

THE CHILDREN'S COMMUNITY RESIDENCES  
REGULATIONS, 2014

Arrangement of Regulations

*Regulation*

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LEGAL NOTICE NO. 18

REPUBLIC OF TRINIDAD AND TOBAGO

THE CHILDREN'S COMMUNITY RESIDENCES, FOSTER CARE AND  
NURSERIES ACT, 2000

REGULATIONS

MADE BY THE CHILDREN'S AUTHORITY OF TRINIDAD AND TOBAGO WITH  
THE APPROVAL OF THE MINISTER UNDER SECTION 53 OF THE  
CHILDREN'S COMMUNITY RESIDENCES, FOSTER CARE AND NURSERIES  
ACT, 2000 AND SUBJECT TO AFFIRMATIVE RESOLUTION OF PARLIAMENT

THE CHILDREN'S COMMUNITY RESIDENCES  
REGULATIONS, 2014

PART I

PRELIMINARY

1. These Regulations may be cited as the Children's Community Residences Regulations, 2014. Citation

2. In these Regulations—

Interpretation

“applicant” means an entity or person who applies for a licence under regulation 3;

“application” means an application made under section 5 of the Act;

“child” has the meaning assigned to it under section 3 of the Children's Authority Act;

Chap. 46:10

“company” has the meaning assigned to it under section 2 of the Companies Act;

Chap. 81:01

“Standards for community residences” means the standards as are prepared by the Authority.

PART II

APPLICATION

3. (1) A person who wishes to operate a community residence shall apply in writing to the Authority for a residence licence, in such form as the Authority may approve. Application for registration as a community residence

(2) Where an applicant under subregulation (1) is an individual, the application shall be accompanied by—

- (a) two passport-sized photographs of the applicant; and
- (b) a police certificate of character issued within six months before the date of the application.

(3) Where an applicant under subregulation (1) is a company, the application shall be accompanied by—

- (a) a certified copy of its incorporation documents and Bye-laws;
- (b) a list of the directors and the address of the registered office of the company;
- (c) a copy of the last annual return and any notices of change filed after that return; and
- (d) proof that the application has been duly authorized by the company.

(4) Where an applicant is an unincorporated entity, the application shall be accompanied by—

- (a) a certified copy of the constituent documents and rules of the entity;
- (b) proof that the application has been duly authorized in accordance with the rules of the entity; and
- (c) a list with full contact information of all partners, board members and managerial staff, where applicable.

(5) The Authority may request from an applicant any further information it deems necessary for the purposes of considering an application under the Act.

Qualifications  
of a manager

4. (1) A Manager of a community residence shall possess a combination of qualifications or training and experience in—

- (a) management;
- (b) social work;
- (c) child care;
- (d) business administration; or
- (e) such other disciplines as the Authority may require.

(2) For the purposes of subregulation (1)(c), training in child care shall include—

- (a) first aid;
- (b) Cardio Pulmonary Resuscitation (CPR); and
- (c) food and nutrition.

(3) The Manager and employees of a community residence shall pursue continuous professional development training as required or recommended by the Authority.

5. Subject to regulation 3(5), an applicant shall provide the following:

Additional information to accompany application

- (a) with respect to the Manager—
  - (i) evidence of qualifications and experience in accordance with regulation 4;
  - (ii) two passport-sized photographs;
  - (iii) two written references including contact information;
  - (iv) a police certificate of character issued within six months before the date of the application; and
  - (v) a statement signed by a medical practitioner that the applicant is in good physical and mental health;
- (b) with respect to each employee of the community residence—
  - (i) a police certificate of character issued within six months before the date of the application;
  - (ii) a job description;
  - (iii) a copy of the contract of employment or conditions of service;
  - (iv) where the employee's functions involve the handling or preparation of food for consumption, a copy of a valid food badge issued to that employee; and
  - (v) a statement signed by a medical practitioner that the employee is in good physical and mental health;
- (c) with respect to the business, a detailed written statement specifying—
  - (i) the nature of the service to be provided in accordance with the guidelines of the Authority;
  - (ii) the planned programmes and activities of the community residences;
  - (iii) the sex, age group and levels of development of the children to be accommodated at the community residence;
  - (iv) the organizational structure and facilities and the policies, procedures, code of conduct and the Rules for the management and discipline of the children to be implemented at the community residence;

- (v) the composition of the staff identifying—
  - (A) the number of staff;
  - (B) the job titles of staff; and
  - (C) the ratio of child care staff to children; and
- (vi) the annual budget and source of funding; and
- (d) with respect to the property, a certificate of approval from—
  - (i) a senior officer of the Fire Service Division of the district in which the community residence is located, who is designated by the Chief Fire Officer, stating that the premises have been inspected and are in compliance with the requirements of the Fire Service Division; and
  - (ii) a senior officer of the Public Health Department of the Ministry of Health or of the relevant Municipal Corporation who is designated by the Chief Medical Officer, stating that the premises have been inspected and are in compliance with the provisions of the Public Health Ordinance.

Multiple  
community  
residences

6. A person who wishes to operate a community residence at more than one location shall apply for a residence licence in respect of each of those premises.

Issuance and  
renewal of a  
residence  
licence

7. (1) Where a person wishes to apply for or renew a residence licence granted under section 5 of the Act, he shall apply to the Authority in the form approved by the Authority and pay such fee as may be prescribed by the Authority, from time to time, and in the case of renewal, he shall apply within thirty days before the expiration of the residence licence.

(2) Where the Authority is satisfied that an application has met the requirements of the Act and these Regulations, it may issue or renew the residence licence.

### PART III

#### THE PREMISES

Maintenance  
of premises

8. (1) The Manager or licensee shall ensure that the community residence—

- (a) is adequately lit;
- (b) is ventilated;
- (c) is suitably furnished;

- (d) is kept in good structural repair externally and internally;
- (e) is kept clean and well maintained;
- (f) is furnished with adequate laundry facilities, and sufficient storage facilities; and
- (g) complies with all other conditions as the Authority may require.

(2) The Manager or licensee shall ensure that procedures are in place for the proper disposal of garbage.

(3) The Manager or licensee shall ensure that regular inspection and maintenance of all equipment, furniture and amenities used in the community residences is carried out.

9. (1) The Manager or licensee shall ensure that each child is provided with— Amenities for children

- (a) his own bed;
- (b) proper and safe storage for personal possessions; and
- (c) a place for quiet study.

(2) Where bunk beds are provided, such beds shall be outfitted with safety railings where necessary.

10. The Manager or licensee shall be responsible for ensuring that the community residence is fitted with— General amenities

- (a) toilets and bathing facilities that—
  - (i) are kept in good condition; and
  - (ii) offer privacy to the children;
- (b) spacious living and dining areas;
- (c) potable water; and
- (d) child-friendly recreational materials and facilities.

11. Where a child with a disability is being accommodated at a community residence, the Manager or licensee shall ensure that there are in place suitable adaptations to enable the child to live a normal life as far as possible. Amenities for disabled persons

12. The Manager or licensee shall ensure that— Handling of food

- (a) the kitchen of the community residence is provided with—
  - (i) suitable and sufficient kitchen equipment in good working condition;

- (ii) suitable and sufficient crockery, cutlery and utensils; and
- (iii) adequate facilities for the preparation and storage of food;
- (b) proper and safe food handling are utilized; and
- (c) the kitchens are cleaned, sanitized and inspected daily.

Restriction of children from the kitchen area 13. The Manager shall not permit a child to access the kitchen without direct supervision from a member of staff.

#### PART IV

##### WELFARE OF CHILDREN

- Welfare of children 14. The Manager or licensee shall ensure that—
- (a) a child, from the date of admission, is provided with—
    - (i) food that is—
      - (A) suitable for his dietary needs, health, religious persuasion or cultural background; and
      - (B) served in adequate quantities and at appropriate intervals, at least three times every day;
    - (ii) clothing appropriate to his age, sex and religious persuasion;
    - (iii) educational or vocational training;
    - (iv) recreation; and
    - (v) medical care;
  - (b) within seven days of arrival at the community residence, each child is informed of the policies and procedures of the community residence having regard to the age and understanding of the child;
  - (c) no child leaves the premises of the community residence unaccompanied or unsupervised or without permission;
  - (d) no child is treated unfairly; and
  - (e) the best interest of each child is considered at all times.

- Prohibited methods of punishment 15. A child placed in the care of a community residence shall not be subjected to—
- (a) corporal punishment;
  - (b) solitary confinement;
  - (c) unreasonable immobilization; or
  - (d) unreasonable physical restraint.

PART V

SAFETY AND SECURITY

16. (1) Where a person wishes to visit a child at a community residence, the Manager shall provide suitable facilities to promote contact— Requirements for visitors to a community residence

- (a) between the child and his parents;
- (b) with any person who is not his parent but who has parental responsibility for him; or
- (c) with any relative, friend or other person connected with him, except where it is not reasonably practicable or it is prejudicial to the welfare of the child.

(2) Where a Manager is of the view that a person visiting a child at a community residence poses a threat to such child, the Manager shall inform the Authority.

17. It shall be the responsibility of the Manager to— Evacuation plan

- (a) develop and implement an evacuation plan for all children and staff of the community residence;
- (b) ensure that effective steps are taken to familiarize all residents and staff of the community residence with the means of escape, their use and the routine to be followed in case of fire; and
- (c) record the number and frequency of evacuation drills and to present those records on demand for inspection by the Fire Service Division.

PART VI

RECORDS

18. (1) The Manager shall keep or cause to be kept— Records to be kept by the Manager

- (a) a Register of Children which shall contain—
  - (i) the names of the children in the care of a community residence; and
  - (ii) the names, addresses and contact numbers of the parents, siblings and other close relatives of such child where they can be ascertained;
- (b) a journal to record any significant event that may involve a child;

- (c) a disciplinary log stating—
  - (i) the name of the person against whom any disciplinary action was taken;
  - (ii) the date and time of the incident;
  - (iii) the names of any persons who were present to witness the incident;
  - (iv) the name of the person who administered the disciplinary measure;
  - (v) a description of the incident that gave rise to the disciplinary measure; and
  - (vi) the type and duration of the disciplinary measure administered at the community residence;
- (d) a file detailing any serious incident which occurred at the community residence and any corrective measures taken to rectify the incident; and
- (e) a visitor's log specifying the following details:
  - (i) the name and contact information of the visitor;
  - (ii) the date of the visit;
  - (iii) the length of the visit; and
  - (iv) any other detail from the visit as the Manager may see fit.

(2) The Manager shall keep a file on each child which shall contain the child's history, including—

- (a) a photograph of the child;
- (b) a list of the educational institutions attended;
- (c) the names, addresses and contact information of persons with whom he previously resided;
- (d) a medical history of the child;
- (e) any order of the Court that was made in respect of the child;
- (f) any report made to the police in respect of the child; and
- (g) any incident in which the child was involved that necessitated the intervention of any agency of the State.

(3) Where a child in the care of the community residence has died, the Manager shall ensure that any particulars in relation to the death of the child are recorded.

(4) The Manager shall keep and maintain any other records as the Authority may require.

(5) The Manager or licensee shall ensure that all registers, books and records in respect of children in its care are securely stored and kept confidential.

## PART VII

### COMPLAINTS

19. (1) A child, parent or any other person may lodge a complaint with the Authority of the abuse or mistreatment of a child at a community residence. Complaints handling system

(2) A complaint shall be in writing and shall include—

- (a) a description of the incident;
- (b) the date and time of the incident;
- (c) the persons involved;
- (d) any action taken; and
- (e) any other relevant details.

(3) The Authority shall investigate in accordance with section 5(1) of the Children's Authority Act, any complaint brought to its attention and take appropriate action.

## PART VIII

### COMMUNICATION

20. The Manager or licensee shall notify the Authority in writing, immediately, of— Manager to notify Authority of emergency

- (a) the death of a child;
- (b) any serious injury of a child;
- (c) any incident of a child contracting an infectious disease;
- (d) the outbreak of any infectious disease at the community residence;
- (e) any illness or injury of a child which requires that the child be hospitalized;
- (f) the outbreak of fire at the community residence, where that fire results in the relocation of the children, and any disaster which affects the operation of the community residence; and
- (g) any other critical incident.

## PART IX

## NOTICES

Notice of  
corrective  
measures  
Schedule 1

21. The Authority shall issue a notice of corrective measures in accordance with section 11(2) of the Act which shall be in the form set out in Schedule 1.

Notice of  
intention to  
revoke licence  
Schedule 2

22. A notice of intention to revoke a residence licence shall be in the form set out in Schedule 2.

SCHEDULE 1

NOTICE OF CORRECTIVE MEASURES IN ACORDANCE WITH SECTION 11(2) OF THE CHILDREN'S COMMUNITY RESIDENCES, FOSTER CARE AND NURSERIES ACT, 2000

Form No. ....

To: .....  
*(name of manager or licensee of community residence)*

of .....  
*(name of community residence)*

You are hereby requested to carry out the following corrective measures within

..... days/weeks/months of this notice:

.....  
.....  
.....  
.....  
.....  
.....

Failure to take such corrective measures within ..... days/weeks/months may result in the revocation of your licence.

Issued by .....  
*(Children's Authority of Trinidad and Tobago)*

Date .....

SCHEDULE 2

NOTICE OF REVOCATION OF RESIDENCE LICENCE IN ACCORDANCE WITH SECTION 11 OF THE CHILDREN’S COMMUNITY RESIDENCES, FOSTER CARE AND NURSERIES ACT, 2000

Form No. ....

This notice serves to advise that the Children’s Authority of Trinidad and Tobago intends to revoke your licence No. .... fourteen days from the date specified on this notice, in the name of ..... located at ..... on the grounds that there was—

A breach of the following provisions of the Act.

A breach of the following terms and conditions of the licence.

.....  
.....

The revocation will take effect from .....

Issued by .....  
*(Children’s Authority of Trinidad and Tobago)*

Date .....

NOTICE: In accordance with section 14 of the Act, you may appeal to the Minister in writing against this revocation, setting out your grounds of appeal.

Dated this 14th day of November, 2014.

S. DALY  
*Chairman,  
Children's Authority  
of Trinidad and Tobago*

Approved by the Minister this 18th day of November, 2014.

C. DE COTEAU  
*Minister of Gender, Youth  
and Child Development*

Approved by the Senate this 3rd day of December, 2014.

N. ATIBA-DILCHAN  
*Clerk of the Senate*

Approved by the House of Representatives this 21st day of January,  
2015.

J. SAMPSON-MEIGUEL  
*Clerk of the House*