor equipment, materials and furnishings -

(a) are maintained in a safe and useable condition;

(b) if painted, are painted in lead-free paint; and

(c) are suitable to the developmental needs of the children attending the facility.

(3) Any chalkboard provided at a facility shall be painted in a flat dark green colour or black and shall be positioned so that it does not cast a glare and is clearly visible by all the children using it.

**26.** Where food is provided to children at a facility, the facility shall provide eating and drinking utensils for each child unless otherwise directed in writing by the parent of the child.. Utensils.

**27.** (1) Where a child attends a facility for more than five hours a day, there shall be a suitable bed, sleeping mat, cot or crib, with a waterproof cover, for the child. Bedding.

(2) For the purposes of subregulation (1), there shall be a cot or crib for each child under fifteen months attending the facility.

(3) Notwithstanding subregulation (1), a facility that caters for children under two and half years shall provide adequate beds, sleeping mats, cots or cribs, as the case may be, with waterproof covers, to accommodate the children.

(4) A facility shall provide sufficient bed linen for the children who are to use the bedding and shall ensure that sufficient

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space is provided for an adult to walk between each bed and to gain easy access to each bed from both sides.

Fire safety and  
emergency plans.

**28.** (1) A facility shall ensure that there is a clear and effective means of escape from the facility for use in case of a fire or other emergency.

(2) Fire and emergency evacuation plans shall be clearly displayed in each room of a facility.

(3) The fire safety equipment of a facility shall be properly maintained.

First Aid Kit.

**29.** (1) A facility shall provide and maintain a well-equipped First Aid Kit.

(2) A First Aid Kit must include -

(a) antiseptic cream;

(b) assorted Band-Aids, elastoplasts or such other sticking plaster;

(c) sterile gauze;

(d) hydrogen peroxide (antiseptic) solution;

(e) splints;

(f) cotton wool;

(g) assorted bandages;

(h) scissors; and

(i) plastic or rubber gloves.

Safety precautions.

**30.** (1) Any glass door or window at a facility at a low level shall be fitted with safety glass or covered with safety film.

(2) Any staircase at a facility shall be of a safe design with suitably designed banisters, and where considered necessary by the Chief Education Officer, stair gates may be required.

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**31.** A facility shall provide storage space of a type that is satisfactory having regard to the capacity of the facility, including space for programme materials, play equipment, and safe, stable storage areas suitably marked, for each child's possessions, accessible by a child aged two or above. Storage areas.

**32.** A permit holder shall ensure, if food is provided to children at his facility, that - Food standards.

- (a) a menu for the children is displayed in a place where it can be seen by parents;
- (b) food is offered to the children at appropriate intervals;
- (c) having regard to the age, culture, religion, health and dietary needs of individual children and food prepared at the facility is adequate and nutritious and offers variety; and
- (d) perishable foods are stored under refrigeration.

**33.** A facility shall be provided with water that is adequate in quality and quantity for drinking and other uses. Water.

**34.** Waste disposal, whether an incinerator is used or otherwise, and the cleaning of the premises of a facility shall be done in an environmentally friendly manner after school hours. Waste disposal and cleaning.

**35.** The premises of a facility shall be cleaned and treated regularly to avoid the breeding of pests. Pest Control.

**36.** A person shall not smoke on the premises of a facility. Smoking.

**37.** (1) The play area of a facility shall be cleared of all obstacles, boulders, tree stumps and gravel and shall be kept level, well drained and covered with grass or some other form of covering approved by the Chief Education Officer. Play area.

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(2) Any vegetation in the play area of a facility shall be non-poisonous, non-thorny and controlled without the use of weedicides and other harmful chemicals.

**PART III  
ADMISSION**

Admission.

**38.** (1) Every child admitted to a facility shall be accompanied by his parent and the parent shall supply the information required under regulation 6 (2) and produce the birth certificate required under regulation 6 (3).

(2) Every child, prior to admission, shall provide evidence that he has received the required immunisation appropriate for his age, unless exempted by a medical practitioner.

(3) A child aged eighteen months shall be required to have completed the following immunisation:

- (a) Bacille Calmette – Guerin (B.C.G) — one dose;
- (b) Diphtheria, Pertusis and Tetanus (D.P.T) — three doses;
- (c) Oral Polio vaccine (OPV) — three doses;
- (d) Measles, Mumps, Rubella (M.M.R) — two doses;

and if a child is aged three or over on entering the facility, then a booster dose of Diphtheria and Tetanus (D.T) and a booster dose of Oral Polio vaccine (OPV) shall be required.

Children with disabilities.

**39.** (1) Where any facility admits a child with a disability, the facility shall ensure that appropriate physical resources and specially trained staff are provided.

(2) Where a facility is unable to offer a child with a disability the appropriate physical resources and specially trained

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staff, the facility, in consultation with the parent, shall refer the matter to the Ministry for assistance in ensuring that the child is admitted to another facility or institution with the appropriate resources.

**PART IV  
PROGRAMMES**

**40.** (1) Every facility shall have and implement a programme of curriculum development approved by the Chief Education Officer.

Programme of curriculum development.

(2) The programme, which must be based on sound theory and practice and reflect an integrated and holistic approach to early childhood education, must be appropriate to the ages and circumstances of the children attending the facility and must be geared to stimulate the physical, social, cultural, emotional, cognitive and spiritual development of the child.

(3) The programme must include a relevant environmental education component in order to give the children an appreciation of the need to preserve the natural environment of the Commonwealth of Dominica.

(4) The daily programme of a facility shall be well balanced and designed to meet the developmental needs of the children and the programme shall -

- (a) be formulated to reflect objectives that are contextual, sequential and show the interconnection between the short term and long term goals;
- (b) be flexible and varied in order to provide the opportunity for language development and stimulate creativity;
- (c) provide the children with opportunities to work out social relationships through play and experience;

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- (d) provide the children with opportunities for indoor and outdoor play activities;
- (e) provide for regular rest periods on a daily basis appropriate to the age of the children; and
- (f) in the case of children with disability, appropriate services for their convenience.

(5) The programme of a facility shall also provide for scheduled parent or parent organisation involvement and education.

(6) A programme of a facility shall be administered and implemented within the school year.

**PART V**

**STAFF**

Principals.

**41.** Every principal of a facility shall complete a course of study in management and supervision of schools or some equivalent qualification from an institution recognised by the Ministry.

Teachers.

**42.** (1) Subject to subregulation (2), every teacher at a facility who -

- (a) teaches children under the age of three shall have completed a course of study in Early Childhood Education or received some equivalent qualification from an institution recognised by the Ministry;
- (b) teaches children aged three or over but under five shall have-
  - (i) completed five years of secondary education, and
  - (ii) completed a course of study in Early Childhood Education or received some equivalent qualification from an institution recognised by the Ministry.



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(2) The Minister, on the advice of the Council, may exempt any teacher from any qualification requirement specified under subregulation (1).

**43.** Every aide or volunteer shall have completed at least two years of secondary education, unless the Minister, on the advice of the Council, exempts the aide or volunteer from such qualification requirement.

Aides or Volunteers.

**44.** Every prospective member of staff of a facility shall attend pre-service orientation programmes that shall be provided by the facility.

Prospective members of staff.

**45.** (1) Before appointment to the staff of a facility, every prospective member of staff shall undergo a medical examination and submit a medical certificate to the Principal.

Medical examinations.

(2) Every member of staff shall be examined for communicable diseases on an annual basis.

**46.** Every prospective member of staff or prospective employee at a facility shall provide a minimum of two character references, and where applicable, one of the references shall be from a former employer.

Character references.

**47.** Every facility shall provide in service training so as to ensure the continuous upgrading of teacher's knowledge and skills.

In service training.

**48.** Every member of the kitchen staff at a facility shall be functionally literate, have a sound knowledge of nutrition and possess a valid Food Handlers permit from the Ministry of Health.

Kitchen staff.

**49.** Every member of staff shall be able to perform first aid, basic or simple, and implement the fire procedures.

First aid and fire procedure.

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Staff ratios.

**50.** (1) In order to enable appropriate individual attention, the ratio of staff to children in any facility shall be -

(a) in the case of children under twelve months, one teacher for every seven children;

(b) in the case of children of twelve months and over but under two years, one teacher for every ten children;

(c) in the case of children of three years and over, but under five years, one teacher for every fifteen children.

(2) Notwithstanding subregulation (1)(c), where there are twenty-five children or more, a teacher shall be assisted by another teacher or an aide or volunteer.

PART VI

GENERAL

Duty to inspect.

**51.** The Minister or the Chief Education Officer or any other person authorised in writing by the Minister or the Chief Education Officer shall, in accordance with section 106 (1) of the Act, carry out an inspection, at least once a year, of each facility including its premises, equipment, play materials, the services provided and books or records relating to the operation of the facility.

Health and sanitation visits.

**52.** (1) The Public Health Authorities may enter a facility during the normal hours of operation to ensure that the health and sanitation arrangements of the facility are acceptable and are being maintained.

(2) Where an inspection is carried out in a facility, an inspection report shall be made and a copy given to the permit holder of the facility drawing attention to any short-coming or area of improvement necessary.

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**53.** (1) A permit holder shall ensure that a child is not released from a facility to anyone except a person authorised under regulation 6 (2) (i).

Release of children from a facility.

(2) A permit holder shall have clear written policies and procedures to guide staff actions when -

(a) a person described in subregulation (1) does not arrive to pick up the child, or

(b) a person not described in subregulation (1) requests the release of the child from the facility.

**54.** A permit holder operating a facility shall ensure -

General responsibility of permit holders.

(a) that every child attending the facility has suitable means of expression and development through the use of books, toys, games and other play materials having regard to the age and development of the child;

(b) that the facility is operated in compliance with the standards and requirements set out in the Act and these Regulations; and

(c) that no child while attending the facility is subjected to emotional, physical or sexual abuse or to physical or emotional neglect or to shaking, shoving, hitting, spanking or any other form of corporal punishment.

**55.** (1) Subject to subregulation (3), every child attending a facility shall be covered by an appropriate general liability group insurance policy or other form of indemnification, approved by the Chief Education Officer, after consultation with the Council.

Insurance.

(2) A facility shall ensure that in its general liability group insurance policy or other form of indemnification the word "insured" is defined to include the named insured and any member of staff, employee, board member, agent, or any other person when acting within the scope of his duties for the named insured.

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(3) If a parent does not wish his child to participate in a facility's insurance plan, the parent shall submit to the Chief Education Officer a signed written waiver to that effect.

(4) Any building used by a facility for providing early childhood education shall be adequately insured against all insurable perils including fire, hurricane, earthquake, volcanic eruptions, riots, strikes, malicious damage, impact, aircraft, burst water pipes, floods and other natural perils.

Cancellation of  
permit.

**56.** (1) Where the Chief Education Officer is of the opinion that a facility is not maintaining the standard prescribed under these Regulations, he may give notice to the permit holder of the facility of the shortcomings or the manner in which the standard has fallen and the permit holder shall take such reasonable steps as may be necessary to rectify the shortcomings and improve the standard of the facility within such time as the Chief Education Officer considers necessary.

(2) Where a permit holder fails to take the necessary steps to rectify the shortcomings or improve the standard as required under the notice served pursuant to sub-regulation (1), the Minister may cancel the permit.

(3) Before the Minister cancels the permit under sub-regulation (2), he shall give reasonable opportunity to the permit holder to explain why the permit should not be cancelled.

Made this 11<sup>th</sup> day of July, 2003.

**ROOSEVELT SKERRIT**  
*Minister for Education,  
Sports & Youth Affairs.*

**DOMINICA**