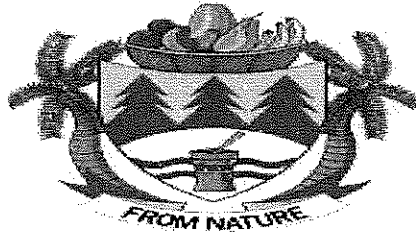
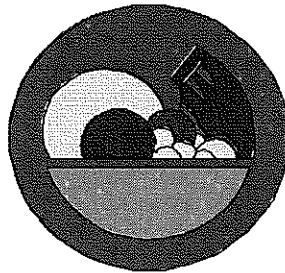


LOCAL AUTHORITY NOTICE 162 OF 2019



HEALTH BY LAWS FOR PRE-SCHOOL INSTITUTIONS



Greater Tzaneen Municipality

The Municipal Manager of Greater Tzaneen Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), publishes the health for pre-schools institutions by-law for the municipality as approved by its council, as set out hereunder.

TABLE OF CONTENTS

CHAPTER 1

1. Definitions

CHAPTER 2

APPLICATION OF THE BY-LAW

2. Application of the by-law
3. Deviation
4. Health certificate

CHAPTER 3

ACCOMMODATION AND FACILITIES

5. Children older than two years of age
6. Children under three years of age

CHAPTER 4

GENERAL REQUIREMENTS RELATING TO ALL BUILDINGS USED FOR PRE-SCHOOL INSTITUTIONS

7. Building requirements

CHAPTER 5

STAFF RESIDENCY

8. Sanitary and ablution facilities for staff resident on the premises

CHAPTER 6

RESTING, FEEDING AND PLAY EQUIPMENT

9. Equipment

CHAPTER 7

MEDICAL CARE OF CHILDREN

10. Medical aid safety measures
11. Safety measures
12. General duties

CHAPTER 8

RECORDS

13. Application for admission
14. Registers

15. Medical report
16. Journal
17. Suspension or termination of operations

CHAPTER 9

INSPECTION

18. Right of entry and inspection of premises and records

CHAPTER 10

GENERAL PROVISIONS AND OFFENCES

19. Withdrawal of health certificate
20. Transitional arrangements
21. Offences and penalties
22. Short title and commencement

CHAPTER 1

DEFINITIONS

1. Definitions

In this by-law, any word or expression to which a meaning has been assigned in the National Health Act, 2003 (Act 61 of 2003) and South African Schools Act, 1996 (Act 84 of 1996) shall bear the same meaning unless the context indicates otherwise:

"approved" means approved by the Head of Health Services, regard being had to the reasonable public health requirements of the particular case, or to the physical and mental health of the children, as the case may be;

"children" means children admitted to a pre-school institution in terms of these by-laws and where applicable "child" will have the same meaning;

"Council" means the Council of the Greater Tzaneen Local Municipality;

"domestic staff" means staff employed in a pre-school institution for cleaning, cooking and other domestic purposes;

"Head of Health Services" means a person in the employ of the Council and who is a health officer, medical officer of health or a health inspector as defined in the Act;

"health certificate" means a certificate issued in terms of this by-law;

"health certificate holder" means a natural or juristic person, or a partnership, or an association of persons, to whom a health certificate has been issued;

"pre-school institution" means any undertaking or institution involving the custody, care or tuition or any combination of these functions, during the whole or part of the day on all or any of the days of the week of children under the age of seven years, or the building or the premises maintained or used for the purpose of conducting such undertaking or institution thereon, as the case may be; and

"the act" means the National Health Act 2003, (Act 61 of 2003);

CHAPTER 2 APPLICATION OF BY-LAWS

2. Application of the by-law

- (1) This by-law shall apply to all pre-school institutions for children within Greater Tzaneen Municipality

3. Deviation

- (1) When in the opinion of the Head of Health Services, compliance would not be reasonably practicable, the Head of Health Services may give notice in writing to the health certificate holder to comply with such other reasonable requirements as considered necessary in the circumstances, within such reasonable period as stated in the notice, and such health certificate holder must forthwith comply with such notice.

4. Health certificate

- (1) No person may conduct, operate or manage a pre-school institution unless such person or body of persons is in possession of a health certificate to the effect that the premises, general health facilities and services to which such health certificate relates, comply with this by-laws, and such certificate must state the number and both the minimum and maximum age of the children permitted to be kept in such building or on such premises, and the hours during which such pre-school institution may operate.
- (2) The Head of Health Services will issue the health certificate contemplated in paragraph (1) above if he or she is satisfied that the provisions of this by-law are being complied with.
- (3) A health certificate issued in terms of this section, must not be transferable.
- (4) If a health certificate holder proposes to transfer a pre-school institution conducted on certain premises to other premises, he or she must obtain a health certificate in respect of the new premises before such pre-school institution may be conducted on such new premises.

CHAPTER 3 ACCOMMODATION AND FACILITIES

5. Children older than two years of age

- (1) In respect of a pre-school institution for children between the ages of three years and seven years, inclusive, the following accommodation and facilities must be provided:

- (a) **General**
- (i) A room adequate in size, with a minimum floor area of 12m² to be used solely for medical isolation and treatment purposes.
 - (ii) A wash-hand basin with a constant available supply of hot and cold running water in the room.
 - (iii) An approved first-aid cupboard, first-aid supplies and a bed or stretcher in the room.
- (b) If full-day care is provided and more than four members of staff are employed on a full-day basis, a separate room of a minimum size of 9m² for use as a meeting place or restroom for staff.
- (c) Adequate storage facilities for eating utensils, food, stretchers, sleeping mats, bedding, linen and indoor and outdoor play equipment.
- (d) Separate storage facilities for the personal belongings of each child and staff member.
- (e) Sanitary and ablution facilities for children which must have -
- (i) ready access between such facilities and the room and outdoor play area referred to in paragraphs (h) and (i) respectively;
 - (ii) one approved water closet for every 15 children or part thereof, which must be of a reduced size (juvenile type);
 - (iii) one wash-hand basin for every 15 children or part thereof; such wash-hand basin to be installed at such height as to be conveniently used by children;
 - (iv) a sink made of stainless steel for the cleaning of play equipment, provided that in respect of the facilities referred to in (ii), (iii) and (iv), only fixed facilities must be provided;
 - (v) a constant available supply of running water and thermostatically controlled hot water for the wash-hand basins referred to in (iii) and the sink referred to in (iv);
 - (vi) an adequate number of bins with self-closing lids for the disposal of paper towels, tissues and other waste;
 - (vii) at least one mirror installed at such height as to be conveniently used by the children;
 - (viii) a towel and a face cloth for each child's individual use unless the Head of Health Services permits the use of disposable paper towels;
 - (ix) individual pegs or hooks for each child's towel which must be placed 225mm apart and within the child's reach, and marked in such a manner as to be easily recognized by each child; and
 - (x) reasonable supply of toilet paper, tissues and soap available and accessible to the children.
- (f) Sanitary and ablution facilities for the staff which must have -
- (i) one water closet and one wash-hand basis for every 15 persons or part thereof;
 - (ii) a constant available supply of hot and cold running water, soap, toilet paper and clean towels;
 - (iii) must have a bin with self-closing lid or other approved disposal unit installed in each closet intended to be used by females.

- (g) Separate approved laundry facilities on the premises, unless laundering is done on other approved premises.
- (h) A room for playing, eating and sleeping purposes where a minimum area of 2m² is available for every child, which must have a ready access to the outdoor play area and adequate heating facilities. The indoor area may be reduced to a minimum of 1,5m² per child, provided that a roof covered verandah of a minimum of 0,5m² per child is provided. Such covered verandah must adjoin the playroom and be protected against wind, rain and other inclement weather conditions. Both playroom and covered verandah must have a minimum width of 3m.
- (i) A minimum outdoor play area of 5m² per child comprising lawns or other surfaces and shady areas, which are adequately drained, properly fenced off from any parking, swimming pool, open space or other area which, in the opinion of the Head of Health Services, may constitute a danger to the children, and which must be free of any excavation, step, projection, level or surface which, in the opinion of the Head of Health Services, is dangerous or may constitute a hazard.
- (j) Where the pre-school institution is in a high density area and is entirely enclosed within a building, the outdoor play area may be substituted by an additional indoor play area of 5,5m² per child.

(2) Kitchens

- (a) If meals are provided the kitchen must -
 - (i) have a minimum floor area of 12m² for every 50 children or part thereof. The minimum floor area must be increased by 0,1m² per child in excess of 50; and
 - (ii) be provided with an approved double compartment sink, and a wash-hand basin and, if the Head of Health Services deems it necessary, a pot-washing sink and vegetable washing sink and such sinks must be made of stainless steel or other impervious material and must have a constant available supply of hot and cold running water.
- (b) If only half-day care is provided and the Head of Health Services is satisfied, having regard to the type and quantity of food supplied to the children, a kitchen of 9m² must be provided with an approved double compartment sink of stainless steel and a wash-hand basin and must have a constant available supply of hot and cold running water.
- (c) The following requirements will apply to all kitchens referred to in this paragraph:
 - (i) all cupboards, shelves and other storage space for kitchen utensils and equipment must be so fitted as to be easily cleaned;
 - (ii) all tables must have an approved surface;

- (iii) the stove or other cooking unit must be so installed as to allow easy access between the stove or cooking unit and the adjoining wall surface to facilitate cleaning;
- (iv) adequate storage facilities for vegetables must be provided;
- (v) refrigeration facilities for perishable foodstuffs must be provided;
- (vi) an adequate number of refuse bins must be provided; and
- (vii) no laundry or laundry equipment must be permitted in any kitchen.

6. Children under three years of age

- (1) In respect of pre-school institutions for children under the age of three years, the following accommodation and facilities must be provided:
 - (a)(i) a room adequate in size, with a minimum floor area of 12m², to be used solely for medical isolation and treatment purposes; and
 - (ii) an approved first-aid cupboard, first-aid supplies and a cot or stretcher in the room.
- (b) If full-day care is provided and more than four members of staff are employed on a full-day basis, a separate room of a minimum size of 9m² for use as a meeting place or restroom for staff.
- (c) The facilities referred to in paragraphs (a), (b), (h) and (i) of this section may be combined with the facilities provided in terms of section 5 (1) (a), (b), (c) and (d), if the Head of Health Services is satisfied that such facilities are adequate and suitable for combined use.
- (d)
 - (i) A nursery for playing, eating and sleeping purposes where a minimum area of 3,5m² is available for every child. Cots must be arranged so that there will be a minimum of 750mm between the cots. The indoor area may be reduced to a minimum of 2m² per child, provided that a roof covered verandah of a minimum of 0,5m² per child is provided. Such covered verandah must adjoin the playroom and be protected against wind, rain and other inclement weather conditions.
 - (ii) Both playroom and covered verandah must have a minimum width of 3m and must have ready access to the area referred to in paragraph (e) (i).
 - (iii) Adequate heating facilities to be provided in the room referred to in (i) above.
- (e)
 - (i) A minimum outdoor area of 3m² per child for the use of perambulators, play-pens and outdoor activities, as required by section 5(1) (i).
 - (ii) In high density areas where the pre-school institution is situated in a building, the outdoor play area may be substituted by an additional indoor play area of 3m² per child.

- (iii) If a nursery school is conducted on the same premises as the pre-school institution, the areas referred to in (i) and subsection 5(1) (h) above, must be separated from any outdoor area used by children attending such nursery school.
 - (iv) An after school care centre must not be permitted on the same premises as a pre-school institution, unless in completely separate facilities, or unless conducted at different times.
- (f) A kitchen as contemplated in section 4 (2).
- (g) (i) If bottles and teats are used for feeding of children, the kitchen as contemplated in section 5(2) must be increased with a minimum of 3m² to provide a separate area for a milk handling kitchen.
- (ii) Where the number of children is in excess of 50, the floor area must be increased to the satisfaction of the Head of Health Services and if required by the Head of Health Services, the milk handling kitchen must be partitioned off from the rest of the kitchen.
- (iii) Such milk handling kitchen must have the following:
- (1) An approved double compartment sink of stainless steel with a constant available supply of hot and cold running water.
 - (2) A separate refrigerator for the sole storage of milk and milk bottles.
- (h) Adequate storage facilities for food, linen, perambulators and other equipment.
- (i) Separate storage facilities for the personal belongings of each child and staff member.
- (j) Sanitary and ablution facilities for children under two years must have the following:
- (i) ready access to the room referred to in paragraph (d) (i); and
 - (ii) separate sluice area with a minimum size of 6m² and which must have –
 - (1) An approved combined sluice sink and hopper. Such sink and hopper must be fitted with an 150mm splash screen and must be installed 100mm away from any wall surface and must have a constant available supply of hot and cold running water. Every part of the wall surface within 600mm from the sink and hopper must be tiled or have some other approved finish, approved by the Head of Health Services;
 - (2) A wash-hand basin installed at a height which can be conveniently used by an adult and having a constant available supply of hot and cold running water;
 - (3) An approved water juvenile-type closet. If deemed necessary by the Head of Health Services, the number of water closets may be increased.
 - (iii) A separate bathing area of a minimum size of 6m² must be provided with an approved bathing unit for ten children or part thereof. Such units must have constant available supply of cold and thermostatically controlled hot running water. If such bathing area is provided in the nursery, an

additional floor area of 6m² must be provided and must have ready access to the sluice sink and hopper.

- (iv) Separate facilities for the storage of clean and soiled nappies.
 - (v) Disposable and approved material for the cleaning of children wearing nappies.
 - (vi) A minimum of two towels and one face cloth for each child's use.
 - (vii) Individual pegs or hooks for each child's towels and face cloths mentioned in (vi) above and be placed 225mm apart, and individually marked.
 - (viii) Separate pegs and hooks must be provided for towels and face cloths respectively.
 - (ix) An adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste articles.
 - (x) If necessary in the opinion of the Head of Health Services, chamber pots (reduced size) must be provided. Such chamber pots must be suitably stored, kept in good repair and used only in the sluice area mentioned in paragraph (j) (ii), save where such equipment may be required for use in the isolation area referred to in paragraph (a).
- (k) If children aged two years and over are accommodated, sanitary and ablution facilities complying with the provisions of section 4 (1) (e) must be provided.
- (l) Sanitary and ablution facilities for the staff complying with the provisions of section 5(1) (f).
- (m) Storage facilities for indoor and outdoor play equipment.
- (n) Approved laundry facilities on the premises, unless laundering is done on other approved premises.

CHAPTER 4

GENERAL REQUIREMENTS RELATING TO ALL BUILDINGS USED FOR PRE-SCHOOL INSTITUTIONS

7. Building requirements

- (1) Notwithstanding the provisions of the National Building Standards and Building Regulations Act, every building or part thereof used for a pre-school institution must comply with the following requirements:
- (a) the windows of all playrooms and isolation areas must be so designed and installed as not to constitute a danger to the children when open and so that the lower level is not more than 750mm from ground level.

- (b) The internal walls throughout must have a smooth surface and must be covered with a light coloured durable and washable paint.
- (c) Floors and skirting must be finished with a smooth surface, free of sharp edges or other dangerous defects.
- (d) All rooms must have a ceiling and such ceilings must have no open joints and must be painted with a light coloured durable and washable paint.

CHAPTER 5 STAFF RESIDENCY

8. Sanitary and ablution facilities for staff resident on the premises

- (1) The following separate facilities for males and females must be provided in respect of staff living on the premises:
 - (a) one water closet and one wash-hand basin for every 15 persons or part thereof;
 - (b) one bath or shower for every eight persons or part thereof;
 - (c) a constant available supply of hot and cold running water to the wash-hand basins, baths and showers referred to in paragraphs (a) and (b); and
 - (d) an adequate supply of soap, toilet paper and clean towels.
- (2) The area occupied by staff living on the premises will have no direct communication with any area used by the children and must be inaccessible to the children and adequately screened from the rest of the premises.

CHAPTER 6 RESTING, FEEDING AND PLAY EQUIPMENT

9. Equipment

- (1) Equipment for children must comply with the following:
 - (a) an adequate number of approved children's chairs must be provided. For children under 18 months of age, an adequate number of approved feeding chairs must be provided;
 - (b) an adequate number of approved children's tables must be provided;

- (c) an adequate supply of approved individual resting or sleeping equipment must be provided for each child. Such equipment must be marked with the relevant child's name or symbol, and so arranged that there is a minimum of 450mm between each child;
 - (d) an adequate supply of bedding must be provided and correspondingly marked with the name or symbol referred to in paragraph (c); and
 - (e) an adequate supply of approved indoor and outdoor play equipment must be provided.
- (2)
- (a) If bottles and teats are required for any children, bottles and teats as approved by the Head of Health Services must be provided for the individual use of such child, and such feeding bottles and teats must be sterilized by a method as approved by the Head of Health Services before use.
 - (b) If cutlery and crockery are required for any children, an adequate supply of cutlery and crockery must be provided for the convenient use of such children.
 - (c) No paddling pool, swimming pool, sand pit or other structure shall be permitted on the premises of any pre-school institution without the approval of the Head of Health Services, subject to such conditions concerning safety and coverage as he or she may determine from time-to-time.

CHAPTER 7

MEDICAL CARE OF CHILDREN

10. Medical and safety measures

- (1) Every child must be kept under observation for any signs of illness, indisposition or other abnormal condition.
- (2) The parent or guardian of the child concerned must be notified immediately when any illness, indisposition or abnormal condition is observed.
- (3) Whenever a child becomes ill or has suffered an injury requiring medical attention, a medical practitioner must be summoned. A telephone must be available for this purpose.
- (4) Any child who is ill or has suffered an injury, must be isolated and must receive the necessary care and comfort.
- (5) All instructions issued by the medical practitioner referred to in subsection (3) must be carried out and in the event of a communicable disease; the Head of Health Services must be notified immediately.
- (6) A record of all injuries and illnesses of every child must be kept.

11. Safety Measures

- (1) The following safety measures must be taken:

- (a) children must be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article or thing which may be dangerous or cause injury to any child;
 - (b) any slats or rails forming part of an enclosure, playpen, bed, cot or any other object or structure whatsoever, must not be more than 75mm apart and must be suitably installed and maintained in a good state of repair and a non-toxic paint will be used when painted;
 - (c)(i) The premises must be entirely enclosed by an approved wall or other approved means of enclosure so as to prevent a child leaving the premises on his or her own accord, and to prevent the entrance of domestic animals;
 - (ii) All gates or doors to such enclosure must be closefitting and securely locked or otherwise closed so as to prevent a child opening them.
 - (d) The first-aid cupboard referred to in sections 5(1)(a) (iii) and 6(a)(ii) must be fully and adequately equipped to the satisfaction of the Head of Health Services. Such equipment must be readily available for use and kept out of every child's reach.
 - (e) All medicines, pesticides, detergents and other harmful substances must be stored so as not to be accessible to any child; and
 - (f) No noxious or poisonous plant or shrub must be permitted on the premises and no animal must be kept without the approval of the Head of Health Services.
- (2) No person known or suspected to be suffering from an infectious or contagious disease, and no person who has been in contact with a person so suffering will be allowed on the premises while in the opinion of the Head of Health Services such person is capable of communicating such infectious or contagious disease.
- (3) The provisions of the regulations regarding the exclusion of children from school on account of infectious diseases made in terms of the act, must apply to all pre-school institutions.

12. General duties

- (1) The health certificate holder, must ensure that the children are at all times properly cared for and supervised and must –
- (a) maintain every part of the pre-school institution, including outdoor areas and all structures and equipment, in good repair and in a clean and tidy condition;
 - (b) take adequate measures to protect all foodstuffs from contamination;
 - (c) ensure that all perishable foodstuffs, other than unfrozen fruit and vegetables, are stored in refrigeration facilities at a temperature not exceeding 10°C, provided that milk must be so stored at a temperature not exceeding 7°C;

- (d) ensure that all persons on or in the premises are clean in person and clothing and are in good state of health;
- (e) ensure that no person may smoke tobacco product in the presence of a child;
- (f) ensure that all persons engaged in the handling and preparation of food, wear clean and sound overalls and headgear;
- (g) ensure that toys, books and other indoor play materials intended for day-to-day use are available in the play-room and suitably stored so as to be within the reach of the children;
- (h) (i) ensure that the children are at all times under the direct supervision of such number of adults as is required by the Head of Health Services. Such supervision may not be direct supervision of domestic staff;
- (ii) ensure that the qualifications of staff, including the supervisor or principal, comply with the requirements of the Head of Health Services;
- (i) ensure that each child uses his own towel or face cloth, as the case may be;
- (j) (i) ensure that all meals provided for the children meet with the requirements of the Head of Health Services;
- (ii) ensure that all menus are approved by the Head of Health Services and adhered to and so displayed as to be visible to the parents;
- (iii) keep records of all daily meals provided, and ensure that such records are open for inspection at all times;

CHAPTER 8 RECORDS

13. Application for admission

- (1) The health certificate holder must ensure that an application containing the following information is completed by a parent or guardian of a child before admission to a pre-school institution:
 - (a) the child's name and date of birth;
 - (b) name, address and telephone number of the parent(s) or guardian;
 - (c) place of employment and telephone number of the parent(s) or guardian;
 - (d) name, address and telephone number of a responsible person other than the parents or guardian, who may be consulted in emergencies;
- (e) Name, address and telephone number of child's medical practitioner and permission to consult him or her.
- (2) All such application forms must be retained and the date of admission and discharge of the child referred to in such form must be entered thereon.
- (3) Ensure that a personal file containing forms and details relevant to each particular child is maintained.

- (4) Ensure that all children admitted have completed basic immunization schedules as deemed necessary by the Head of Health Services.
- (5) If the children admitted are too young, such immunization must be carried out and completed as soon as such children are old enough.

14. Registers

- (1) A register must be kept of all the children admitted and discharged.
- (2) A register of attendance must be kept in which the presence or absence of children be noted daily.
- (3) Such attendance register must in addition include the children's respective dates of birth.

15. Medical report

- (1) A report containing the following health data must be obtained from the parent or guardian in respect of each child before admission and retained:
 - (a) information concerning the child's general state of health and physical condition;
 - (b) operations, illnesses and any communicable disease from which the child has suffered and the relevant dates;
 - (c) details of previous required immunization; and
 - (d) details of allergies and any medical treatment which such child may be undergoing.

16. Journal

- (1) A journal, diary, logbook or book of similar nature must be kept in which important or outstanding events, including accidents, and programmes of daily activities are recorded.

17. Suspension or termination of operations

- (1) The health certificate holder must notify the Council of the suspension or termination of the operations of the pre-school institution to which such health certificate relates or in the event of any occurrence as specified in section 4.

CHAPTER 9

INSPECTION

18. Right of entry and inspection of premises and records

- (1) Any duly authorized officer or Head of Health Services of the Council may for any purpose connected with the application of this by-law at all reasonable times and without notice, enter any premises upon which a pre-school institution is conducted or upon which such officer has reasonable grounds for suspecting the existence of such pre-school institution and make such examination, enquiry and inspection thereon as he or she may deem necessary.

CHAPTER 10
GENERAL PROVISIONS AND OFFENCES

19. Withdrawal of health certificate

- (1) The Council may at its discretion withdraw a health certificate issued in terms of this by-law.

20. Transitional arrangements

21. Offences and penalties

- (1) Any person who fails to comply with any provision of this by-law shall upon conviction if found guilty be liable on conviction to a fine not exceeding R2000 or imprisonment for a period not exceeding 12 months.

22. Short title and commencement

This by-law is called Greater Tzaneen Municipality: Health for Pre- Schools Institution By-laws and takes effect on the date of publication in the *Provincial Gazette*.

B. S. MATLALA
MUNICIPAL MANAGER

27 SEPTEMBER 2019