

EARLY CHILDHOOD DEVELOPMENT BILL, 2022*(Bill No. 13 of 2022)***EXPLANATORY STATEMENT OF OBJECTS AND REASONS
FOR THE BILL**

The overarching objective of this Bill is to adapt the provisions of the current Institute of Early Childhood Development Act, 2014 (IECD Act) to the more modern criteria and obligations set forth under the UNESCO Agreement; specifically those relating to the UNESCO Category 2 Centres for Early Childhood Care and Education (ECCE) and to allow the Institute of the Early Childhood Development (“the Institute”), under the auspices of UNESCO, to effectively operate as such thereby extending the Institute’s regulatory powers.

The Institute, established in 2014 under the IECD Act and which will continue under this Act seeks to promote the holistic development of the child and to establish an efficient framework for early childhood care and education. Its functions delineated under clause 4 are concerned pre-eminently with the registration of child minders and with making certain of the child minders adherence to the guidelines and standards that regulate childminding services and establishments in the Republic. Category 2 centres as defined under the UNESCO agreement was plainly left out.

The Institute will remain the principal implementing entity of the legal instrument with the core objective of bringing about improvements in services rendered in child care facilities at the non-compulsory stage of education; that is education rendered for children between the ages of 0 to 5 years thereby furthering advancements in Early Childhood Care and Education on a wider scale.

The Bill proposes to provide the Institute with a legal basis to operate as an international centre for ECCE, consistent with the obligations of the UNESCO Category 2 Centres and furthermore to increase, on a regional and international level, the recognition of the Republic and the Institute’s leadership.

Dated this 23rd day of June, 2022.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

EARLY CHILDHOOD DEVELOPMENT BILL, 2022

(Bill No. 13 of 2022)

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EARLY CHILDHOOD DEVELOPMENT BILL, 2022

(Bill No. 13 of 2022)



A BILL FOR

AN ACT TO ESTABLISH AN INSTITUTE OF EARLY CHILDHOOD DEVELOPMENT AND TO SET UP A FRAMEWORK FOR EARLY CHILDHOOD CARE AND EDUCATION TO PROMOTE THE HOLISTIC DEVELOPMENT OF THE CHILD AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

Short title and commencement

1. This Act may be cited as the Early Childhood Development Act, 2022 and shall come into operation on such date as the Minister, by Notice published in the *Gazette*, appoints.

Interpretation

2. In this Act, unless the context otherwise requires —

“Appeals Board” means the Appeals Board established under section 25;

“Board” means the Board of the Institute established under section 18;

“Certificate of Registration” means a certificate issued to a child minder under section 6;

“child care centre” means premises on which a manager renders a child care service and that, depending on its size, may be permitted by the Institute to accommodate more than fifteen children;

“child care service” means an Early Childhood Care and Education service which may include an overnight service, offered by a child minder or manager who takes care of a child of and below the age of three in a home or in a child care centre;

“child minder” means a person who, in a home and in exchange for remuneration, renders a child care service to four to twelve children of and below the age of three;

“crèche” means premises on which children of and between the ages of three to five are offered public or private Formal Early Childhood Education;

“early childhood” means the period from birth to below the age of eight years;

“Early Childhood Care and Education” means the process of giving systematic instruction to a child in his or her early childhood for his or her holistic development and meeting the child's social, emotional, cognitive and physical needs.

“Formal Early Childhood Education” means the rendering of Early Childhood Education on a formal basis with a holistic approach to

support the child's early cognitive, physical, social and emotional development and to introduce him or her to organised instruction outside of the family context in preparation for compulsory education;

“Formal Early Childhood Education Service” means the rendering of Formal Early Childhood Education;

“home” means the child minder's home or other premises on which he or she renders a child care service;

“inspection” means the process of critically examining and evaluating, for quality assurance purposes, a service rendered by a child minder, Manager or person operating a crèche or the premises wherein the child care service or the Formal Early Childhood Education service is rendered;

“Inspector” means a person appointed as an Inspector under section 14;

“Institute” means the Institute of Early Childhood Development established under the Institute of Early Childhood Development Act, 2014 and which continues in operation hereunder this Act;

“licence” means a licence granted or renewed under this Act authorising the manager to render the child care service specified in the licence;

“Manager” means a person who, in a child care centre, cares for fifteen or more children of and below the age of three;

“member” means a member of the Board established under section 18 and includes the Chairperson and Vice Chairperson;

“Minister” means the Minister responsible for education;

“non-compulsory education” means Early Childhood Care and Education provided to children between the ages of zero to five, before prescribed compulsory education is rendered;

“relevant partner in Early Childhood Care and Education” means a person who, being interested in Early Childhood Care and Education, provides a service related *inter alia* to education, health, social affairs, community development, family affairs, safety or finance;

“service provider” means a person who, in terms of this Act, renders a child care service or a Formal Early Childhood Education service;

“quality assurance” means the maintenance of the prescribed standards in a service rendered in terms of this Act;

“quality assurance system” means the mechanism by which quality assurance is carried out.

PART II - INSTITUTE OF EARLY CHILDHOOD DEVELOPMENT

Continuation of operation of Institute

3. The Institute established as a body corporate under the repealed Institute of Early Childhood Development Act, 2014 shall remain and continue in operation as though established under this Act save performing the functions stated under section 4.

Functions of Institute

- 4.(1) The Institute shall —
- (a) advise government as to the development of policies, standards and guidelines for Early Childhood Care and Education;
 - (b) register child care services and maintain a register therefor and of programmes and trainings that may by regulations, be prescribed;
 - (c) approve of premises on which a child care service is or is to be rendered;
 - (d) issue certificates of registration and licences;

- (e) ensure, in collaboration with relevant partners in Early Childhood Care and Education, that service providers comply with standards in relation to child care services and premises on which the child care services are rendered;
- (f) design, develop and implement a quality assurance system for non-compulsory education;
- (g) review and develop standards and contribute to the development of learning programmes for Formal Early Childhood Education;
- (h) conduct inspections of in terms of section 12 of this Act;
- (i) subject to other provisions of this Act or any other law, manage financial schemes and render financial assistance, in a manner that may by regulations be prescribed, to persons who are registered or licensed under this Act;
- (j) promote environments conducive to the safety, wellbeing and holistic development of the child in his or her early childhood;
- (k) coordinate, implement, monitor and evaluate early childhood development programmes and projects in collaboration with partners in Early Childhood Care and Education;
- (l) engage such persons having expertise in the field of Early Childhood Care and Education to provide training and professional development to persons involved in the rendering of child care and Formal Early Childhood Education services under this Act;
- (m) advise parents, educators, interested institutions and the relevant partners in Early Childhood Care and Education on matters relating to early childhood development;
- (n) advocate for and promote understanding of the importance

of early childhood development and provide information and advice on good practices;

- (o) mobilise funds for the purpose of fulfilling the functions of the Institute;
- (p) undertake research and establish a national database on early childhood development in order to provide relevant data for policy formulation and programme development;
- (q) collaborate with relevant national and international authorities pertaining to matters on Early Childhood Care and Education;
- (r) liaise with and enter into agreements with organisations concerned with Early Childhood Care and Education;
- (s) perform such other functions as may by regulations be prescribed.

(2) The Institute shall, in addition to the functions under subsections (1), perform such other functions and meet such objectives in terms of any UNESCO or other agreement that the President may in accordance with Article 64(5) of the Constitution execute or authorise.

Directions by the Minister

5. The Minister may give written directions to the Institute on matters of policy and the Institute shall comply.

PART III - CHILD CARE SERVICES

Child minder and issuance of certificate of registration

6.(1) A child minder, not being a person concerning which a familial or other arrangement outside of this Act is made, shall not render or operate a child care service in his or her home without having been registered in terms of this Act and issued a certificate of registration by the Institute.

(2) Notwithstanding the provisions under subsection (1), a person shall be liable to the penalty stipulated in terms of section 17 of this Act if he

or she palpably renders a service which ought, according to the Institute, to be registered under this Act.

(3) An application for registration under subsection (1) shall be made to the Institute in such form and manner and shall contain such information as may by regulations be prescribed.

(4) The Institute may upon evaluation of the application and assessment of the extent of the applicant's adherence to the standards and to the conditions of a certificate of registration that may be prescribed —

- (a) uphold the application and grant the applicant a certificate of registration; or
- (b) reject the application if the applicant or home wherein the child care service is proposed to be rendered fails to meet the requirements of this Act or the standards hereunder prescribed.

(5) A certificate of registration shall be valid for a period of three years and may upon application to the Institute, be renewable.

(6) Where the Institute refuses an application, it shall provide the applicant with the reasons for refusal.

(7) The Institute may charge such fees as may by regulations be prescribed for the registration and renewal of the certificate of registration.

Renewal of certificate of registration

7.(1) A child minder, if he or she intends to renew his or her certificate of registration shall six months prior to the date of its expiry, notify the Institute of his or her intention to renew.

(2) Notwithstanding subsection (1), an application to renew shall be submitted three months prior to the expiry of the certificate of registration.

(3) The Institute shall, upon receiving the notification under subsection (1), issue the relevant partners, not less than three months before

the expiry of the certificate of registration with a written direction to furnish to the Institute documents relevant to the determination of the granting of a certificate of registration.

Manager and issuance of licence

8.(1) A manager shall not render or operate a child care service in a child care centre without a licence issued by the Institute.

(2) An application for a licence under subsection (1) shall be made to the Institute in such form and manner and shall contain such information as may, by regulations, be prescribed.

(3) The Institute may upon evaluation of the application and assessment of the extent of the applicant's adherence to the standards and to the conditions of a licence that may be prescribed —

- (a) uphold the application and grant the applicant a licence; or
- (b) reject the application if the applicant or child care centre wherein the child care service is proposed to be provided fails to meet the requirements of this Act or the standards hereunder prescribed.

(4) A licence shall be valid for a period of six years and may upon application to the Institute, be renewable.

(5) Where the Institute refuses an application, it shall provide the applicant with the reasons for refusal.

(6) The Institute may charge such fees for the renewal of the licence as may, by regulations, be prescribed.

Renewal of licence

9.(1) A manager, if he or she intends to renew his or her licence shall six months prior to the expiry of the licence, notify the Institute of his or her intention to renew.

(2) Notwithstanding subsection (1), an application to renew shall be submitted three months prior to the expiry of the licence.

(3) The Institute shall, upon receiving the notification under subsection (1), issue the relevant partners with a written direction to furnish to the Institute, not less than three months before the expiry of the licence, documents relevant to the determination of the granting of the licence.

Register

10. The Institute shall cause to be kept and maintained a register of persons who have, in terms of this Act been issued a certificate of registration or a licence.

Financial assistance

11.(1) The Institute may provide financial assistance to a child care service provider and a parent whose child or children are registered in a child care service under this Act.

(2) Financial assistance provided in accordance with subsection (1) shall be in the amount and based on criteria, which the Minister by notice in the Gazette specifies.

Responsibilities of relevant partners

12.(1) Where the Institute has issued a written direction in accordance with sections 7(3) and 9(3), the relevant partners shall ensure that the information required are furnished by the date specified in the direction.

(2) The Institute shall not be held liable for a failure by the relevant partners to meet their obligation under subsection (1).

PART IV - INSPECTION

Inspection of non-compulsory education premises

13.(1) The Institute shall at least once every six months and whenever a complaint is lodged by a person, or whenever necessary, cause an inspection to be made of a registered home and child care centre.

(2) Notwithstanding subsection (1), the Institute shall at least once a year or whenever necessary, cause an inspection to be made of Formal Early Childhood Education premises.

(3) An inspection carried out under subsections (1) and (2) shall be conducted for quality assurance purposes and for the determination of the extent of adherence to the prescribed standards and a report thereof shall be shared with the relevant partners and the relevant body under which the Formal Early Childhood Education service is registered.

(4) The Institute shall, following a complaint by a person cause an inspection to be made of an unregistered home, child care centre or a crèche.

Appointment and powers of Inspectors

14.(1) The Institute may appoint such number of Inspectors as may be necessary for carrying out the provisions of this Act or regulations made hereunder.

(2) The Institute shall provide the Inspector with an identification card which the Inspector shall, upon request produce before exercising power under this Act.

(3) An Inspector may, at all reasonable times, enter a home or child care centre to perform inspections under section 13.

(4) The Inspector may inquire into a complaint concerning amongst other matters —

- (a) a person who renders a child care service without a certificate of registration or a licence; or
- (b) non-compliance with the prescribed standards to which a child under the care of a service provider is exposed.

(5) Where the Inspector upon inquiry finds that the service provider fails to meet the prescribed standards or renders a child care service without a certificate of registration or a licence, the Inspector shall, within 10 working days, report in writing his or her findings to the Institute or, as the

circumstances so warrant, to any other relevant body under which the service provider is registered.

Compliance notice and suspension

15.(1) The Institute may issue the service provider with a compliance notice directing him or her to comply with the registration requirements or standards hereunder prescribed within the period specified in the notice where the Institute, upon report of inspection by an Inspector or a complaint, determines that the service provider —

- (a) offers a child care service without a certificate of registration or a licence; or
- (b) has not complied with the prescribed standards.

(2) Where the service provider fails to comply with the compliance notice issued under subsection (1), the Institute may —

- (a) after giving him or her an opportunity to show cause as to why the certificate of registration or licence should not be suspended, suspend the certificate of registration or licence if the certificate or licence is issued in terms of this Act, until such period as he or she complies with the compliance notice; or
- (b) where the service provider is registered not in terms of this Act, refer for appropriate action the matter to the relevant body under which the service provider is registered.

(3) Notwithstanding subsection (2)(a), a suspension period shall not exceed three months.

(4) Where the Institute is of the opinion that a non-compliance of a service provider to the prescribed standards may result in a threat to life, safety or health of a child, the Institute may —

- (a) suspend the certificate of registration or licence at the time the notice under subsection (1) is issued if the certificate or

licence is issued in terms of this Act until such period as the child minder or Manager complies with the standards; or

- (b) where a service provider is registered not in terms of this Act, refer for appropriate action the matter to the relevant body.

(5) The Institute may in lieu of suspending a certificate of registration or a licence, withdraw the financial assistance it provides to a service provider until such time as the service provider adheres to the compliance notice issued in terms of Section 15.

Revocation of certificate of registration and licence

16.(1) The Institute may, after giving the service provider a show cause notice and an opportunity to be heard, revoke a certificate of registration or a licence, if the certificate or licence is issued in terms of this Act, where —

- (a) upon inspection of the premises wherein the child care service is rendered or on evaluation of the child care service, it is found that the premises or the service rendered fails to meet the prescribed standards despite the service provider having been given an opportunity to rectify the default within a suspension period;
- (b) the service provider refuses an Inspector access to the child care premises;
- (c) non-compliance subsists after the elapsing of a suspension period; or
- (d) the service provider solicits, advertises, invites or offers a child care service within the period his or her certificate of registration or licence is suspended.

(2) The Institute may refer for appropriate action, a matter which in its opinion warrants revocation of a certificate of registration or a licence with regards to a service provider registered not in terms of this Act, to the relevant body.

(3) A referral made in terms of subsection (2) shall be accompanied by a report based on the Inspector's findings.

(4) The service provider may, within ten working days of being notified of a revocation by the Institute, submit reasons as to why his or her certificate of registration or licence should not be revoked.

(5) If the Institute is not satisfied with the reasons submitted by the service provider, or the service provider does not submit within the period specified under subsection (4) the reasons for which his or her certificate of registration or licence should not be revoked, it may according to the circumstances, revoke the certificate of registration or the licence.

(6) A service provider who is dissatisfied with the decision of the Institute may, in such form and manner and accompanied by such fees as may by regulations be prescribed, appeal the decision to the Appeals Board of the Institute established under section 25.

Offences

17. A person commits an offence and is liable on conviction to a term of imprisonment not exceeding two years and to a fine concomitant to level 3 of the standard scale in terms of the Criminal Offences (Standard Scales of Fines) Act, 2021 or both if he or she operates a child care service without having been registered under this Act, without a certificate of registration or without a licence.

PART V - BOARD OF THE INSTITUTE

Establishment and composition of the Board

18.(1) There is established a Board of the Institute appointed by the President consisting of seven members who shall hold office for a period of three years and who shall be eligible for reappointment.

(2) In appointing members of the Board, the President may as far as possible give due consideration for representation by persons whose experiences, expertise and contributions are deemed valuable to Early Childhood Care and Education.

(3) The President shall from among the members appoint a Chairperson and a Vice-chairperson.

(4) The President shall cause a notice of the names of the members to be published in the *Gazette*.

(5) The Vice-Chairperson shall, in the absence of the Chairperson, assume the responsibilities of the Chairperson.

(6) The members of the Board shall be paid such allowances as the President determines.

Functions of the Board

19. The Board shall —

- (a) govern and provide strategic direction to the Institute;
- (b) approve the programmes, activities and management plans of the Institute;
- (c) authorise the signing of documents, including agreements;
- (d) ensure that the Institute performs its functions within the policy framework of the Government;
- (e) prepare the budget, accounts and reports of the Institute;
- (f) ensure that necessary mechanisms are in place to co-ordinate the development, delivery and monitoring of inter-sectoral Early Childhood Care and Education programmes, projects and initiatives; and
- (g) approve decisions in relation to the suspension and revocation of certificates of registration and licences issued in terms of this Act.

Termination of appointment of members

20.(1) The President may at any time terminate the appointment of a member who —

- (a) has been found guilty of misconduct, default or breach of trust in the discharge of a duty;
- (b) has been convicted of an offence and sentenced to a term of imprisonment of three months or more;
- (c) is mentally or physically incapable of carrying out his or her functions under this Act;
- (d) has been absent from three consecutive meetings of the Board without prior permission of —
 - (i) the Chairperson;
 - (ii) the Vice-Chairperson, in the absence of the Chairperson; or
 - (iii) the Minister, in the absence of the Chairperson; or
- (e) has in any way demonstrated incompetency or an inability to effectively carry out his or her functions as a member of the Board.

(2) A member whose appointment has been terminated under subsection (1) is not eligible for re-appointment.

Resignation from the Board

21.(1) A member may, at any time, resign from office by a letter addressed to the President and such member shall cease to be a member on the date the President accepts the resignation.

(2) A member is deemed to have vacated office if he or she is absent without leave from the Board for three consecutive meetings of the Board.

(3) Where a member resigns or vacates office, the President may appoint another person to hold office for the remaining period which the member would have otherwise held office.

Meetings of the Board

22.(1) The Board shall observe such rules of procedure in regard to the business transactions at its meetings as the Chairperson so determines.

(2) The Board shall meet at such time and place as the Chairperson may determine provided that at least four meetings are held in a year.

(3) The Chairperson may, by a written 14 day notice to the members, convene a special meeting of the Board for the purpose therein specified.

(4) Notwithstanding subsection (3), a special meeting may, where the circumstances so warrant, be convened following a shorter notification period.

(5) Where 4 members, by written notice to the Chairperson, request a meeting of the Board for any purpose therein specified, the Chairperson shall, within 10 working days from receiving of the notice, convene a meeting for that purpose.

(6) In a meeting of the Board, two-thirds of the number of members present shall constitute a quorum.

(7) A decision of the Board shall be taken by a majority of the votes of the members present.

(8) In the event of an equality of votes, the Chairperson shall have a casting vote.

(9) A member who has a direct or indirect financial, personal or other interest in a matter before the Board, shall —

- (a) prior to the date of the meeting or at the commencement of the meeting, disclose the nature of the interest; and
- (b) recuse himself or herself from deliberations in respect of that matter and abstain from voting thereon.

Powers of the Board

23.(1) The Board may, subject to such conditions and restrictions as the Chairperson may impose, delegate to the Chief Executive Officer such of its powers as it deems necessary for the proper functioning of the Institute.

(2) The Board may, for the purpose of effectively fulfilling its oversight responsibilities on specific technical matters, establish coordination and technical committees on Early Childhood Care and Education comprising of members from the Institute, ministries and agencies providing an Early Childhood Care and Education service.

(3) The committee members appointed under subsection (2) may, be paid such allowances as the Institute in consultation with the Ministry responsible for Finance determines.

PART VI - APPOINTMENT OF CHIEF EXECUTIVE OFFICER AND EMPLOYMENT OF STAFF

Appointment of Chief Executive Officer

24.(1) The President shall, on such terms and conditions he deems appropriate, appoint as the Chief Executive Officer, a person having experience and expertise in the field of Early Childhood Care and Education and early childhood development.

(2) The Chief Executive Officer shall be an *ex officio* member of the Board and shall attend and participate in the meetings of the Board but shall have no voting rights.

(3) The Chief Executive Officer shall be the chief accounting officer of the Institute and shall —

- (a) be accountable to the Board for the discharge of the functions delegated by the Board;
- (b) be responsible for the implementation of the decision of the Board and for the management of the day-to-day affairs of the Institute;

- (c) be responsible for the organisation, control and management of all staff of the Institute;
- (d) perform such functions as the Board may, from time to time, assign.

(4) The Chief Executive Officer shall, with the approval of the Board, appoint staff of the Institute as he or she deems necessary for the efficient discharge of the functions of the Institute.

(5) The Chief Executive Officer may, with the approval of the Board —

- (a) execute documents on behalf of the Board; and
- (b) delegate duties and responsibilities to employees of the Institute,

PART VII - APPEALS BOARD

Appeals Board

25.(1) There is established an Appeals Board comprising of —

- (a) a Chairperson with qualifications and experience in law; and
- (b) two individuals with adequate experience in the field of quality assurance and Early Childhood Care and Education.

(2) The President shall appoint the Chairperson and other members of the Appeals Board on such terms and conditions as the President determines and shall cause their appointment to be published in the *Gazette*.

(3) The Chairperson and other members of the Appeals Board shall hold office for three years and are eligible for reappointment.

(4) The members of the Appeals Board shall be paid such allowances as the President determines.

(5) The President may at any time terminate the appointment of the Chairperson or a member of the Appeals Board who has been found guilty of —

- (a) misconduct, default or breach of trust in the discharge of his or her functions; or
- (b) an offence which warrants termination of his or her appointment.

(6) The Appeals Board may co-opt a person, who has specialised knowledge or experience in the field of Early Childhood Care and Education as advisor for a specific appeal to assist the Appeals Board in its deliberations.

(7) The Appeals Board may, after considering an appeal —

- (a) confirm the decision of the Institute;
- (b) vary the decision of the Institute;
- (c) quash the decision of the Institute; or
- (d) order the Institute to reconsider the decision.

(8) Subject to this section, the Appeals Board shall regulate its own proceedings.

PART VIII - FUNDS, FINANCES, ACCOUNTS AND REPORTS

Funds of the Institute

26.(1) The Funds of the Institute shall consist of —

- (a) moneys appropriated by the National Assembly for the use of the Institute;
- (b) moneys accruing to the Institute from its operations or other payments; and

- (c) moneys received by the Institute from time to time by way of donations, gifts or grants.
- (2) The Funds of the Institute shall be applied for —
- (a) the discharge of expenses, debts and other obligations incurred in the performance of the functions of the Institute;
 - (b) the remuneration of members, officers and other employees of the Institute; and
 - (c) other expenses, as may be authorised by the Board, for the purpose of carrying out the provisions of this Act.

Accounts, audit and annual report

27.(1) The Institute shall in such form and in such manner as may be prescribed by regulations, prepare an income and expenditure statement and maintain throughout the year proper accounts and records.

(2) Notwithstanding subsection (1), the accounts of the Institute shall be audited by the Auditor General in accordance with Article 158 of the Constitution.

(3) Where the accounts and statement of accounts of the Institute in respect of any financial year have been audited, the Institute shall furnish the Minister with a copy of the statement of accounts together with a copy of the report by the Auditor General on the statement of accounts of the Institute.

(4) The Institute shall prepare and forward to the Minister once every calendar year, in such form and within such time as may, by regulations, be prescribed the following —

- (a) an annual report giving details of its activities from the previous year; and
- (b) not later than three months from the start of the financial year, copies together with the audited statement of accounts referred to under subsection (3).

(5) The Minister shall cause to be tabled before the National Assembly the documents referred to under subsection (4).

(6) The Institute shall at least 90 days prior to the beginning of each financial year, prepare and submit to the Minister and the Minister responsible for Finance, an annual budget for the next financial year delineating —

- (a) its estimated revenue;
- (b) its estimated expenditure; and
- (c) capital from Government following budget allocation.

(7) The financial year of the Institute shall be the period of 12 months ending on 31st December.

Plan of activities

28.(1) The Institute shall, at the beginning of each financial year, prepare a plan of activities which shall be submitted to the Minister for endorsement.

- (2) The plan of activities shall contain —
- (a) the strategy of the Institute;
 - (b) the short term and medium term objectives of the Institute;
 - (c) its operational, financial and human resource plans.

PART IX - MISCELLANEOUS

Confidentiality

29.(1) A member of the Board or any other person assisting the Board shall observe and preserve the confidentiality of all matters before the Board, and such confidentiality shall subsist after the termination of the term of office or mandate of such member or person.

(2) Any member of the Board or any person to whom confidential information is disclosed as a result of an interaction with the Board or committee of the Board shall not disclose that information to any other person unless he or she is required to do so in terms of any written law or for the purpose of judicial proceedings.

Protection against Legal proceedings

30. A civil or criminal liability shall not lie against the Institute, a Chairperson, a Vice-Chairperson, a member of the Board, a committee constituted thereby or employees of the Institute in respect of an act done or omitted to be done in good faith in the exercise or performance or purported exercise or performance of a power or function or duty conferred by or under this Act or regulations made hereunder.

Employment in public service

31. A member of the Board, the Chief Executive Officer, an Inspector or any other member of staff or person acting under the direction of the Institute shall be deemed to be employed in the public service for the purpose of sections 91 to 96 of the Penal Code.

Request for information

32.(1) The Institute may, by notice in writing require, from any person, such information as the Institute deems necessary, for the purpose of performing its functions under this Act.

(2) A person required to furnish information under subsection (1) shall do so as soon as is reasonably practicable.

(3) A person required to obtain information for the Institute under this provision shall take every reasonable step to ensure that such information is kept in such manner as to ensure that its contents are kept confidential and used solely for the purposes of performing the functions of the Institute.

Regulations

33.(1) The Minister may, in consultation with the Institute, make regulations for carrying into effect the purposes and provisions of this Act.

(2) Without limiting the generality of the foregoing provision, the Minister may make regulations pertaining to —

- (a) the procedure by which an Inspector is to carry out an inspection;
- (b) the procedure for registration of a child care service;
- (c) fees and charges payable in terms of this Act and the payment procedures therefor;
- (d) standards;
- (e) conditions for the granting of a certificate of registration and a licence;
- (f) the compounding of offences; and
- (g) any matter which, under this Act, is to be or is necessary to be prescribed.

Compounding of Offences

34. Where the Institute or any other person agrees in writing to the compounding of an offence under this Act, which is an offence punishable on conviction by a fine, the Institute, in consultation with the Attorney General, may compound the offence in the manner as may, by regulations be prescribed.

Publications

35. The Institute shall publish in the national newspaper and on its online platforms —

- (a) by the end of March of each year, the list of all registered child care services;
- (b) the decisions it has taken to suspend or revoke a certificate of registration or licence, giving reasons for such decisions; and

- (c) child care services operating without having been registered under this Act.

Operation of child care services

36. A person who offers a child care service shall operate his or her services based on a child care service framework provided by the Institute.

Enrollment in crèche

37. All children turning three by the 31st of December shall be eligible for enrollment in crèche in the following year.

Transitional

38. A person who is registered as a Day Care Operator in accordance with the Education Act shall on the commencement of this Act, be deemed to be registered hereunder and such registration shall continue until its expiry whereupon the provisions of this Act shall forthwith apply.

Repeal and saving

39.(1) The Institute of Early Childhood Development Act, 2014 is hereby repealed.

(2) Notwithstanding the repeal under subsection (1) and in accordance with section 3 —

- (a) an act done or commenced under the repealed Act, where such act remains within the powers and functions of the Institute shall, continue and be construed as if it were carried on under this Act;
- (b) a statutory instrument made under the repealed Act shall, to the extent that it is not inconsistent with this Act, continue in force until amended or repealed by the relevant statutory instrument issued under this Act;
- (c) all officers or employees of the Institute appointed under the repealed Act shall be deemed to be officers and

employees of the Institute under this Act and shall be employed on terms and conditions no less favourable than those subsisting immediately prior to the commencement of this Act;

- (d) all moveable property, assets, rights, interests, privileges, liabilities and obligations vested in the Institute established under the repealed Act immediately prior to the commencement of this Act shall vest in the Institute established hereunder this Act;
- (e) any agreement or contract executed by the Institute prior to the date of the repeal of the Act shall continue to have effect in accordance with its terms; and
- (f) any right, privilege, obligation or liability acquired or incurred by a person under the repealed Act shall not be affected by the repeal, and any legal investigation, legal proceeding or remedy in respect of such right, privilege, obligation or liability may be instituted, continued or enforced by or against Institute.