

**INSTITUTE OF EARLY CHILDHOOD DEVELOPMENT
ACT, 2014**

(Act 28 of 2014)

ARRANGEMENT OF SECTIONS

PART I – PRELIMINARY

SECTIONS

1. Short title and commencement
2. Interpretation

PART II – INSTITUTE OF EARLY CHILDHOOD DEVELOPMENT

3. Establishment of Institute
4. Functions of Institute
5. Directions by Minister

PART III – CHILDMINDING

6. Powers of Institute relating to childminding
7. Registration
8. Inspection of childminding establishment
9. Appointment of Inspectors
10. Compliance notice and suspension
11. Revocation of certificate of registration

PART IV – BOARD

12. Board
13. Appointment of Members
14. Functions of Board
15. Termination of appointment of Members
16. Resignation from Board
17. Meetings of Board
18. Powers of Board

19. Chief Executive Officer
20. Employees of Institute

PART V – APPEALS BOARD

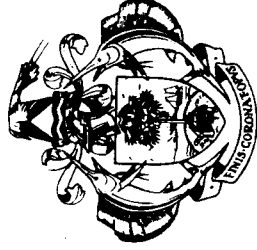
21. Appeals Board

PART VI – FINANCE, ACCOUNTS AND REPORTS

22. Funds of Institute
23. Audit, accounts and annual report
24. Plan of activities

PART VII – MISCELLANEOUS

25. Protection against legal proceedings
26. Application of provisions of Penal Code
27. Request for information
28. Regulations



**INSTITUTE OF EARLY CHILDHOOD
DEVELOPMENT ACT, 2014**

(Act 28 of 2014)

I assent



J. A. Michel
President

16th December, 2014

AN ACT to establish an Institute of Early Childhood Development to promote the holistic development of children and establish a framework for early childhood care and education and for matters connected therewith or incidental thereto.

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1. This Act may be cited as the Institute of Early Childhood Development Act, 2014 and shall come into operation on such date as the Minister may, by Notice published in the *Gazette*, appoint.

Short title and
commencement

Interpretation

2. In this Act—

“Appeals Board” means the Appeals Board established under section 21(1);

“Board” means the Board of the Institute referred to in section 13;

“childminder” means a person who takes care of 4 or more children of and below the age of four for a fee or remuneration;

“childminding establishment” means the place where a childminder carries on his or her childminding service;

“childminding service” means a service which includes an overnight service, offered by a person who takes care of a child of and below the age of four, in a childminding establishment;

“early childhood” means infancy of and below the age of eight;

“early childhood development” means and includes early childhood care, education and the holistic wellbeing of a child;

“Institute” means the Institute of Early Childhood Development established under section 3;

“Inspector” means an Inspector appointed under section 9 (1) as an Inspector;

“interested institution” means an institution which has an interest in early childhood development, and includes a Ministry responsible for education, health, social affairs, community development or finance;

“Member” means a Member of the Board and includes Chairperson and Vice Chairperson;

“Minister” means the Minister responsible for education.

PART II - INSTITUTE OF EARLY CHILDHOOD DEVELOPMENT

3. There is hereby established for the purpose of this Act, an Institute to be known as the Institute of Early Childhood Development which shall a body corporate.

Establishment
of Institute

4.(1) The functions of the Institute are to—

Functions of
Institute

(a) advise the government on the development of policies, guidelines and standards to regulate the child minding service;

(b) grant registration under this Act;

(c) ensure that childminders comply with the guidelines and standards of childminding service and childminding establishment as may be prescribed by regulations;

(d) monitor and evaluate the childminding establishment and childminding service provided by a childminder; and

(e) perform such other functions as may be prescribed by regulations.

(2) Without prejudice to subsection (1), the Institute shall—

(a) implement, monitor and evaluate early childhood development programmes and projects;

- (b) undertake research on early childhood development in order to provide relevant data for policy formulation and programme development;
- (c) coordinate with the interested institutions regarding the development and review of standards in early childhood development;
- (d) advise the interested institutions on policy matters relating to early childhood development;
- (e) provide training and professional development in early childhood development;
- (f) advise parents, educators, and interested institutions on matters pertaining to early childhood development;
- (g) promote environments conducive to the wellbeing and holistic development of a child;
- (h) mobilise funds for the purpose of fulfilling the functions of the Institute;
- (i) promote understanding of the importance of early childhood development and provide information and advice on good practices; and
- (j) ensure collaboration with relevant national and international authorities pertaining to matters on early childhood development.

5. The Minister may give directions in writing to the Institute on matters of policy and the Institute shall be bound by such directions.

Directions by
Minister

PART III - CHILDMINDING

6.(1) The Institute may in the performance of its functions —

Powers of
Institute
relating to
childminding

- (a) engage such persons having expertise in the field of child development as it considers necessary to give training to childminders; and
- (b) liaise and enter into agreements with other organisations which deal with early childhood development within or outside Seychelles for the purpose of sharing expertise or setting up training programmes.

7.(1) A person shall not operate a childminding service or a childminding establishment without a certificate of registration issued by the Institute upon registration.

Registration

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

(3) The Institute may upon evaluation of the application —

- (a) grant a certificate of registration to the applicant; or
- (b) reject the application if the person or the establishment where childminding service is proposed to be provided fail to meet the standards as may be prescribed by regulations.

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

(5) The Institute may charge such fees as may be

prescribed by regulations for the registration of the childminding service.

Inspection of
child minding
establishment

8.(1) The Institute shall at least once every six months cause an inspection to be made of the establishment where the childminder conducts his or her childminding service.

(2) An inspection carried out under section (1) shall be conducted for the purpose of determining whether the quality of service that the childminder renders or the childminding establishment conforms to the standards prescribed by regulations.

Appointment
of Inspectors

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

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

(3) An Inspector shall carry out such inspections as the Institute may direct in order to verify the conformity of the childminding establishment and the service offered with the prescribed standards.

(4) An Inspector may, at all reasonable times, enter the childminding establishment—

(a) where he or she has reasonable grounds to believe that the service which the childminder renders does not meet the prescribed standards; and

(b) to perform inspections under section 8.

(5) The Inspector may inquire into a complaint concerning, *inter alia*—

(a) a person who renders a childminding service without a certificate of operation; or

(b) an insanitary or an unsafe environment to which a child under the care of a childminder is exposed.

(6) Where the Inspector, on inquiry, finds that the childminder fails to meet the prescribed standards, the Inspector shall report his or her findings to the Institute for appropriate action.

Compliance
notice and
suspension

10.(1) Where the Institute, on the report of inspection by an Inspector or a complaint, determines that there is non-compliance to any prescribed standards, the Institute may issue the childminder with a compliance notice directing him or her to comply with the standards within the period specified in the notice.

(2) Where the childminder fails to comply with the compliance notice issued under subsection (1) within the period specified in the notice, the Institute may, after giving the childminder an opportunity to show cause why the certificate of registration should not be suspended, suspend the certificate of registration until such period as the childminder complies with the compliance notice.

(3) Where the Institute is of the opinion that a childminder's non-compliance to prescribed standards may result in a threat to the life, safety or health of a child, the Institute may suspend the childminder's certificate of operation at the time of the notice issued under subsection (1), until such period as the childminder complies with the standards.

Revocation of
certificate of
registration

11.(1) The Institute may, after giving the childminder a show cause notice and an opportunity to be heard, revoke a certificate of registration if—

(a) on inspection and evaluation of a childminding establishment or childminding

service rendered therein, it is found that the establishment or the service rendered fails to meet the prescribed standards;

- (b) the childminder refuses an Inspector access to the childminding establishment;
- (c) the childminder solicits, advertises, invites or offers a childminding service within the period his or her certificate of registration is suspended; or
- (d) after receipt of the notice under section 10(1), the childminder fails to comply with the compliance notice.

(2) The childminder may within seven days of being notified, submit reasons as to why his or her certificate of registration should not be revoked.

(3) If the Institute is not satisfied with the reasons submitted by the childminder, the Institute may revoke the childminder's certificate of registration.

(4) A childminder who is dissatisfied with the decision of the Institute may appeal to the Appeals Board in such form and manner and accompanied with such fees as may be prescribed by regulations.

PART IV - BOARD

Board

12.(1) There shall be a Board of the Institute which shall be responsible for the administration and management of the Institute.

(2) The Board shall consist of seven Members comprising of—

- (a) a representative each from the Ministry responsible for—

- (i) social affairs and community development;
 - (ii) education;
 - (iii) health;
- (b) a representative from a non-Governmental organisation;
 - (c) two persons with proven expertise and experience in the area of early childhood development; and
 - (d) a representative of the Attorney General's office.

13.(1) The President shall, on the recommendation of the Minister, appoint Members of the Board who shall hold office for such term and on such conditions as the President may determine.

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

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

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

(5) The Members of the Board shall be paid such allowances as the President determines.

14. The Board shall—

- (a) approve the programmes, activities and management plans of the Institute;
- (b) authorise the signing of documents, including agreements, on behalf of the Institute;

Appointment
of Members

Functions
of Board

- (c) ensure that the institute performs its functions within the policy framework of the Government;
- (d) prepare budget, accounts and reports of the Institute;
- (e) ensure that necessary mechanisms are in place to co-ordinate the development, delivery and monitoring of inter-sectoral early childhood education and care programmes and initiatives; and
- (f) establish special committees to assist the Institute in its mandate when necessary.

Termination of appointment of Members

15.(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 the functions under this Act;
- (d) has been absent from three consecutive meetings of the Board without prior permission of—
 - (i) the Chairperson; or
 - (ii) the Vice-Chairperson, where the Chairperson is absent; or
 - (ii) the Minister, where the Chairperson is absent.

(2) The Member whose appointment has been terminated under subsection (1) shall not be eligible for re-appointment.

16. (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 from the date on which the President accepts the resignation.

Resignation from Board

(2) A Member is deemed to have vacated the office if he or she has been 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.

17. (1) The Board shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

Meetings of Board

(2) There shall not be less than six meetings every year and not more than two months shall intervene between one meeting and the next.

(3) Two-thirds of the number of Members shall constitute a quorum for a meeting of the Board.

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

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

(6) The Chairperson may by written notice convene a special meeting of the Board for a purpose specified in the notice.

(7) The Chairperson or in the absence of the Chairperson and the Vice-Chairperson, a Member elected by the Members present, shall preside at a meeting of the Board.

(8) A Member who has a direct or indirect financial, personal or other interest in a matter which is to be discussed at a meeting of the Board shall—

- (a) disclose the nature of the interest before or at a meeting of the Board; and
- (b) not take part in a deliberation in respect of that matter.

18.(1) The Board may, subject to such conditions and restrictions as it may impose, delegate to the Chief Executive Officer such of its powers as it deems necessary to enable the Chief Executive officer to transact effectively the day to day affairs of the Institute.

(2) The Board may establish sub-committees consisting of Members and other persons having expertise in the field of childminding, on such terms of reference as the Board may determine to assist in the discharge of the Board's responsibilities.

19.(1) The President shall appoint a person having experience and expertise in the field of early childhood development, as the Chief Executive Officer on such terms and conditions as the President determines.

(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 right to vote at meetings.

(3) The Chief Executive Officer, subject to the control of the Board, shall be—

(a) responsible for the implementation of the decision of the Board and for the management of the affairs of the Institute; and

(b) perform such other functions as the Board may, from time to time, assign.

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

- (a) sign documents on behalf of the Board; and
- (b) delegate to an employee of the Institute a duty and a responsibility.

20. The Institute may, on such terms and conditions as may be determined by the Board, employ such persons as may be necessary in the performance of functions of the Institute.

PART V - APPEALS BOARD

21.(1) There shall be established for the purpose of this Act, an Appeals Board consisting of—

- (a) a chairperson having qualification and experience in law; and
- (b) two persons having qualification and experience in the field of early childhood development.

(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 member of the Appeals Board shall hold office for three years and be eligible for reappointment.

(4) The President may at any time terminate the appointment of the chairperson or 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.

(5) The Board may appoint a person, who has specialised knowledge or experience in the field of early childhood education, health and care, as advisor for a specific appeal to assist the Board in its deliberations.

(6) The Appeals Board may, after considering the appeal —

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

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

PART VI - FINANCE, ACCOUNTS AND REPORTS

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

- (a) moneys appropriated by the appropriation Act 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 payment of 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.

23. (1) The Institute shall maintain proper accounts and other relevant records and shall prepare an income and expenditure statement in such form and in such manner as may be prescribed by regulations.

Account,
Audit and
annual report

(2) 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 together with a copy of the report by the Auditor General on the statement of accounts of the Institute.

(4) The Institute shall prepare once every calendar year in such form and within such time as may be prescribed by regulations, an annual report giving details of its activities during the previous year and copies together with the statement of accounts audited under subsection (2), and forward to the Minister, not later than three months from the start of the financial year, and the Minister shall cause the same to be tabled before the National Assembly.

the Institute in respect of anything which is done or purported to be done in good faith in pursuance of this Act.

26. A Member, the Chief Executive Officer, an Inspector or any other 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.

Application of provisions of Penal Code

27.(1) The Institute may require any interested institution or a person to furnish such information as it considers necessary to carry out its functions under this Act.

Request for information

(2) It shall be the duty of the interested institution or the person who is required to furnish information under subsection (1) to comply with the request as promptly as is practicable.

28. The Minister may, in consultation with the Institute, make regulations for carrying into effect the purposes and provisions of this Act, which may include all or any of the following matters—

Regulations

- (a) the procedure by which an Inspector is to carry out his inspection;
- (b) the procedure for registration of a childminding service;
- (c) fees and charges payable and the procedure for the payment of such fees and charges;
- (d) any matter which is required or permitted to be prescribed.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 10th December, 2014.

Ms. Shelda Commettant
Acting Clerk to the National Assembly

(5) 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 showing separately—

- (a) the revenues;
 - (b) the expenditure which is proposed to be met from the internal sources of the Institute; and
 - (c) the expenditure which is to be recovered from the Government budget allocation.
- (6) The financial year of the Institute shall be the period of 12 months ending on 31st December.

24.(1) The Institute shall prepare a plan of activities which shall be submitted to the Minister for approval, at least 30 days before the beginning of each financial year.

Plan of activities

- (2) The plan of activities shall—
- (a) include a statement of the short term and medium term objectives of the Institute;
 - (b) outline the strategy of the Institute in order to achieve its objectives; and
 - (c) contain, inter alia, an operational plan, financial plan, human resource plan and performance indicators.

PART VII - MISCELLANEOUS

25. A suit or other legal proceeding shall not lie against the Institute, a Member, the Chief Executive Officer, an Officer, an Inspector, the Appeal Board, a member of the Appeal Board or any other person acting under the direction of

Protection against Legal proceeding