

THE CHILDREN'S COMMUNITY RESIDENCES (CHILDREN'S
HOMES) REGULATIONS, 2018

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LEGAL NOTICE NO. 88

REPUBLIC OF TRINIDAD AND TOBAGO

THE CHILDREN'S COMMUNITY RESIDENCES, FOSTER CARE AND
NURSERIES ACT, CHAP. 46:04

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 AND SUBJECT TO AFFIRMATIVE RESOLUTION OF PARLIAMENT

THE CHILDREN'S COMMUNITY RESIDENCES (CHILDREN'S
HOMES) REGULATIONS, 2018

PART I

PRELIMINARY

1. These Regulations may be cited as the Children's Community Residences (Children's Homes) Regulations, 2018. Citation

2. In these Regulations—

Interpretation

“applicant” means a 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 Act;

Chap. 46:01

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

Chap. 81:01

“licence” means a residence licence, a temporary residence licence or a conditional residence licence;

“licensee” means a person to whom a licence is granted under section 8, 8A or 8B of the Act;

“Manager” means the Manager of a Children's Home.

PART II

APPLICATION

3. (1) A person who wishes to operate a Children's Home shall, in such form as the Authority may determine, apply in writing to the Authority for a residence licence.

Application for residence licence to operate a Children's Home

(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 not more than three months prior to 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—
 - (i) incorporation documents; and
 - (ii) Bye-laws where the company has 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 notice of change filed after that return; and
- (d) proof that the application has been duly authorised by the company.

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

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

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

Qualifications
of a Manager

4. (1) The Manager of a Children's Home shall possess qualifications, or a combination of training and experience, in—

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

(2) The Manager shall possess, in addition to the requirements in subregulation (1), training in first aid and Cardio Pulmonary Resuscitation (CPR).

(3) The Manager and employees of a Children's Home shall pursue continuous professional development training as required by the Authority.

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

Additional
information
to accompany
application

(a) with respect to a Manager—

- (i) evidence of qualifications, or training and experience, in accordance with regulation 4;
- (ii) two passport-sized photographs;
- (iii) two written character references including business contact information;
- (iv) a police certificate of character issued not more than three months prior to the date of the application;
- (v) a statement signed by a medical practitioner that the Manager is in good physical health; and
- (vi) a statement signed by a psychiatrist that the Manager is in good mental health;

(b) with respect to each employee of the Children's Home—

- (i) a police certificate of character issued not more than three months prior to 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 health;

(c) with respect to a 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 Children's Home;
- (iii) the sex, age group and levels of development and any special needs of the children to be accommodated at the Children's Home;

- (iv) the organisational structure;
 - (v) the policies, procedures, code of conduct and the rules for the management of the Children's Home, including a behaviour management policy;
 - (vi) the composition of the staff identifying—
 - (A) the number of staff;
 - (B) the job titles of members of staff;
 - (C) the ratio of child care staff to children; and
 - (D) the training and work experience of each member of staff; and
 - (vii) 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 Children's Home is located, 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, stating that the premises have been inspected and are in compliance with the provisions of the Public Health Ordinance.

Ch. 12 No. 4.

Issuance of a residence licence

6. Where the Authority is satisfied that the requirements for the issue of a residence licence have been met, it may issue a residence licence to the applicant.

Multiple Children's Homes

7. An applicant who wishes to operate a Children's Home at more than one location shall apply for a residence licence for each location.

Renewal of a residence licence

8. (1) Where a person who has been granted a residence licence wishes to apply for a renewal of a residence licence, he shall apply to the Authority in the form approved by the Authority at least three months before the expiration of the existing residence licence.

(2) Where the Authority is satisfied that the application referred to in subregulation (1) has met the requirements of the Act, it may renew the residence licence.

PART III

THE PREMISES

Maintenance of premises

9. (1) The licensee shall ensure that the Children's Home—
- (a) is adequately lit;
 - (b) is adequately 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;
 - (g) is surrounded by a secure fence;
 - (h) is kept in a good and habitable condition; and
 - (i) complies with all other conditions as the Authority may require.
- (2) The licensee shall ensure that—
- (a) procedures are in place for the proper disposal of garbage; and
 - (b) the maintenance of all equipment, furniture and amenities used in the Children's Home is carried out.
- (3) The Manager shall ensure that—
- (a) regular inspection of all equipment, furniture and amenities used in the Children's Home is carried out; and
 - (b) the premises are kept clean and well-maintained.
10. (1) The 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 study.
- (2) Where bunk beds are provided, such beds shall be outfitted with safety railings where necessary.
11. The licensee shall be responsible for ensuring that the Children's General amenities Home—
- (a) is fitted with adequate toilets and bathing facilities that—
 - (i) are kept in good condition; and
 - (ii) offer privacy to the children;
 - (b) has spacious living and dining areas;
 - (c) is provided with potable water;
 - (d) has child-friendly recreational materials and facilities; and
 - (e) has a space in which therapeutic intervention can take place.

- Amenities for child with physical disability 12. Where a child with a physical disability is being accommodated at a Children's Home, the Manager or licensee shall ensure that the facilities in the Children's Home are adapted to accommodate the child.
- Handling of food 13. (1) The licensee shall ensure that the kitchen of the Children's Home is provided with—
- (a) suitable and sufficient kitchen equipment in good working condition;
 - (b) suitable and sufficient crockery, cutlery and utensils; and
 - (c) adequate facilities for the preparation and storage of food.
- (2) The Manager shall ensure that —
- (a) proper and safe food handling practices are utilised; and
 - (b) the kitchens are cleaned, sanitised and inspected daily.
- Restriction of children from the kitchen area 14. The Manager shall not permit a child to access the kitchen unless the child is performing chores under the direct supervision of a member of staff.

PART IV

WELFARE OF CHILDREN

- Welfare of children 15. The Manager 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) sufficient clothing and footwear that are—
 - (A) appropriate to his age, sex and religious persuasion; and
 - (B) clean and in good repair;
 - (iii) academic or vocational training that is suitable to each child's learning ability and literacy, cognitive or learning challenges;

- (iv) adequate opportunities for physical and other recreational activities suitable to his physical and cognitive abilities;
- (v) medical care; and
- (vi) a regular and sufficient supply of suitable personal hygiene products;
- (b) there is a written procedure for the admission of children, including emergency admissions;
- (c) within seven days of arrival at the Children's Home, each child is informed of the policies and procedures of the Children's Home having regard to the age and understanding of the child;
- (d) no child without the written permission of the Manager, leaves the premises of the Children's Home unaccompanied, unsupervised or without permission;
- (e) no child is treated unfairly and the rules of the Children's Home are applied equitably to the children;
- (f) the best interest of each child is considered at all times;
- (g) there is a written Behaviour Management Policy which sets out—
 - (i) how appropriate behaviour may be promoted at the Children's Home; and
 - (ii) the measures for control, discipline and restraint to be used in relation to the children;
- (h) the staff is familiarised with the Behaviour Management Policy and is involved in its implementation;
- (i) the Behaviour Management Policy is reviewed from time to time and where appropriate, revised; and
- (j) there is a policy for the protection of children which—
 - (i) is intended to safeguard children accommodated in the Children's Home from abuse or neglect; and
 - (ii) sets out the procedure to be followed in the event of an allegation of abuse or neglect.

PART V

MANAGER TO REPORT TO LICENSEE

16. (1) The Manager shall send a monthly report in a form approved by the Authority, with respect to the operations of the Children's Home, to the licensee and shall submit a copy of the same to the Authority. Manager to report to licensee

(2) Notwithstanding subregulation (1), where there has been a serious or critical incident at the Children's Home or serious complaint with respect to anyone at the Children's Home, the Manager shall forthwith send a report to the licensee and submit a copy of the same to the Authority.

PART VI

VISITORS

Requirements
for visitors to
a Children's
Home

17. (1) Where a person wishes to visit a child at a Children's Home, the licensee shall provide suitable facilities to promote contact—

- (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—

- (d) it is not reasonably practicable;
- (e) it is prejudicial to the welfare of the child; or
- (f) an order of the Court prohibits such contact.

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

PART VII

SAFETY AND SECURITY

Evacuation
plan

18. It shall be the responsibility of the Manager—

- (a) to implement the evacuation plan submitted to attain the Fire Service Certificate;
- (b) where there have been changes to the infrastructure of the Children's Home, to develop and implement an evacuation plan for all children and staff of the Children's Home
- (c) to ensure that effective steps are taken to familiarise all residents and staff of the Children's Home with the means of escape, their use and the routine to be followed in case of fire; and
- (d) to record the number and frequency of evacuation drills and to present those records on demand for inspection by the Fire Service Division.

PART VIII

RECORDS

19. (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 Children's Home; and
 - (ii) the names, addresses and contact numbers of the parents, siblings and other close relatives of each 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 involved or 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;
 - (vi) the type and duration of the disciplinary measure administered at the Children's Home; and
 - (vii) any other relevant details;
 - (d) a file detailing any serious incident involving the children which occurred at the Children's Home and any corrective measures taken to rectify the incident;
 - (e) a visitor's log specifying the following details:
 - (i) the name and contact information of the visitor and his relation to the child visited;
 - (ii) the date of the visit;
 - (iii) the purpose of the visit;
 - (iv) the length of the visit; and
 - (v) any other detail about the visit as the Manager may see fit;
 - (f) a complaints log specifying the following:
 - (i) the details of the complaint including the date, time and any persons involved;
 - (ii) the date and time the complaint was made;
 - (iii) any action taken and by whom; and
 - (iv) any other relevant details; and

- (g) a log recording announced and unannounced evacuation and fire drills, specifying the following details:
 - (i) the date and time of the drill;
 - (ii) the time taken for complete muster;
 - (iii) the persons present and challenges observed during the drill; and
 - (iv) the recommendations to address these challenges.
- (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 the child previously resided;
 - (d) the medical and psycho-social 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;
 - (g) the child's individual care plan;
 - (h) any incident in which the child was involved that necessitated the intervention of any agency of the State; and
 - (i) any other relevant details.
- (3) Where a child in the care of the Children's Home 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 shall ensure that all registers, books and records, in respect of children in his care, are securely stored and kept confidential.

PART IX

COMPLAINTS

Complaints
handling
system

20. (1) A Children's Home shall have a written complaints policy which—
- (a) specifies that a child, parent or any other person may lodge a complaint with the Manager or the Authority; and
 - (b) provides for the handling of complaints against the licensee, Manager, staff, volunteers and residents of the Children's Home.

(2) The Manager shall ensure that the complaints policy and procedure are communicated to each child in a manner appropriate to his age and level of understanding and to all members of staff.

(3) The complaints policy referred to in subregulation (1), shall also provide that—

- (a) a complaint to the Manager or the Authority may be oral or written and shall include—
 - (i) a description of the incident;
 - (ii) the date and time of the incident;
 - (iii) the persons involved;
 - (iv) any action taken; and
 - (v) any other relevant details;
- (b) where a complaint has been made orally, the Manager or the Authority, as the case may be, shall immediately reduce it to writing;
- (c) upon receiving a complaint, the Manager shall—
 - (i) make a preliminary investigation and immediately provide a preliminary report of the material issues to the Authority and the licensee on the day of the complaint; and
 - (ii) provide a detailed report to the Authority and the licensee within two weeks of the complaint;
- (d) upon completion of the investigation the Manager shall take the appropriate action and submit a report of the same to the Authority and the licensee within seven days of the complaint;
- (e) the Authority shall, on receiving the report referred to in paragraph (c) or a complaint referred to in paragraph (a), investigate the complaint in accordance with section 5(1)(d) of the Children's Authority Act and take Chap. 46:10 the appropriate action;
- (f) the Manager shall ensure that no child is subject to any reprisals for making a complaint;
- (g) where a complaint is made to the Manager, he shall ensure that a record is made of—
 - (i) the complaint;
 - (ii) the complainant or victim;
 - (iii) the action taken; and
 - (iv) any other relevant detail.

PART X

NOTIFICATIONS TO THE AUTHORITY

Manager to
notify
Authority of
emergency

21. The Manager or licensee shall notify the Authority in writing, immediately, of—

- (a) the admission of a child in accordance with section 54 of the Children Act;
- (b) the absence or absconding of a child, or that a child is missing;
- (c) the discharge of a child;
- (d) a threat or abuse of a child;
- (e) the death of a child;
- (f) any serious injury of a child;
- (g) any incident where a child contracts an infectious disease;
- (h) the outbreak of any infectious disease at the Children's Home;
- (i) any illness or injury of a child which requires that the child be hospitalised;
- (j) the outbreak of fire at the Children's Home, where that fire results in the relocation of any of the children accommodated at that Children's Home;
- (k) any disaster which affects the operation of the Children's Home; and
- (l) any other critical incident.

PART XI

NOTICES TO TAKE CORRECTIVE MEASURES

Notice of
corrective
measure
Schedule 1

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

Notice of
intention to
revoke
Schedule 2

23. A notice of intention to revoke a licence shall be in the form specified in Schedule 2.

PART XII

MISCELLANEOUS

Revocation of
Children's
Community
Residences
Regulations,
2014

24. The Children's Community Residences Regulations, 2014 are revoked.

SCHEDULE 1

(Regulation 22)

NOTICE TO TAKE CORRECTIVE MEASURES

SECTION 11(2) OF THE CHILDREN'S COMMUNITY RESIDENCES, FOSTER CARE AND
NURSERIES ACT, CHAP. 46:04

Form 1

To:
(Name of Manager or licensee of Children's Home)

of:
(Name of Children's Home)

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:

*Children’s Community Residences (Children’s Homes)
Regulations, 2018*

SCHEDULE 2

(Regulation 23)

NOTICE OF REVOCATION OF LICENCE

SECTION 11 AND 11A OF THE CHILDREN’S COMMUNITY RESIDENCES, FOSTER CARE AND
NURSERIES ACT, CHAP. 46:04

Form 1

This notice serves to advise that the Children’s Authority of Trinidad and Tobago intends
to revoke your licence Number 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 20th day of February, 2018.

H. BENJAMIN
*Chairman
The Children's Authority of
Trinidad and Tobago*

Approved by the Minister this 5th day of March, 2018.

K. ROWLEY
Prime Minister

Approved by the Senate this 12th day of June, 2018.

B. CAESAR
Clerk of the Senate (Ag.)

Approved by the House of Representatives this 6th day of June,
2018.

J. SAMPSON-MEIGUEL
Clerk of the House