

EXPLANATORY STATEMENT

CHILDRENS SERVICES REGULATIONS (AMENDMENT)

1989 No. 6

Section 177 of the Childrens Services Ordinance 1986 provides for regulations to be made. Regulations can make provisions with respect to the keeping of registers and records by, and the conditions included in the licences of, persons providing child care to which the Ordinance applies.

These amending regulations provide penalties for failure to comply with regulations 6, 7 and 8. Further, the responsibility of the person providing child care, with respect to the recording of information in the register book required by s.7, is more closely defined as is the responsibility to record certain information in the medical history record which s.8 requires the child care giver to keep.

Details of the amending regulations are set out in the Attachment.

ATTACHMENT

Regulation 1 provides that a reference to Principal Regulations means the Children's Services Regulations.

Subregulation 2(a) amends subregulation 6(1) of the Principal Regulations to require the licensee to enter in the admission register prescribed particulars in relation to each child for whom care is being provided at the child care centre and any change in those particulars.

Subregulation 2(b) amends subregulation 6(2) of the Principal Regulations to specify subparagraphs (a)-(f) as the prescribed particulars for the purposes of amended subregulation 6(1).

Subregulation 2(c) amends regulation 6 of the Principal Regulations by adding subregulation 6(3) to describe certain actions which may be taken to amount to sufficient compliance with subregulation 6(1).

Subregulation 6(3) provides that there is sufficient compliance where the licensee:

- (a) enters in the register the prescribed particulars in relation to a child that have been supplied by a parent of that child and which the licensee reasonably believes to be correct;
- (b) enters any change in a prescribed particular which he or she reasonably believes to have occurred, whether on information supplied by a parent of the relevant child or otherwise; and
- (c) corrects any error of which the licensee becomes aware.

A further amendment made by this subregulation is the addition of a penalty provision of \$200.

Regulation 3 amends regulation 7 of the Principal Regulations which requires the licensee to keep medical records.

Subregulation 3(a) amends subregulation 7(2)(e) of the Principal Regulations by inserting the words "the symptoms of the" after the word "or" so that the licensee must enter into the medical history record the nature of the symptoms of the illness suffered rather than the name of the illness itself.

Subregulation 3(b) amends regulation 7 of the Principal Regulations by omitting paragraph (2)(f) and substituting a paragraph to the effect that where a child for whom care is provided at the child care centre is found to be suffering from an infectious disease or a notifiable disease the name of the disease is to be entered.

Subregulation 3(c) amends regulation 7 of the Principal Regulations by providing for a \$200 penalty.

Regulation 4 amends regulation 8 of the Principal Regulations by providing for a penalty of \$200.