

EARLY CHILDHOOD DEVELOPMENT



**PRACTITIONER'S
TOOLKIT**

LRC

Legal Resources Centre

www.lrc.org.za

NB

From 1 April 2022, registration and funding of Early Childhood Development (ECD) practitioners moved from the Department of Social Development (DSD) to the Department of Basic Education (DBE).



Who must register?

Early Childhood Development (ECD) is defined as the provision of emotional, spiritual, moral, physical, social and communication development of children from birth to school-going age.

There are two types of ECD modalities:

1. The provision of ECD services in a centre (building).
2. The provision of ECD services, not in one specific building but more sessional based e.g. home visits, playgroups, mobile ECD centres or toy libraries.

The requirements will be different for model 1 and model 2.

Model 1

More than six children attending for less than 16 hours per week or less than four hours a day.

Required to register in accordance with both partial care standards and programme standards.

Model 2

Attended by a child for between two and four hours per day, and for no more than 16 hours in total per week.

Only required to register in accordance with programme standards.

NB

Registration is required in terms of the Children's Act 38 of 2005. It is important to regulate the safety of the children and to enable you to qualify for a subsidy.

If you fall within either of the above categories and are unregistered, or operating outside of the registration requirements, the provincial head of the DBE may ask you, in writing, to either register, comply with the registration requirements, or to stop operating.



When must you register?

- If you are a new ECD practitioner and you care for more than six children (aged 0 to 6), you will need to register the building (the centre or home), before you become operational.
- If you are already registered, you will need to apply for the renewal of the registration at least 90 days before the registration is due to expire.
- If you have made additions to the building, you will need to apply for the renewal of the registration at least 90 days before the registration is due to expire.
- If you have moved from one building to another, you will need to apply for the renewal of the registration at least 90 days before the registration is due to expire.
- A late application may be allowed if you can provide a good reason.

How much does it cost to register?

The application process is free. There are however costs built into the registration process. For example, you may be asked to pay printing costs and there may also be associated costs such as the zoning or the building fees.



How do I register?

- Application needs to be made to the nearest office of the Department of Education (DBE).
- You will need to complete **Form 11 for partial care registration and Form 16 for ECD programme registration**, submit these to the DBE office together with supporting documents.



Here is a handy application checklist to guide you.

Form 11	This is the form that you need to complete.	You can get a copy of Form 11 from your nearest DBE office. Another way to access Form 11 is on the website: https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf	Model 1
Form 16	This is the form that you need to complete.	You can get a copy of Form 16 from your nearest DBE office. Another way to access Form 16 is on the website: https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf	Model 2
Business plan	A business plan is a document that describes why your ECD centre was started and how it serves the needs of the community. Your business plan needs to state your aims and objectives and provide detail on the day-to-day running of the ECD centre. Importantly, it must include: <ul style="list-style-type: none">• A fee structure• Operating hours• Age and number of children attending• Staff composition• A description of the contents of the programme and the services to be offered	You can access a business plan template from: https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf	Model 1
Proof of all the staff members' qualifications or education levels	All staff, including the owner, need to provide copies of their qualifications.	You can request copies from the institution from which you received the qualification.	Model 1 & 2

Clearance certificates in terms of Part B of the Child Protection Register (CPR)

In terms of the Children’s Act, adults who work with children need to be “fit and proper.” Evidence that the names of your personnel do not appear on Part B of the CPR needs to be submitted with your application (Form 29 and Form 30). Clearance certificates need to be obtained for every staff member whether permanent or voluntary, and they need to be obtained for everybody including the owner, management committee and all staff (including those who do not work directly with children e.g. gardeners and security officers).
NB: You can still apply if you have not yet received the clearance certificate. Be sure to include proof of application for the clearance certificate.

You can access Form 29 and Form 30 from: <https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf>

Model 1 and 2

National Register for Sex Offenders clearance certificate (NRSO)

You will need to complete Form 7 for yourself and Form 8 for each staff member and the management committee. These forms request certificates confirming that the names do not appear on the NRSO.
NB: You can still apply if you have not received the clearance certificate yet. Be sure to include proof of application for the clearance certificate.

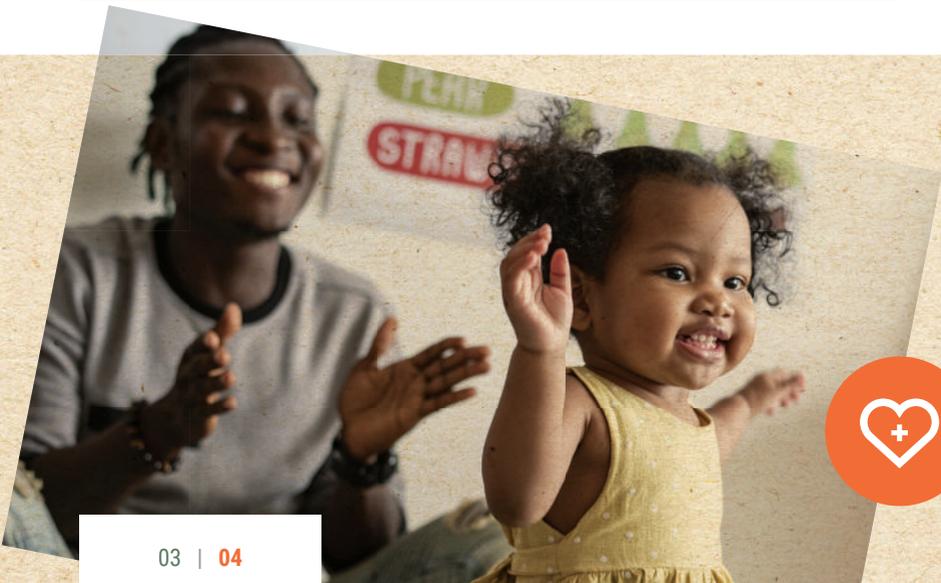
You can access Form 7 and Form 8 from: https://www.justice.gov.za/forms/form_nrso.html

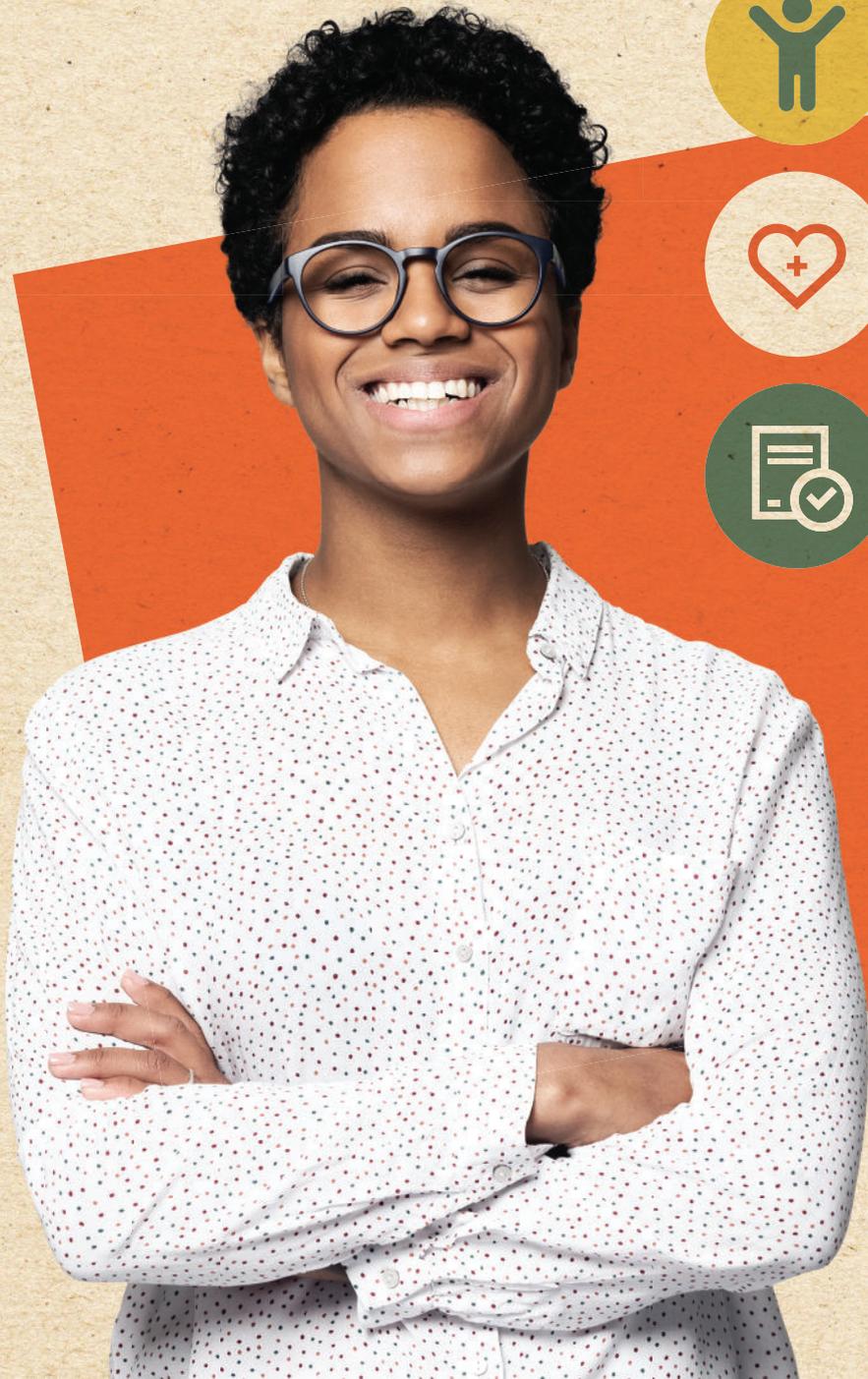
Model 1 and 2

Certified ID copies or work permits

You will need certified copies of the identity documents or work permits of all staff.

Model 1

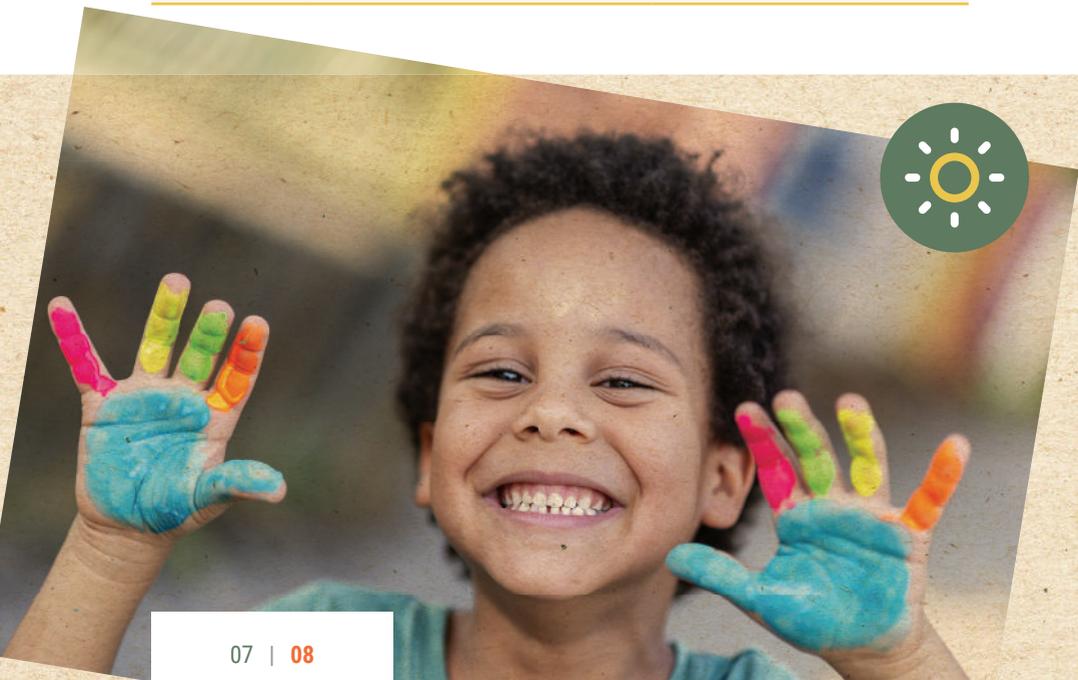




Attendance register	<p>This is a register of the children enrolled at the ECD centre. It reflects which children are present and which children are absent daily. You only need to submit the attendance register for the current month at the time of your application.</p> <p>The attendance register is useful for monitoring progress, highlighting possible issues at home and is required for funding applications.</p>	<p>You can access a sample of an attendance register from: https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf</p>	Model 1
Daily care plan/Daily routine	<p>The daily care plan should reflect a breakdown of the day's activities. A daily care plan should be age appropriate and should develop:</p> <ul style="list-style-type: none"> • Gross motor skills • Fine motor skills • Communication, movement, music and listening skills • Cognitive development • Social skills and independence • Language and listening skills • Creative skills • Allow for free play and time to rest 	<p>You can access a sample of a daily care plan from: https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf</p>	Model 1 and 2
Overview of ECD programme	<p>This is a succinct summary of the particulars of the ECD programme and it should include:</p> <ul style="list-style-type: none"> • The type of programme (e.g. home visits, playgroups etc.) • Early learning opportunities • Whether it is centre or non-centre based • The programme's target areas • A brief background 		Model 2
Implementation plan	<p>This should reflect the learning areas of the programme. It should reflect the following learning aims/development goals:</p> <ul style="list-style-type: none"> • Well-being • Identity and belonging • Communication • Exploring mathematics • Creativity • Knowledge and understanding the world 	<p>You can access a sample of an implementation plan from: https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf</p>	Model 2

<p>Title deed/ Permission to occupy (PTO) /Lease agreement</p>	<p>You will provide a copy of the title deed if you or the NPO own the building from which the ECD centre operates.</p> <p>If you do not have a copy and would like to have one, you need to approach the deeds office to request a copy. You will be required to complete a form and pay a fee.</p> <p>You will provide a copy of the PTO if a tribal authority owns the building running the ECD centre.</p> <p>You will provide a copy of the lease agreement if you are leasing the building from someone else. If you do not have a lease agreement, you can get a letter of agreement from your landlord confirming the lease.</p>	<p>You can access a sample of a lease agreement from: https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf</p>	<p>Model 1 and 2</p>
<p>Constitution of your ECD centre</p>	<p>This is the founding document. It should contain the following:</p> <ul style="list-style-type: none"> • Name of partial care facility • Type or types of services to be provided • Composition, powers and duties of management • Powers, obligations and undertaking of management to delegate authority to the head of the partial care facility • Procedure for amending constitution • Commitment to ensure compliance with the norms and standards 	<p>You can access a sample of a constitution from: https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf</p>	<p>Model 1</p>
<p>NPO certificate (not mandatory)</p>	<p>You do not have to be an NPO to register your ECD centre but there are benefits to this if you would like to apply for funding.</p>	<p>You can access information on how to register an NPO from: https://www.gov.za/services/register-nonprofit-organisation</p> <p>or</p> <p>https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf</p>	

Health certificate	A health certificate can be obtained from the local municipality.		Model 1
Emergency plan	You need to write policies and procedures to deal with emergencies and disasters. These documents should explain evacuation procedures, they should be visibly displayed, and they should be read and understood by all staff. They should also be up to date, and tested and reviewed regularly.	You can access a sample of an emergency plan from: https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf	Model 1
Discipline policy	You need to write up a discipline policy. This policy should encourage positive discipline that teaches children how to behave well without hurting them or making them feel small. NB: Corporal punishment is unlawful	You can access a sample of a discipline policy from: https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf	Model 1
Management structure	You could attach this to your business plan to strengthen it. This document provides details of the management committee, who they are and what they do.	You can access samples of a management structure from: https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf	Model 1



Staff composition	This reflects the composition of the people responsible for providing the ECD programme.	You can access a sample of a staff composition from: https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf	Model 1 and 2
Copy of approved building plans	Local municipalities have records of previously approved plans. To access a copy of the approved building plan it is best to check what is required by the local municipality. It may include a copy of your ID, utility and you may be requested to pay a fee. *Due to the significant backlogs, some municipalities have been accepting a hand drawing of the site plan.	You can access an example of a site plan from: https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf	Model 1
Correct zoning approval (where applicable)	You may speak to the DBE official who will be able to refer you to the relevant municipal department. The municipality will determine whether the zoning approval is required.		Model 1
Daily menu (not mandatory)	Nutrition is very important in the growth and development of children. ECD centres play an important role in ensuring children are offered nutritious, balanced, and varied diets.	You can access a sample of a daily menu from: https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf	Model 1





*Tips:

- Make a copy or take a picture of your application.
- Ask the DBE official who receives your application to stamp your copy of the application with a date stamp.
- Take the name and contact details of the DBE official who receives your application. This will be useful when following up on progress.

- Once you have submitted all the documentation, a file will be opened and allocated to a provincial DBE official.
- The DBE official and health inspector will visit your ECD centre to check whether it is suitable for caring for children. The DBE official will use the **norms and standards** as a guideline during the inspection and the health inspector will measure the site against the standards of your local municipality.



Norms and Standards are the guidelines in place to ensure that children receive adequate and appropriate learning opportunities in a safe environment. The Children's Act requires the Minister to develop norms and standards for category 1 and category 2 and in each instance sets out what these should include:

MODEL 1:

- ☑ A safe and hygienic environment for children
- ☑ Proper care for sick children or children that become ill
- ☑ Adequate space and ventilation
- ☑ Safe drinking water
- ☑ Hygienic and equipped with toilet facilities
- ☑ Safe storage of anything that may be harmful to children
- ☑ Access to refuse disposal services or other adequate means of disposal of refuse generated at the facility
- ☑ A hygienic area for the preparation of food for children
- ☑ Measures for the separation of children of different age groups
- ☑ The drawing up of action plans for emergencies
- ☑ Appropriate and accessible facilities to accommodate children with disabilities
- ☑ Good management in the record keeping and
- ☑ The drawing up of policies and procedures regarding health care at the facility.

MODEL 2:

- ☑ The provision of appropriate developmental opportunities
- ☑ Programmes aimed at helping children realise their full potential
- ☑ Caring for children in a constructive manner and providing support and safety
- ☑ Ensuring development of positive social behavior
- ☑ Respect for and nurturing of culture, spirit, dignity, individuality, language, and development of each child
- ☑ Meeting the emotional, cognitive, sensory, spiritual, moral, physical, social and communication development needs of children.

The provincial department official and health inspector will complete the inspection form and will decide on what type of registration certificate should be issued.

You will be issued with a "full registration" certificate if you comply with all the requirements. If the official or the health inspector requires you to change some things before your ECD centre can be "fully registered", your centre will be given "conditional registration" status and you will be given time to make the changes. If you do not meet the requirements, your application may be rejected.

You will be issued a certificate of full registration, conditional registration or renewal. The certificate will indicate the period of validity.

If you are unhappy with the decision you may appeal to the MEC for basic education within 90 days of the decision. The MEC then has a further 90 days within which to respond to the appeal. If still unhappy with the appeal decision you may approach a high court to take the decision on review.



How long does it take?

It can take up to six months for the registration certificate to be issued.

- * *Due to the registration backlogs, your certificate may take longer to be issued. It is important to follow the tips above and follow up on your application consistently and regularly.*

What are the benefits of registering?

- You operate legally while upholding required norms and standards
- You may qualify for a government subsidy
- You can speak to the provincial department official about additional benefits such as free capacity building/training programmes offered by the DBE.



ECD funding

The main source of government funding for ECD programmes and partial care facilities is now the DBE.

Funding from the DBE is either in the form of a subsidy per child per day for children aged 0 to 4 for caregivers who pass the means test OR programme funding for the NPOs.

The Children's Act requires prioritisation of funding in communities where families lack the means to provide proper shelter, food and other basic necessities of life to their children and in order to make facilities accessible to children with disabilities.

This document reflects the current registration requirements. These requirements are however very onerous and practically impossible for many ECD providers. There are legislative developments underway that will likely have an impact on the above registration requirements.

Sources

1. <https://www.gov.za/services/child-care/register-ecd-partial-care-facilities>
2. <https://www.gov.za/services/child-care/ecd-programme-certificate>
3. <https://www.nelsonmandela.org/uploads/files/Vangasali-Guidelines-Registration-Final-english.pdf>



The Legal Resources Centre supports the calls for reforms in the registration process. Join the Real Reform for ECD campaign and call for the following five reforms:

Reform 1

We need a one-step registration process for ECD providers.

Different types of ECD programme providers including playgroups, toy libraries and home-based care must be regulated differently.

A one-size-fits-all approach is not appropriate.

Reform 2

All children attending any type of ECD programme should be able to **access the early learning subsidy** if they need it.

Reform 3

Simpler, adequate health, safety and programme standards must be in place and must be assessed through one process.

Reform 4

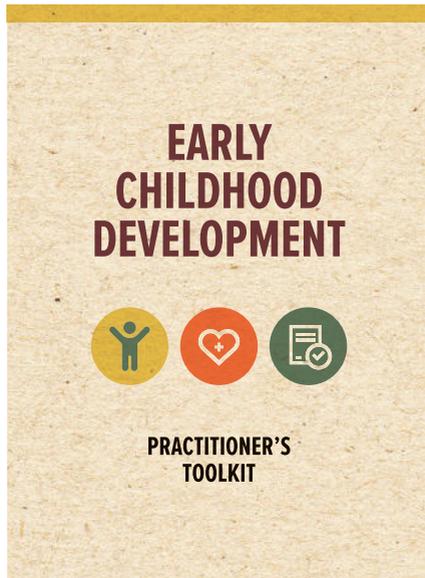
It must be made clear that you can get **conditional registration** if you cannot meet all the **registration requirements**.

MECs must support providers servicing poor communities to meet registration requirements and **they must be required to report to the Minister** on progress achieved.

Reform 5

The infrastructure needs of the sector must be supported.

Current providers (including on private land) should be able to receive support and municipalities must be required to provide for and maintain **sufficient and appropriate ECD infrastructure** in their regions.



LRC

Legal Resources Centre

www.lrc.org.za