

Amendments to the Regulations: Children's Act 38 of 2005 and the Children's Amendment Act 41 of 2007

July 25

This document is a summary of proposed amendments to the regulations to the Children's Act 38 of 2005 and the children's Amendment Act 41 of 2007 to be submitted by 25 July 2011.

Please complete columns 1-4

Regulation number	Section title	Proposed amendment/addition	Reasons	Decision by DSD: Proposal accepted Y/N	Reasons
Chapter 4	Partial Care				
12(1) a - d	Types of partial care	The types of partial care in the regulations <u>should follow the format in Form 11 as closely as possible.</u>	The types of care in the regulations and the types of care in Form 11 should correspond, in order to avoid confusion among applicants. This is especially important with regards to early childhood development services – distinction must clearly be made between the process relating to site registration, and the		

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			process relating to registration of an ECD programme or service, as provided for in chapter 5 of the regulations.		
14(4)(c)		...an original copy of the approved building plans or a copy of the building plans that has been submitted for approval if the application for the approval of the building plans is still under consideration, <u>or proof of residence or permission to occupy, if applicable;</u>	Not all applicants will necessarily be in possession of building plans, and this applies particularly to applicants in a rural setting for whom the requirement of submitting building plans often proves unfairly prohibitive.		

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18(5)		Any register or file kept in terms of this regulation must be kept for a period of at least five years after the date of termination of the partial care service in respect of a child at a partial care facility.	This change is recommended as it is in keeping with the majority of professional standards relating to keeping records.		
19(2)(b)		...proof of his or her skills <u>and/or</u> <u>experience</u> ;	Experience, especially in the context of older practitioners that have not been able to access the latest training but have cared for children for many years, must not be overlooked as an important factor. Such practitioners should be identified and assisted		

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			to acquire formal training, and not excluded from the partial care work force.		
Annexure B	Part I - Norms and Standards for Partial Care				
2(c)(ii)		...the child must be removed from other children to a safe place or room designed (to care) for ill children	It is recommended that “to care” be removed here, as caring for an ill child may imply some special skill set is required, and that in turn may have some liability attached for the practitioner concerned.		
2(c)(v)		...in cases of emergency, the	The addition is meant		

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		child must be taken to the nearest hospital or clinic for treatment and appropriate referral, <u>unless expressly prohibited by the caregiver.</u>	to indemnify practitioner who act contrary to the private wishes of parents or caregivers in an emergency, while still according parents' and caregivers' wishes due respect and consideration.		
2(e)		Every partial care facility must have a first-aid kit <u>that is well stocked with the expiry dates of supplies displayed where applicable.</u>	The mere existence of a first-aid kit in a facility is not sufficient – the kit should be stocked at all times, and stock replenished from time to time, with due regard to applicable		

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			expiry dates of certain supplies.		
6(d)		Dangerous substances must not be used in the vicinity of children.	The change is recommended for the sake of clarity.		
Form 11		It is recommended that space be provided on the Form for <u>some form of recognition of prior learning, at the end of Point 1.</u>	This does not have to take the form of formal recognition of prior learning, as such a system does not necessarily exist. However, it would be advantageous for those considering the application to know that an applicant may have relevant experience or other		

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			<p>qualifications or skills that make the applicant a good candidate for provisional registration.</p>		
Form 12		<p>Reference to <u>“educare centre”</u> <u>should be removed</u> from the types of partial care on the form, and another <u>category named “other”</u> <u>should be added</u> to the list where an applicant can describe his/her partial care service.</p>	<p>The term “educare” is confusing, as it is not listed in the Act as a type or partial care. There are also other types of partial care services and sites that may be offering a valuable service, but that do not fit neatly into any of the categories currently listed. A separate “other” category will</p>		

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			allow the officials considering the application to apply their minds to any description given, instead of turning down the application off hand.		