

Child Care Board

Cap. 381.

CHILD CARE BOARD REGULATIONS, 1985

1985/39.

Authority: These regulations were made on 25th February, 1985 by the Board with the approval of the Minister under section 20 of the *Child Care Board Act*.

Commencement: 18th March, 1985.

1. These Regulations may be cited as the *Child Care Board Regulations, 1985*. Citation.

2. In these regulations

Interpretation.

"dental practitioner" has the meaning assigned to it by section 2 of the *Dental Registration Act*;

Cap. 367.

"medical practitioner" has the meaning assigned to it by section 2 of the *Medical Registration Act*.

Cap. 371.

PART I

Foster Care

3. No child in the care of the Board shall be placed into foster care other than with:

Eligibility of persons to be foster parents.

- (a) a husband and wife jointly; or
- (b) a woman.

4. (1) No child in the care of the Board shall be placed in a proposed foster home unless:

Conditions for foster care.

- (a) a Child Care Officer who
 - (i) is personally acquainted with the child and the needs of the child, or
 - (ii) has obtained all available information on the child and the needs of the child,
 has carried out investigations in respect of that home;
- (b) The Child Care Officer referred to in paragraph (a) has submitted a written report to the Board in respect of:

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- (i) the suitability of the home with regard to living, sleeping and other domestic conditions as they relate to the needs of the child,
 - (ii) the reputation and religious persuasion of the proposed foster parents,
 - (iii) the suitability of the proposed foster parents, as regards their age, character, temperament and health,
 - (iv) the physical and mental health of each member of the household, particularly where the Child Care Officer is of the opinion that a member of the household is suffering from any physical or mental illness that might adversely affect the child,
 - (v) the character of each member of the household, particularly where the Child Care Officer is of the opinion that a member has been convicted of any offence and the Officer considers it would be undesirable for the child to associate with that member,
 - (vi) the number, sex and approximate ages of persons in that household;
- (c) the case history of the child and the relevant reports on the child indicate that the placing of the child in the proposed foster home would be in the best interests of the child; and
- (d) the child has been examined by a medical practitioner and a medical report from the practitioner on the physical and mental health of the child has been obtained.

(2) Notwithstanding paragraph (1) (d), where the placing of a child with foster parents is required to be done as a matter of urgency, the medical examination or medical report referred to under that paragraph shall not be required before the child has been so placed, but shall be obtained as soon as possible thereafter.

Agreement.

5. (1) Before a child in care of the Board is placed with foster parents the Board may require the foster parents to enter into an agreement with the Board in respect of the care and maintenance of the child.

(2) A copy of the agreement referred to in paragraph (1) shall be kept by the Board and also by the foster parents who entered into the agreement.

6. (1) Before a child is placed with foster parents it is the duty of the Board to: Duties of
the Board.

- (a) provide the foster parents with written information on the background, and mental and emotional development of the child;
- (b) furnish the foster parents with adequate information on the meaning of foster care and the duties of foster parents.

(2) It is the duty of the Board to ensure that

(a) a foster child is examined by

(i) a medical practitioner

(A) within 1 month after being placed with the foster parents of the child; and

(B) at least once in every 6 months if the foster child is under the age of 2 years or at least once a year if the child has attained that age; and that a written report on the mental and physical condition of the child is submitted by the medical practitioner to the Board after the examination;

(ii) a dental practitioner or other dental person who is so registered under the *Dental Registration Act* as regularly as the Board deems necessary; Cap. 367.

(b) a Child Care Officer sees the foster child and visits the foster home

(i) within 1 month after the foster child has been placed in the foster home;

(ii) after the period referred to in sub-paragraph (i), as often as the welfare of the foster child requires but not less than

(A) once in every month for the first 6 months;

(B) in the case of a foster child who has been placed in the foster home for less than 2 years, where that child is under 5 years, once

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in every 6 weeks, or where the child is over 5 years, once in every 2 months;

- (C) in the case of a foster child who has been placed in the foster home for more than 2 years, once in every 3 months;
- (iii) within 1 month after a change of address of a foster parent, or
- (iv) forthwith after the receipt of a complaint by or concerning the child unless it appears to the Child Care Officer that action in respect of the complaint, is unnecessary.
- (c) a review of the welfare, health, conduct and progress of each foster child is carried out by a Child Care Officer other than the Child Care Officer who supervised the placement of the child
 - (i) within 3 months after the child is placed with foster parents; and
 - (ii) after the 3 months referred to in paragraph (a), as often as the Board considers necessary in each particular case, but not less often than once every 3 months.

(3) The Board must compile a case record in respect of each child that was placed by the Board with foster parents, and ensure that a record of the review referred to in regulation 6(2)(c) is entered by the Child Care Officer responsible for carrying out the review in the case record of the relevant foster child together with the particulars of any action recommended as a result of the review.

(4) The Board may by letter addressed to the foster parents of a foster child terminate the placement of that child where it appears to the Board that the placement is no longer in the best interests of the child.

Duties of
Child Care
Officer.

7. (1) It is the duty of a Child Care Officer

- (a) after visiting a foster child in pursuance of these regulations, and after considering the welfare, health, conduct and progress of the child or any complaint made

by or concerning the child, to make a written report on the child to the Board; and

(b) after visiting the home of the foster parent, to make a written report on the condition of the home to the Board.

(2) Where a Child Care Officer responsible to the Board under regulation 6 for the general welfare of a foster child considers that the conditions under which the child is living endanger his health, safety or morals, the Officer may remove the child from the foster home forthwith.

(3) Where a Child Care Officer has acted under paragraph (2), the Officer shall as soon as possible after removing the child, inform the Board of the removal.

8. It is the duty of the foster parent of a child to secure the regular attendance of the child at school. School attendance.

PART II

Day Nurseries

9. In this Part "day nursery" applies to a day nursery that is provided for and maintained by the Board. Applica-
tion.

10. Members of staff of a day nursery are required to have Qualifica-
tion of
staff.

(a) appropriate training and experience that are acceptable to the Board;

(b) a medical certificate of fitness issued by a registered medical practitioner; and

(c) a certificate of good character.

11. (1) The ratio of adults on the staff of a day nursery in relation to Ratio of
Staff.

(a) children other than the physically or mentally handicapped enrolled in the day nursery, must not be less than as follows:

(i) for children between the ages of 3 months to 23 months, 1 nursery assistant of staff to 6 children,

(ii) for children between the ages of 24 months to 5 years, 1 nursery assistant of staff to 12 children;

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(b) handicapped children enrolled in the day nursery, must not be less than as follows:

- (i) for children up to 23 months, 1 supervising adult member of staff to 3 children,
- (ii) for children between the ages of 2 years, to 6 years, 1 supervising adult member of staff to 6 children,
- (iii) for children between the ages of 6 years to 12 years, 1 supervising adult member of staff to 8 children.

(2) In this regulation "nursery assistant" means a person appointed as such by the Board.

Medical
examina-
tion.

12. Each member of staff must by the 31st of January each year,

- (a) have an annual medical examination that includes a blood test, and
- (b) have an annual food handling certificate in accordance with the *Health Services (Food Hygiene) Regulations, 1969*.

1969/232.

Duties of
Staff.

13. No child that is enrolled at a day nursery is to be left at the nursery without adequate supervision by the staff of the nursery.

Discipline.

14. Corporal punishment, severe or frightening measures must not be inflicted on a child of the day nursery.

Medical
certificate,
immuniza-
tion cards
etc.

15. (1) No child is to be enrolled in a day nursery unless

- (a) a valid medical certificate issued by a medical practitioner to the effect that the child is free from all communicable diseases and is in good health is presented at the time of enrollment;
- (b) at the time of enrollment, parents consent to the admission of the child to a hospital in medical emergencies.

(2) No child who is suffering from a disease or complaint likely to be injurious to the health of the other children in the day nursery is to be admitted to the nursery.

(3) No child who has been absent through illness for more than 2 days should be re-admitted to the day nursery without a

valid medical certificate from a medical practitioner indicating the good health of the child.

(4) It is the duty of the day nursery to keep current immunization cards in respect of each child enrolled at the nursery and to require the consent of the parents for any subsequent immunizations that are to be carried out at the nursery.

16. It is the duty of a day nursery to keep the following **Records.** information in respect of an enrolled child:

- (a) the name, address and telephone number of the parent or guardian and one other person who can be notified in case of illness, accident or other emergency;
- (b) the place of employment of the parent or guardian; and
- (c) the name and address of the family doctor if any.

17. (1) The Officer in charge of a day nursery shall notify the **Accidents** Board immediately **etc.**

- (a) of the death of or serious accident involving any child in the day nursery and of the relevant circumstances surrounding the death or accident;
- (b) of any case of gastro-enteritis or any other infectious disease, contracted by a child in the day nursery who is under 5 years old, that the medical officer determines to be sufficiently serious as to require the Board to be notified.

(2) Where the Board is notified pursuant to paragraph (1), the Board shall inform the parent or guardian of the child referred to in that paragraph of the death, accident or illness, as the case may be.

18. (1) It is the duty of the Board to consult the Fire Service **Fire pre-** on precautionary measures to be taken by the staff and children of **cautions.** a residential child care centre in the event of a fire.

(2) The Board must notify the Minister forthwith of an outbreak of fire in any day nursery if as a result of the fire, it is necessary to remove the children from the nursery.

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PART III

Residential Child Care Centres

Defini-
tion.

19. In this part, "residential child care centre" means a children's home, reception centre, group home or hostel that are provided and maintained by the Board.

Admission
require-
ments.

20. (1) No child shall be admitted to a residential child care centre unless the child has been examined by a medical practitioner and has been issued with a medical certificate from the practitioner attesting to his suitability in respect of his health, for admission to the centre.

(2) Where a child is about to be admitted to a residential child care centre, the Board shall enter into an agreement with the parent of the child in respect of

- (a) the terms governing the supervision, care, control and circumstances relating to the discharge of the child;
- (b) the fees or contributions to be paid by the parent; and
- (c) any other matter that the Board may determine.

(3) On the admission of a child to a residential child care centre the officer in charge of the centre shall examine the child carefully and record information about the child's general condition.

(4) Each parent is to be issued with a copy of the rules governing the operation of the residential child care centre before or at the time of the admission of the child to the centre.

Duties of
Board.

21. It is the duty of the Board to

- (a) ensure that each residential child care centre is administered in such a manner and in accordance with such principles as are calculated to secure the well being of the children in the centre;
- (b) appoint a person to be in charge of each residential child care centre who shall
 - (i) compile the records referred to in regulation 22 and keep them at all times available for inspection by any authorised person appointed by the Board,

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- (ii) keep the medical record of each child and ensure that the record is available at all times to the Medical Officer or to any other person to whom the Board grants permission to inspect the record;
 - (c) ensure that each residential child care centre is visited at least once monthly by a Child Care Officer who shall
 - (i) determine whether the centre is being administered in the manner referred to in paragraph (a), and
 - (ii) enter in the record book at the centre his comments in respect of his visit;
 - (d) appoint one or more medical officers for each residential child care centre who shall
 - (i) visit the centre at least once monthly in order to examine the children placed at the centre and to administer such medical treatment as he considers necessary,
 - (ii) advise the officer in charge of the centre respecting the health of the children at the centre or the hygienic conditions of the premises of the centre,
 - (iii) supervise the compilation of a medical record for each child at the centre, and
 - (iv) ensure that the record referred to in sub-paragraph (iii) contains the physical and mental conditions of each child on admission to the centre and the medical history of the child before, during his stay at the centre and at the time of his discharge from the centre; and
 - (e) arrange for the dental care of all children in the residential child care centres.

22. It is the duty of the officer in charge of a residential child care centre to keep the following records: Records.

- (a) a register in which the date of admission and discharge of each child at the centre is entered;
- (b) a daily attendance register in respect of each child in the centre;

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- (c) a record of all fire precaution procedures conducted at the centre; and
- (d) a daily record of the meals served to the children in the centre in sufficient detail to indicate whether the diet is satisfactory.

Accidents
etc.

23. (1) The officer in charge of a residential child care centre shall forthwith notify the Director or any other member of the Board designated by the Board for the purpose:

- (a) of the death of or serious accident involving any child in the centre and of the relevant circumstances surrounding the death or accident;
- (b) of any case of gastro-enteritis or any other infectious disease, contracted by a child in the centre who is under 5 years old, that the medical officer determines to be sufficiently serious as to require the Board to be notified.

(2) Where the Board is notified pursuant to paragraph (1), the Board shall inform the parent or guardian of the child referred to in that paragraph of the death, accident or illness, as the case may be.

Fire pre-
cautions.

24. (1) It is the duty of the Board to consult the Fire Service on precautionary measures to be taken by the staff and children of a residential child care centre in the event of a fire.

(2) The Board must notify the Minister forthwith of any outbreak of fire in any residential child care centre if, as a result of the fire, it is necessary to remove the children from the centre.

Discipline.

25. The officer in charge of a residential child care centre must determine the suitability of the method of punishment to be imposed on a child; but corporal punishment shall not be used as such a method.

Discharge.

26. (1) No child may be discharged from a residential child care centre without the written approval of the Board.

(2) Before the Board approves of the discharge referred to in paragraph (1) the Board must be satisfied that having regard to all relevant circumstances, that the best interests of the child will be served by discharging the child.