

# **Residential Care Institutions for Children Regulations 2022**

**GN No. 31 of 2022**

**Government Gazette of Mauritius No. 13 of 29 January 2022**

## **THE CHILDREN'S ACT 2020**

### **Regulations made by the Minister under section 71 of the Children's Act 2020**

1. These regulations may be cited as the **Residential Care Institutions for Children Regulations 2022**.

2. In these regulations —

"Act" means the Children's Act 2020;

"caregiver" means a duly qualified person employed by a residential care institution and registered as such with the Ministry to provide care, support and assistance to children;

"certificate of character" means a certificate issued under section 5 of the Certificate of Character Act;

"hospital" —

(a) means a State-controlled or private medical institution which provides medical or surgical treatment for inpatients or out-patients; and

(b) includes a health centre;

"house parent" means a person responsible for a group of children;

"licence" means the licence issued under regulation 5(5);

"manager" means the person responsible for the operation and management of a residential care institution for children;

"protection", in relation to a child, includes —

(a) the protection of the child from violence or a hostile environment;

(b) the rehabilitation of the child through physical, psychological and social recovery process; and

(c) the provision of personal care to the child;

"residential care institution for children" means —

- (a) a non-family-based group setting such as a transit centre in emergency situations;  
or
- (b) any other facility, including family-like setting providing short-term and long-term residential care.

3. (1) There shall be, for the purposes of these regulations, a Residential Care Institution for Children Advisory Committee.

(2) The Committee shall comprise —

- (a) a Chairperson, who shall be the supervising officer or any officer of the Ministry, not below the rank of Deputy Permanent Secretary, to be designated by the supervising officer;
- (b) the Technical Head of the Licensing and Enforcement Section or his representative;
- (c) the Head of the Child Development Unit or his representative;
- (d) a representative of the Attorney-General's Office;
- (e) a representative of the Ministry responsible for the subject of education, not below the rank of Deputy Permanent Secretary;
- (f) a representative of the Ministry responsible for the subject of health, not below the rank of Deputy Permanent Secretary;
- (g) a representative of the Ministry responsible for the subject of social security, not below the rank of Deputy Permanent Secretary;
- (h) a representative of the Commissioner of Police or his representative, not below the rank of Assistant Superintendent of Police;
- (i) a representative of the Mauritius Fire and Rescue Service; and
- (j) a representative of the National Social Inclusion Foundation.

(3) At any meeting of the Committee, 6 members shall constitute a quorum.

(4) The Committee shall meet at such time and place as the Chairperson may determine, but at least once every month.

(5) Subject to these regulations, the Committee shall regulate its proceedings in such manner as it may determine.

4. The functions of the Committee shall be —
- (a) to advise on the formulation and implementation of objectives, policies and priorities for the enhancement and further development of residential care institutions for children in Mauritius;
  - (b) to oversee the processes, standards and outcomes related to the development and implementation of residential care institutions for children in Mauritius, including strategies for monitoring and assessment of the system;
  - (c) to oversee the evaluation of residential care institutions for children and make recommendations to the Ministry; and
  - (d) to consider the applications, suspensions, revocations and renewals referred to it under these regulations and make recommendations to the Ministry.
5. (1) (a) No person shall operate an institution for the protection of children unless the institution is registered as a residential care institution for children.
- (b) A State-owned residential care institution for children shall be exempted from registration under these regulations.
- (2) Any person who intends to operate an institution for the protection of children shall make an application to the supervising officer in the form set out in the First Schedule.
- (3) The application under paragraph (2) shall be accompanied by —
- (a) (i) a medical certificate, including a chest X-ray report; and
  - (ii) a certificate of character,  
of the applicant issued within 3 months before the application is made; and
  - (b) such other documents as the supervising officer may consider necessary.
- (4) The supervising officer shall, in determining an application, have regard to whether —
- (a) the institution has the required amenities;
  - (b) a proper governance structure is in place;
  - (c) the objectives and track record of the applicant include the welfare and protection of children;

- (d) the management staff possesses the appropriate qualifications and experience in the field of management, human resources and accountancy;
- (e) adequate financial resources are available; and
- (f) (i) the institution has such number of caregivers as may be required; and
  - (ii) every caregiver has —
    - (A) appropriate qualifications in the field of giving care to children; and
    - (B) knowledge of matters relating to child care, child development, child psychology and rehabilitation of the child.

(5) (a) Where the supervising officer grants an application, he shall issue a licence to the applicant in the form set out in the Second Schedule.

(b) The licence issued under subparagraph (a) —

- (i) shall be valid for a period of 3 years from the date of its issue; and
- (ii) may be renewed for further periods of 3 years.

(6) (a) The supervising officer shall reject an application where —

- (i) the applicant does not furnish sufficient evidence of the conditions specified in these regulations; and
- (ii) the applicant is not fit in respect of his medical fitness or certificate of character.

(b) Where the supervising officer rejects an application, he shall, not later than 21 days of his decision, inform the applicant accordingly.

(c) Any applicant who is aggrieved by the decision of the supervising officer may, within 21 days after having been notified of the decision, appeal to the Minister in the form set out in the Third Schedule.

(d) The Minister may grant or refuse the appeal and the decision of the Minister shall be final.

**6. (1)** Any person who intends to renew his licence shall, at least 60 days before the expiry of the licence, make an application to the supervising officer in the form set out in the Fourth Schedule.

(2) The application for the renewal of the licence shall be accompanied by —

(a) (i) a medical certificate, including a chest X-ray report; and

(ii) a certificate of character,

of the applicant issued not later than 3 months before the application is made;  
and

(b) such other documents as the supervising officer may consider necessary.

(3) Where the supervising officer grants the application, he shall renew the certificate of registration.

(4) (a) Where the supervising officer rejects an application, he shall, not later than 21 days of his decision, inform the applicant accordingly.

(b) Any applicant who is aggrieved by the decision of the supervising officer may, within 21 days after having been notified of the decision, appeal to the Minister in the form set out in the Third Schedule.

(c) The Minister may grant or refuse the appeal and the decision of the Minister shall be final.

7. (1) The supervising officer may suspend or cancel a licence in respect of a residential care institution for children —

(a) where the residential care institution for children did not operate within 6 months from the date of the issue of the licence;

(b) where the residential care institution for children ceases its operation;

(c) where the conditions under these regulations have not been complied with;

(d) on the ground that the holder of the licence has been convicted of an offence —

(i) committed under the Act or any regulations made under the Act; or

(ii) serious offence, including fraud or dishonesty;

(e) where there is at the premises of the residential care institution, serious risk to life, health or the wellbeing of the children or any other hazards likely to compromise the safety of the children; or

(f) where it is in the public interest to do so.

(2) The supervising officer shall, before cancelling a licence, by notice in writing, require the holder of the licence, within 14 days from the date of service of the notice, to show cause why the licence should not be cancelled.

(3) Where the supervising officer is not satisfied with the reasons provided by the holder of the licence under paragraph (2), and where necessary, after the holding of an oral hearing, he may make recommendations for the cancellation of the licence or the imposition of other conditions to the licence.

**8.** (1) Every residential care institution for children shall, at all times, be administered and managed by a full-time manager.

(2) No person shall act as manager of a residential care institution for children unless he is registered with the Ministry.

(3) (a) An application to be registered as manager shall be made to the supervising officer in the form set out in the Fifth Schedule.

(b) The application under subparagraph (a) shall be accompanied by —

(i) (A) a medical certificate, including a chest X-ray report; and

(B) a certificate of character,

of the applicant issued not later than 3 months at the time the application is made; and

(ii) such other documents as the supervising officer may consider necessary.

(4) Where the supervising officer grants the application, it shall, on such terms and conditions as it may determine —

(a) register the applicant as manager of the residential care institution for children;

(b) issue a certificate of registration.

(5) (a) Where the supervising officer rejects an application, he shall, not later than 21 days of his decision, inform the applicant accordingly.

(b) Any applicant who is aggrieved by the decision of the supervising officer may, within 21 days after having been notified of the decision, appeal to the Minister in the form set out in the Third Schedule.

(c) The Minister may grant or refuse the appeal and the decision of the Minister shall be final.

(6) A manager shall not, at a time, be responsible for more than 3 residential care institutions for children.

**9. (1)** No person shall act as a caregiver in a residential care institution for children unless he is registered as such.

(2) The manager shall make an application in the form set out in the Sixth Schedule, to the supervising officer for the registration of such number of caregivers as may be required.

(3) The application under paragraph (2), in respect of every caregiver, shall be accompanied by —

(a) (i) a medical certificate, including a chest X-ray report; and

(ii) a certificate of character,

of the caregiver issued not later than 3 months before the application is made; and

(b) such other documents as the supervising officer may consider necessary.

(4) Where the supervising officer grants the application, he shall, on such terms and conditions as it may determine —

(a) register the applicant as caregiver of the residential care institution for children;

(b) issue a certificate of registration.

(5) (a) Where the supervising officer rejects an application, he shall, not later than 21 days of his decision, inform the applicant accordingly.

(b) Any applicant who is aggrieved by the decision of the supervising officer may, within 21 days after having been notified of the decision, appeal to the Minister in the form set out in the Third Schedule.

(c) The Minister may grant or refuse the appeal and the decision of the Minister shall be final.

**10. (1)** The manager of a residential care institution for children shall, by the end of every month and at such interval as the supervising officer may require, submit to the supervising officer —

(a) a list of children enrolled, giving the date of admission, the name of the person who admitted and the nature of the problem of the child;

(b) a list of children discharged, removed or re-located, and the reason thereof;

(c) a list of officers of the residential care institution for children; and

(d) individual care plan for every resident child and progress report, as appropriate,

and shall inform the supervising officer of any change in any of the list occurring in that month.

(2) The manager of a residential care institution for children shall make available to an authorised officer, for inspection, all detailed records of all children in that institution.

(3) The manager of a residential care institution for children shall, every 2 months, submit a report in respect of every child to the Ministry, giving details of health condition, behaviour and education, and any other matter related to the developmental aspect of the child.

(3) The manager of a residential care institution for children shall not allow any unauthorised person to have access to the children without prior approval of the supervising officer or an authorised officer for this purpose.

(4) The supervising officer shall designate an authorised officer to carry out regular inspections at a residential care institution for children, including surprise visits following any complaint received at the Ministry.

(5) The holder of the licence to operate the residential care institution for children shall —

(a) provide adequate administrative staff;

(b) ensure that —

(i) the services of child-caregivers, carers and/ or house parents are in the ratio of a pair of

house parents for a maximum of 15 children and assisted by at least one carer/caregiver for support;

(ii) at least one cook is available to prepare the daily meals for the children; and



- (iii) at least one cleaner is available for proper maintenance of the premises, including toilets;
  - (c) any damage to any furniture, appliance or equipment is promptly repaired.
- (6) The manager of a residential care institution for children shall —
- (a) display the licence in a conspicuous place at the entrance of the place of safety;
  - (b) display the fire exit plan in a conspicuous place;
  - (c) cater for children in case of illness for appropriate medical care and in any other cases;
  - (d) deal with emergency situations expeditiously, taking into consideration the child's immediate safety and well-being;
  - (e) arrange with the Ministry responsible for the subject of health for regular medical check-up of the children and ensure that they are in good health;
  - (f) arrange for counseling of the children;
  - (g) ensure that the rights of the children, including participation rights are entertained through both formal and non-formal education;
  - (h) provide security at the entrance —
    - (i) by a security company duly licensed by the Commissioner of Police under the Private Security Service Act; or
    - (ii) security alarms, fire alarm system and CCTV camera; and
    - (iii) record of entry and exit of persons register;
  - (i) provide transport services and assistance for the conveyance of children to Court, hospitals, schools and any other emergency service; and
  - (j) forthwith report any serious incident to the Ministry.

**11. (1)** The manager of a residential care institution for children shall not —

- (a) relocate a child away from the institution, including the place from where the child has been removed;

- (b) leave a young child unattended or allow the young child to be supervised by other children;
- (c) use, or allow any person to use, corporal punishment or any other form of harsh punishment to discipline a child;
- (d) humiliate or insult, or allow any person to humiliate or insult, a child under any circumstance;
- (e) make, or allow any person to make, racial and ethnic discrimination or harassment against a child;
- (f) allow unauthorised persons to enter the institution;
- (g) reveal, or allow any person to reveal, information about any child;
- (h) display or broadcast, or allow to display or broadcast, any image, video or photograph pertaining to the child, children and the sheltering conditions in the institution to the media or to the general public;
- (i) allow any person to work as volunteer unless the supervising officer is satisfied that the person can act as such;
- (j) incite, or allow any person to incite, a child to change his religion; and
- (k) allow inappropriate gestures to be made towards a child.

**12.** Any person who, prior to the coming into operation of these regulations, operates an institution for the protection of children shall, within 6 months of the coming into operation of these regulations, make an application to the supervising officer for the institution to be registered as a residential care institution for children.

**13.** Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 5 years.

**14.** These regulations shall be deemed to have come into operation on 24 January 2022.

Made by the Minister on 28 January 2022.

## **FIRST SCHEDULE**

[Regulation 5(2)]

**APPLICATION FORM FOR THE ISSUE OF A  
LICENCE FOR A RESIDENTIAL CARE  
INSTITUTION FOR CHILDREN**

**1. Particulars of applicant/Non Governmental Organisation**

Name: .....

Other name(s):.....

Maiden name (if applicable): .....

National Identity Card Number:.....

Address: .....

Phone number ..... Home ..... Mobile .....

Email address .....

Profession/Designation.....

**2. Particulars of Manager(s)**

Name:.....

Other name(s):.....

Maiden name (if applicable): .....

National Identity Card Number: .....

Phone number ..... Home ..... Mobile .....

Email address .....

Certificate of Character: (to be attached)

Application Form for Manager (s): (to be attached) Qualifications of

Manager(s): (to be attached)

**3. Particulars of Residential Care Institution(s) for Children**

Name(s) —

(a) .....

(b) .....

(c) .....

(d) .....

(e) .....

Exact address: .....

(a) .....

(b) .....

(c) .....

(d) .....

(e) .....

List of services and facilities provided —

( a ) .....

( b ) .....

(c) .....

(d) .....

(e) .....

Original and two copies of the following documents to be attached —

- (a) location plan of residential care institution for children;
- (b) certificate from the Sanitary Authority of the Ministry of Health and Wellness;
- (c) certificate from the Chief Fire Officer, Mauritius Fire and Rescue Service;
- (d) the Curriculum Vitae of the proposed Manager of the residential care institution for children;
- (e) a certificate of character issued by the Director of Public Prosecutions in the name of every person who will be involved in the management of the residential care institution for children; and
- (f) the list of proposed officers of the residential care institution for children, their background, their health clearances and their child-related qualifications/training/experience.

I hereby declare that the particulars given in this application form and the documents attached are, to the best of my knowledge and belief, true and correct.

.....

.....

(Signature of applicant)

**(Date)**

**For Office Use Only**

Date of receipt of documents .....

Documents verified on .....

Name of officer .....

Grade .....

Signature of officer .....

Date .....

**SECOND SCHEDULE**

**[Regulation 5(5)]**

**PART I — LICENCE TO OPERATE RESIDENTIAL CARE  
INSTITUTION FOR CHILDREN**

Name of NGO/applicant .....

..... is hereby authorised to operate a residential care institution for children at..... (address).

The following services to be provided at the residential care institution for children —

(a) .....

(b) .....

(c) .....

No. of children to be accommodated .....

No. of bedrooms .....

No. of washrooms .....

This licence is subject to the following conditions —

(a) it shall be valid until ..... (date);

(b) it shall not be transferable;

(c) .....,

(d) .....,

(e) .....,

**PART II — ADDITIONAL CONDITIONS ATTACHED TO LICENCE**

I. A residential care institution for children, as far as possible, is to be located near a police station, school and basic amenities such as recreational space and health centres.

2. (1) A residential care institution for children shall comprise —

(a) at least one kitchen,

(b) such number of bedrooms as may be required;

(c) such number of washrooms as may be required;

(d) at least one dedicated area to be used as Isolation room;

(e) space dedicated for indoor activities;

(f) a playground; and

(g) living room for education, leisure and entertainment, including for children with special educational needs.

(2) The manager of a residential care institution shall make specific arrangements to meet the needs and requirements of for children under 2 years of age.

(3) (a) All rooms shall have adequate openings to allow for the inflow of natural light and fresh air.

(b) Adequate electric lighting shall also be provided with appropriate safety and security measures.

(4) The water supply for drinking purposes shall be sufficient and potable.

(5) The manager of the residential care institutions for children shall adapt space allocated for upkeep of children based on age, gender, disability, health needs and such other criteria as may be necessary for the proper development of every child.

(6) Every caregiver shall take care of every child in the same manner as a house parent.

(7) The manager of the residential care institution for children shall ensure that the building or buildings, grounds, and all equipment and fixtures used in the care services are maintained in a safe, clear and hygienic condition and are in good repair at all times.

(8) The residential care institution shall obtain and keep a current valid policy for insurance that will adequately meet liability of the residential care institution.

(9) The premises of a residential care institution for children and grounds shall be kept free of vermin and other insects.

**3.** The holder of the licence shall take into consideration the special dietary requirements of the children and the cultural sensitivity of the residents.

(1) The manager of a residential care institution for children shall ensure that balanced meals are served to the children.

(2) The food provided at every institution shall be nutritious, adequate in quality, quantity, varied and offered at frequent intervals.

(3) (a) Food shall be kept fresh and served warm.

(b) Safe drinking fluids shall be provided to every child, especially during dry seasons.

(4) The religious restriction on the consumption of specific food item for each child shall be respected.

#### **4. Administration**

(1) The holder of the licence shall also keep the following books for record purposes —

- (a) an admission register;
- (b) a staff register;
- (c) a movement book;
- (d) an occurrence book;
- (e) a cash book;
- (f) a visitor's book;
- (g) an inventory of all items of equipment and furniture;
- (h) an individual case file for each child which shall include an individual care plan as well as details regarding the nature of the problem, health, nutritional habits, family background and overall development of the child;
- (i) a daily timetable of activities for each age group of children;
- (j) a weekly menu;
- (k) an indicative monthly plan of outings;
- (l) a donation book; and
- (m) a report book and any other documents or book of record that the supervising officer may request.

(2) A manager shall not restrict access of administrative books to an authorised officer.

#### **5. Emergency and Evacuation Plan**

The manager shall submit an emergency and evacuation plan for his residential care institution(s) regarding —

- (a) natural calamities; and
- (b) any other disasters such as cyclone, heavy rainfall, flood or fire.

#### **6. Activities**



(1) Every child shall be allowed to practise his faith and the manager of the residential care institution for children shall not impose any religious and sectarian practice on the child.

(2) Every child may be allowed to participate on a rotation basis in simple aged appropriate tasks such as daily household activities, to inculcate the concept of shared responsibility, especially if recommended by a medical practitioner or psychologist for occupational therapy.

(3) A residential care institution for children shall accommodate children as per its capacity.

(4) The manager of a residential care institution for children shall seek prior approval from the supervising officer for all out of premise activities.

**7. Children with disabilities**

(1) (a) In the case of a child with disabilities, the accommodation provided needs be adapted to his particular needs.

(b) The nature of disability of the child needs to be assessed to ensure that requirements for his accommodation are identified and arrangements made to ensure the suitability of accommodation.

.....

.....

Signature of Supervising Officer

(Date)

.....

Seal of Ministry

**THIRD SCHEDULE**

[Regulations 5(6)(c), 6(4)(b), 8(5)(b) and 9(5)(b)]

**APPEAL FORM**

Name of appellant: .....

Other name: .....

Maiden name (if applicable): .....

National Identity Card No: .....

Address: .....

Email address .....

Telephone no ..... Mobile number .....

Date of application of Registration. ....

Date of refusal/suspension/variation/revocation: .....

(\* delete as appropriate)

Purpose of appeal

Registration not granted \*

Suspension of Registration \*

Variation of Registration \*

Revocation of Registration \*

(\* tick as appropriate)

Grounds of appeal .....

.....

.....

Documents if any, submitted .....

.....  
Signature

.....  
Date

**FOURTH SCHEDULE**

[Regulation 6(1)]

**APPLICATION FORM FOR RENEWAL OF LICENCE OF  
RESIDENTIAL CARE INSTITUTION FOR CHILDREN**

Name of applicant/Non **Governmental Organisation** .....

Profession/Designation of applicant .....

Address of applicant .....

Name(s) of residential care institution(s) for children

(a) .....

(b) .....

(c) .....

(d) .....

(e) .....

Address of residential care institution for children

(a) .....

(b) .....

(c) .....

(d) .....

(e) .....

The following services to be provided in the proposed for residential care institution for children

—

(a) .....

(b).....

- (c) .....
- (d) .....
- (e) .....

The following documents attached —

- (a) location plan of proposed residential care institution for children;
- (b) certificate from the Sanitary Authority of the Ministry of Health and Wellness;
- (c) certificate from the Chief Fire Officer, Mauritius Fire and Rescue Service;
- (d) the Curriculum Vitae of the proposed Shelter Manager of the residential care institution for children;
- (e) a certificate of character issued by the Director of Public Prosecutions in the name of every person who will be involved in the management of the residential care institution for children; and
- (f) the list of employees or proposed employees of the residential care institution for children, their background, their health clearances and their child-related qualifications/training/experience.

We hereby confirm that the Residential Care Institution has always complied with the provisions of the Regulations and we have followed all the instructions and monitoring guidelines given by the Ministry.

Consequently I/We\* ....., being the holder of the licence in respect of the abovenamed residential care institution for children hereby apply for the renewal of the licence dated .....

.....

Signature of applicant

Date

*\*Delete as appropriate*

**FIFTH SCHEDULE**

[Regulation 8(3)]

**APPLICATION FORM FOR REGISTRATION**

**AS MANAGER OF RESIDENTIAL CARE**

**INSTITUTION FOR CHILDREN**

1. Name of Manager: .....
2. Other Names:.....
4. Title: Mr  Mrs  Miss  National Identity Card Number:  
.....
5. Maiden Name (if applicable):  
.....
6. Date of Birth- ..... Gender\*: Male  Female
7. Residential Address: .....
8. Phone Numbers:  
Home-..... Mobile .....
9. Email address: .....
10. Currently Employed at: .....  
(Name of Residential Care Institution and address)
11. Date of appointment: .....
12. Qualification details
  - 11.1 Academic Qualifications   
Certificate in Primary Education  SC/ GCE  HSC   
Diploma  Degree
  - 11.2 Others   
Please Specify .....
12. Please state whether the following have been submitted —
  - 12.1 Certificate of Character

12.2 Medical Certificate

13. I, .....

hereby certify that all information provided is true and factually correct.

Signature ..... Date: .....

*\*IMPORTANT- All of the above-mentioned documents should be submitted in originals together with one photocopy of each of the documents (Certificate of Character, medical certificate, academic qualifications, professional qualifications, testimonial of previous work experiences and National Identity Card).*

**For Office Use Only**

**Date of receipt of documents:**.....

**Documents verified on:** .....

**Name of officer:**.....

**Grade:**.....

**Signature of officer:**.....

**Date**.....

**SIXTH SCHEDULE**

[Regulation 9(2)]

**APPLICATION FORM FOR REGISTRATIONS**

**CHILDCARE GIVER FOR RESIDENTIAL**

**CARE INSTITUTION FOR CHILDREN**

1. Name of Childcare Giver: .....

2. Other Name: .....

3. Title: Mr  Mrs  Miss  National Identity Card Number:

.....

4. Maiden Name (if applicable): .....

5. Date of Birth: ..... Gender: Male  Female

6. Residential Address: .....

7. Phone Numbers:

Home: ..... Mobile .....

8. Email address:

9. Currently Employed at:

(Name of Residential Care Institution and address)

10. Date of appointment: .....

11. Qualification details

11.1 Academic Qualifications

Certificate in Primary Education  SC/ GCE  HSC

Diploma  Degree

11.2 Professional Qualifications

11.3 Others

Please Specify .....

12. Experience (give details)

.....  
.....

13. Please state whether the following have been submitted —

13.1 Certificate of Character

13.2 Medical Certificate

14. I, .....

hereby certify that all information provided is true and factually correct.

Signature: ..... Date: .....

*\*IMPORTANT- All of the above-mentioned documents should be submitted in originals together with one photocopy of each of the documents (Certificate of Character, medical certificate, academic qualifications, professional qualifications, testimonial of previous work experiences and National Identity Card).*

**For Office Use Only**

Date of receipt of ..... documents

Documents verified on .....

Name of officer: .....

Grade: .....

Signature of officer: .....

Date: .....