

THE LAW OF THE CHILD ACT, 2009
(NO. 21 OF 2009)

RULES

Made under section 132

THE LAW OF THE CHILD (APPROVED SCHOOLS) RULES, 2011

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PART 1

PRELIMINARY PROVISIONS

Interpreta-
tion

1. These Rules shall be cited as the Law of the Child (Approved Schools) Rules, 2011.
2. In these Rules any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned and, unless the context indicates otherwise-
 - “Act” means the Law of the Child Act, 2009;
 - “Approved property” means any of the child’s property that has not been surrendered on admission or has been lawfully acquired by the child since the child was admitted into an Approved School;
 - “Assistant Social welfare” means a person with a Diploma in Social Work;
 - “Board of Visitors” means a Board of Visitors appointed under section 122 of the Act;
 - “Care Staff” means a Social Welfare Officer, an Assistant Social Welfare Officer and a Welfare Assistant
 - “Manager” means a person appointed pursuant to s. 121 (2) of the Act as responsible for the management and control of any Approved School;
 - “Night-time” shall cover the period 10 pm until 6am;
 - “Schedule” means a schedule to these Rules;
 - “Social Welfare Officer” means a person with a Bachelor Degree in Social Work;
 - “Staff member” means an employee of an Approved School or any other person employed by any Ministry to work in the Approved School;
 - “Welfare Assistant” means a person with Certificate in Social Work.

PART II

GUIDING PRINCIPLES

Principles for
operation of
Approved
School

3. (1) The purpose of every Approved School shall be to provide children with care, protection, education and vocational skills, and to assist the child to live a socially constructive and productive life.
(2) The Approved School shall:
 - (a) promote and safeguard the welfare of the child;
 - (b) ensure a child-friendly environment that upholds the child’s rights and dignity;
 - (c) provide good quality standards of education and training;

- (d) provide effective programmes to address offending behaviour and assist the child to reintegrate into the family and community;
 - (e) provide each child with all necessary social, educational, vocational, psychosocial, medical and physical assistance that the child may reasonably require having regard to the child's age, gender, disability, and personality;
 - (f) promote and encourage links between children and the local community; and
 - (g) co-operate with the services responsible for the child's supervision and support to plan for the child's release and after-care.
- (3) In taking any actions or making any decisions in relation to a child, the best interests of the child shall be the primary consideration.

Rights of children

4. (1) Every child who is admitted to an Approved School has the right to: -

- (a) be treated with respect and without discrimination of any kind, including on the grounds of gender, race, age, religion, language, political opinion, disability, health status, custom, ethnic origin, rural or urban background, birth, socio economic status, being a refugee or of other status;
 - (b) adequate nutrition, clothing, and nurturing;
 - (c) access to adequate preventative and remedial medical care;
 - (d) education and training appropriate to his age, level of maturity, aptitude and ability;
 - (e) reasonable privacy, possession and protection of his personal belongings;
 - (f) be informed of the behaviour that is expected of him and the consequences of his or her failure to meet those expectations;
 - (g) be protected from all forms of violence, abuse, neglect and exploitation;
 - (h) not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including any cultural practice which dehumanises or is injurious to his or her physical and mental well-being;
 - (i) to communicate and have contact with a religious counsellor, health care professional, psychologist and advocate as necessary;
 - (j) to be protected from harmful and hazardous labour;
 - (k) a suitable amount of time for daily free leisure, exercise and play;
 - (l) be consulted and to express his or her views, according to his or her abilities, about significant decisions affecting him or her and have those views be given due weight in the decision making process; and
 - (m) the necessary support from and access to an interpreter if language or disability is a barrier to consulting with them on decisions affecting his or her custody or care and development.
- (2) The child shall have the right to maintain contact with his or her family, community and other persons who play a significant role in the child's life. To this end the child shall be permitted:
- (a) to communicate not less than once a week with his or her parents, guardian or relative;
 - (b) to be visited by his or her parents, guardian, and relatives not less than once every week; and

- (c) to have contact with other significant persons not less than once a month.

PART III

ESTABLISHMENT OF APPROVED SCHOOLS

Establish-
ment

5. (1) Every school established by the Minister pursuant to section 121 (1) of the Act shall be declared to be an Approved School for the purposes of the Act.
- (2) Each Approved School declared under this Rule shall be identified by its specific name and place or location as provided under Schedule 1 of these Rules.

PART IV

ADMINISTRATION

Management and Staff

Approved
Schools
management

6. (1) The Manager of an Approved School shall be responsible for:-
- (a) managing and operating the Approved School in a manner that:
 - (i) promotes respect for the purpose and principles contained in Part II of these Rules;
 - (ii) provides and maintains safety and security of all the children; and
 - (iii) promotes the rehabilitation of children and their reintegration into their family and community.
 - (b) determining the daily routine and activities of the Approved School; and
 - (c) maintaining adequate records of the establishment.

Staff
member

7. (1) The Manager of an Approved School shall have not less than five years professional experience in social welfare, shall have administrative and management ability, and shall carry out their duties on a full time basis.
- (2) A member of staff with no less than four years professional experience in social welfare and with administrative and management ability shall be appointed by the Manager as Deputy Manager with the approval of the Commissioner.
- (3) The Manager shall have the power to delegate his or her responsibilities to the Deputy Manager in his or her absence.
- (4) Each Approved School shall have a qualified and trained staff to ensure its effective operation, including but not limited to the following:

- (a) Teachers;
 - (b) Vocational Instructors;
 - (c) Social Welfare Officers;
 - (d) Assistant Social Welfare Officers;
 - (e) Welfare Assistants;
 - (f) Clinical Officer;
 - (g) Registered Nurse; and
 - (h) support staff that includes:-
 - i. accountant,
 - ii. supplies officer,
 - iii. secretary,
 - iv. office attendant,
 - v. driver,
 - vi. guards, and
 - vii. cook.
- (5) The Commissioner shall set the staffing requirements for each Approved School, guided by the need to ensure gender balance and by the following minimum staff/child ratio:
- (a) 1 Social Welfare Officer per 10 children
 - (b) 1 Assistant Social Welfare Officer per 10 children
 - (c) 1 Welfare Assistant per 10 children
 - (d) 1 Vocational Instructor per 16 children
- (6) The Manager shall ensure that the following minimum staff/child ratio is observed:
- (a) there shall be a ratio of at least one member of care staff on duty per 15 children at night time;
 - (b) there shall be a ratio of at least two members of care staff on duty per 10 children at all times other than at night time; and
 - (c) there shall be at least one Social Welfare Officer on duty at all times other than at night time.
- (7). It shall be the duty of every staff member to conform to these Rules, to assist and support the Manager in their enforcement, and to obey his or her lawful instructions.

**Recruitment
of staff**

- 8.** (1) The Commissioner shall:
- (a) ensure that the members of staff are carefully selected and recruited;
 - (b) not offer employment at the Approved School to any person who has a conviction for an offence of violence against a child or a sexual offence of any kind; and
 - (c) obtain two references before a person is offered a post in an Approved School, including one from the previous employer.

**Training of
staff**

- 9.** (1) The Manager, supported by the Commissioner, shall ensure that:-
- (a) all staff members are provided with an initial induction; and

(b) regular in-service training, which is appropriate to each post holder, is provided to staff members to enable them to work effectively in the Approved School, and this shall include:

- (i) the Rules governing Approved Schools;
- (ii) child development and psychosocial support;
- (iii) behavior management techniques;
- (iv) gender sensitivity; and
- (v) child protection issues, including the Child Protection Policy and Child Protection Procedure.

(c) all staff members, regardless of their post, receive an induction and training on the Rules governing Approved Schools and child protection.

Code of
Conduct

10. All staff members, members of the Board of Visitors, volunteers, and employees of visiting agencies/departments, non-governmental organisations, faith based organisations and professionals visiting the Approved School to work with or treat children shall comply with the Approved School Code of Conduct provided in Schedule 2, and as may from time to time be modified.

Board of Visitors

Functioning of
Board

11. (1) Members of the Board of Visitors, including the Chairperson shall be appointed by the Minister and function according to the following procedures:

- (a) the Board shall meet at the Approved School at least four times per year;
- (b) the Board may hold extraordinary meeting as the need arises;
- (c) the Chairperson shall convene Board meetings;
- (d) the quorum for a meeting of the Board shall be a simple majority of its members;
- (e) the decisions of the Board shall as far as possible be made by consensus, but where the matter is put to the vote, a simple majority of those present shall prevail. Where the votes are split equally the chairperson has the casting vote;
- (f) the Board shall have the power to require:-
 - i. a member of staff to attend a Board Meeting;
 - ii. a member of staff to provide a report on any matter specified by the Board by a specified date;
 - iii. a child resident in the school to attend a meeting of the Board. The child shall be informed that he or she may request a member of staff or another child to accompany him or her to the meeting;
 - iv. the Manager or any other member of staff of the school to withdraw from a meeting.
- (g) the Board shall hear a child who requests to attend a meeting and address the Board.

(2)The Manager of the Approved School shall be the Secretary of the Board and shall be responsible for:

- (a) circulating notice of the meeting of the Board together with an agenda at least two weeks prior to the following meeting. This Rule shall not apply where a meeting is called at short notice. In such cases, the agenda shall be provided as far in advance of the notice as is reasonably possible;
- (b) taking minutes of the Board of Visitors at all meetings, which must include a summary of the discussions and a record of all decisions taken;
- (c) keeping the records of the Board; and
- (d) ensuring the implementation of the recommendations or decision of the Board and for reporting on progress in implementing the recommendations or decisions in subsequent meetings.

(3)The Manager shall not participate in any decision of the Board and shall not have a vote.

(4)The Board shall decide on its own procedures regarding matters on which these Rules are silent, provided that there is consensus regarding such procedures, failing which the procedure set out in Rule 10(1)(e) shall be followed.

Duties of the Board

12. In the performance of their duties under section 123 of the Act, a Board of Visitors shall:-

- (a) provide support and advice to the Manager;
- (b) arrange for the Approved School to be inspected by one or more of its members, other than the Manager, at frequent intervals, and not less than on a quarterly basis, to satisfy themselves as to the state of the premises, the administration of the Approved School and the care and treatment of the children;
- (c) inquire into any complaint or report made to them regarding the well-being of a child resident or formerly resident at the Approved School;
- (d) direct the attention of the Manager to any matter which calls for his or her attention, and report to the Minister any matters which they consider it expedient to report, including any breach of these rules;
- (e) inform the Minister immediately of any abuse of a child accommodated at the Approved School which comes to their knowledge;
- (f) approve the discharge of a child from Approved School under section 129 of the Act;
- (g) ensure that its members are familiar with the legal framework governing the operation of the Approved School; and
- (h) submit an annual report to the Minister, copied to the Commissioner for Social Welfare, on the operation of the Approved School and the activities of the Board of Visitors.

Record Keeping

13. The Manager shall keep accurate, complete and secure records in relation to the management of the Approved School, including, but not limited to:--

- (a) a Register of Admissions and Discharges of Children;
- (b) an Incident Register in which every incident of importance connected with the Approved School shall be recorded;
- (c) a Visitors' Register in which shall be entered the details of all visitors to the school;
- (d) a Behaviour Management Register, in which shall be recorded disciplinary measures imposed on a child in accordance with Rule 46(4);
- (e) a Complaints Register, in which shall be recorded all complaints under Rule 55, action taken and their resolution; and
- (f) a Property Register, in which shall be recorded all personal property that has been confiscated from a child and retained or destroyed in accordance with Rule 31.

Personal
Files

14. (1) An Approved School shall maintain a personal file for every child admitted to the school.

(2) Each personal file shall include the following information:

- (a) the child's full name, including any known aliases of the child;
- (b) the child's date and place of birth;
- (c) the child's tribe;
- (d) the child's sex;
- (e) the child's usual place of residence;
- (f) if the child's usual place of residence is not the residence of the child's parent or guardian, the parent's or guardian's address;
- (g) the copy of the Approved School Order, including:-
 - (i) the nature of the offence for which the child was convicted; and
 - (ii) the day of the sentence; and
 - (iii) the period of the sentence;
- (h) a copy of the social investigation report or any other report submitted to the Court;
- (i) any religious, ethnic or cultural affiliations of the child;
- (j) information about the child's health, including any known medical condition affecting the child and any medical care or treatment received by the child while he or she is in the custody of the Approved School;
- (j) particulars of the level of formal education attained by the child;
- (k) particulars of any physical or other disability, including any learning disability;
- (l) the child's individual care plan, and his or her progress under that care plan, regularly updated;
- (m) the child's reintegration plan in accordance with Rule 48(3).
- (n) particulars of the child's behavior while in custody, including any discipline or use of force imposed on the child;
- (o) particulars of any leaves of absence granted to the child; and
- (p) such other particulars as the Manager considers necessary.

Privacy and
confidentiali
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15. (1) All records maintained by an Approved School shall be kept securely and treated as confidential, and shall be accessible only to authorized persons, including:-

- (a) any member of staff who requires such access for any purpose directly relating to his or her functions or duties at the Approved School;
- (b) any person conducting an investigation into a complaint made by or on behalf of the child;
- (c) any member of the Board of Visitors;
- (d) any person conducting an inspection of the Approved School pursuant to Rules 51 and 52;
- (e) any person given explicit written permission by the Commissioner for Social Welfare; and
- (f) the child, when it is not considered by the Manager of the Approved School to be contrary to his or her best interests.

(2) All records in relation to a child admitted to an Approved School shall be in accordance with the Records and Archives Management Act, Chapter 309 of the laws.

PART V

ADMISSION AND CASE MANAGEMENT

Admission

16. (1) The Manager of an Approved School shall require production of a Court Approved School Order for admission of a child to the school.

(2) The Commissioner shall be responsible for ensuring that children are transported to the Approved School in an expedient manner following an Approved School Order and shall ensure that the Manager of the Approved School is provided with:

- (a) a copy of any social investigation report and other reports made available in Court; and
- (b) a copy of the court Approved School Order.

Recording
time and
particulars

17. (1) The Manager of an Approved School must ensure that, at the time a child is admitted to an Approved School, the child's particulars are recorded in the Register of Admissions, an individual personal file is created for the child in accordance with Rule 14 and A.S Form 1 is completed.

(2) The Commissioner shall inform a child's parents, guardians or relative within seventy-two hours of the child's admission to an Approved School. Where the parents place of residence is unknown or the child has not been in the care of the parents, guardian or family, the Social Welfare Officer of the area in which the child was last resident shall be informed of the admission;

(3) The child shall, as soon as practicable after being admitted to an Approved School, be examined by a clinical officer or registered nurse for the purpose of determining the child's state of health and the results of the examination must be recorded in child's personal file.

Induction
process

18. (1) An Approved School shall put in place an induction process designed to ensure that children are received in a manner and in an environment which promotes and safeguards the child's

welfare, which minimises trauma and maximises developmental opportunity during the admission process.

(2) As soon as practicable after a child has been admitted into an Approved School, the Manager must ensure that the following matters are explained to the child by an assigned member of the care staff:

- (a) the daily routine of the Approved School;
- (b) the child's rights under these Rules;
- (c) the behaviour and conduct expected of the child;
- (d) the procedures for seeking information and for making complaints and for reporting child protection concerns;
- (e) the visiting and communication rights; and
- (f) any other matter about which it is necessary for the child to be informed so as to enable the child to understand the Rules and to adapt to living in the Approved School.

(3) The explanation required by sub-rule (2) shall be given in such language, including a language other than English, and in such a manner, as is appropriate in the circumstances, having due regard to the child's age and capacity to understand what is being explained.

(4) A copy of the Behaviour Rules and Code of Conduct in English and Kiswahili shall be displayed in a prominent place that is visible to all children, and a copy shall be made available to any parent or guardian of a child who requests it.

(5) The Manager shall assign to each child admitted to the Approved School, a member of the care staff who will support that child to settle in during the first month that he or she is at the school.

19. (1) The Manager shall ensure that an assessment is undertaken of every child and A.S. Form 2 is completed setting out the child's individual care plan, as soon as practicable after the child is admitted to the Approved School.

(2) Every care plan formulated in respect of a child shall:-

- (a) be prepared in consultation with:-
 - i. the child; and
 - ii. where practicable, the parent or guardian of the child, or the person who would otherwise have the care of the child;
- (b) take into consideration: -
 - (i) the sentencing Court's comments in relation to the child;
 - (ii) any assessment that has been made as to the child's physical or mental health;
 - (iii) the child's individual needs, having regard to the child's age, sex, disability, health status, and personal circumstances; and
 - (iv) their social investigation report;
- (c) specify the objectives sought to be achieved for the child while he or she is at the Approved School;
- (d) contain details of the services, assistance and programmes to be provided to the child, including:

- (i) the provision of health care to the child;
 - (ii) the provision of education to the child;
 - (iii) in the case of a child who appears to be at risk of self-harm, the steps to be taken to reduce the likelihood of self-harm occurring;
 - (iv) in the case of a child who has a disability or other health status, the steps to be taken to ensure that the child is not subject to discrimination or disadvantage, particularly in relation to the child's opportunity to engage in education or to participate in other activities;
 - (v) the rehabilitation, pre-release and post-release assistance to be provided to the child; and
 - (vi) such other matters relating to the education, employment, recreation, and welfare of the child as are relevant.
- (e) be periodically reviewed and, where appropriate, updated, at a minimum of every six months, so as to ensure that it remains relevant to the child's circumstances.

PART VI

FACILITIES, AMENITIES AND SERVICES

General
Environ
ment

- 20.** (1) The Commissioner shall ensure that the Approved School provides a safe, healthy, well-maintained environment which meets children's needs in terms of privacy, safety and wellbeing, and which is in keeping with the schools' rehabilitative purpose.
- (2) Sleeping accommodation shall consist of small, adequately ventilated group dormitories, with sufficient space to accommodate the number of children received by the Approved School.
- (3) Every child shall be provided with appropriate clean bedding, which must be changed regularly, and not less than once every two weeks, and periodically replaced.
- (4) Sanitary facilities must ensure good standards of health and hygiene and must be kept in hygienic condition at all times. Toilets should be accessible at night, but with sufficient separation from the sleeping area. Separate sanitary facilities shall be provided for children and for staff.
- (5) Children must be provided with access to bathing and other washing facilities on a daily basis.
- (6) Measures must be taken to ensure that children are protected from infectious or communicable diseases, and in particular against malaria by use of treated nets and materials.
- (7) Special attention as to their personal needs shall be given to children with disabilities or other medical conditions and to female children.
- (8) Children shall not be confined to their dormitories apart from at night time.

Separation
by sex

21. (1) Male and female children detained in the same Approved School shall be accommodated in separate sleeping areas and shall be provided with separate toilet and bathing facilities.

(2) Girls in the Approved School shall at all times be under the care and supervision of female staff members, and a male staff member shall not enter the sleeping dormitories or sanitary facilities assigned to girls except when on duty and shall at all times be accompanied by a female staff member.

Mothers
in
Approved
Schools

22. (1) The Commissioner shall ensure that special facilities are available for the care of babies and children who are in an Approved School with their detained mother.

(2) A mother who is sentenced to an Approved School Order shall be permitted to care for her child or children in the school, if the child or children are under the age of two years at the time of admission, unless the mother decides otherwise.

(3) The Manager shall arrange for an assessment of the mother and child or children to be undertaken within one month of the mother and child or children being admitted to the Approved School.

(4) A girl who gives birth in the Approved School shall be permitted to care for her child in the Approved School, unless she decides otherwise.

(5) The Manager shall ensure that the mother is provided with assistance and training to enable her to parent the baby.

(6) Except as provided for in sub-rule (7), a child of a mother in Approved School shall not be kept in the Approved School over the age of two years unless the Manager.

(7) Where necessary and in best interests of both the mother and her child, the Manager may allow a child over the age of two years to remain with the mother in the Approved School up until the child is five years old.

Food and Nutrition

Food and
Nutrition

23. (1) Every child in an Approved School has the right to food, in adequate quantities for their needs, which is properly prepared, wholesome and nutritious.

(2) The Manager shall ensure that –

(a) meals are provided at regular intervals and no less than three times a day; and

(b) so far as practicable, any special dietary need of a child due to his or her medical, religious, racial origin or cultural background, is met.

(3) The Manager shall ensure that food is properly stored in order to prevent illness and disease.

(4) The Manager shall ensure that clean drinking water is accessible to children at all times.

(5) A child who is staying with his or her mother in the Approved School shall receive an adequate diet appropriate to his or her nutritional needs.

Health and Medical Care

Health Promotion

24. The Commissioner shall ensure that health promotion activities, including raising awareness on healthy living, are provided in the Approved School.

Health Services

- 25.** (1) Every child in an Approved School is entitled to prompt, adequate, and appropriate health services and medical treatment, including treatment for drug and alcohol misuse, and dental care, as required.
- (2) An Approved School must at all times ensure that they have a first aid kit, which is regularly replenished with supplies.
- (3) Where the required medical attention and treatment cannot be provided in the Approved School, the Manager shall have the authority to refer the child to the nearest licensed health facility.
- (4) Where medical treatment is required in a licensed health facility outside to the Approved School, the child shall be permitted leave to receive the treatment, whether such treatment requires residential or day care. Any time spent in an external health facility shall count as part of the child's sentence.
- (5) The Manager must ensure that, if a child needs medical treatment or other health services, the child is asked whether he or she wants to be examined by a medical practitioner of the same sex as the child and if practicable that wish is fulfilled.
- (6) The Manager shall ensure that every child who requires a medical or dental examination or treatment within or external to the Approved School is fully informed of the nature and reason for the examination or treatment in a manner that the child will understand.
- (7) Before a medical practitioner examines a child, the Manager must, if practicable, inform the child.
- (i) that a record of the child's medical examination and treatment are to be kept at the Approved School; and
- (ii) who has the right to access the information recorded.
- (8) A female child who is pregnant shall have a right to pre-natal and post-natal care.
- (9) The Manager shall ensure that a child in detention with their mother is provided with immunisation and other medical care.

Medical reports

- 26.** (1) The Manager must ensure a record of medical examinations and treatment for each child is kept at the Approved School.
- (2) The Manager shall ask a medical practitioner who examines or treats a child detained in an Approved School to give the Manager a report of the examination or treatment.
- (3) The Manager must ensure that medical records are kept confidential and separate from the Approved School's administrative records.
- (4) Medical records may be inspected only:-
- (a) by the child named in the record;
- (b) by the child's parent or guardian;

- (c) by the Manager;
 - (d) on production of a summons or Court order, or with the child's written consent by a legal representative who is representing the child;
 - (e) with the written consent of the Commissioner; or
 - (f) a medical practitioner.
- (5) The Manager may isolate a child from other children if:
- (a) the child is suffering from an infectious medical condition with the exception of HIV/ AIDS; and
 - (b) there is a risk of other children becoming infected with that condition; and
 - (c) the condition is, in the opinion of a clinical officer or a registered nurse, sufficiently serious as to require the child's isolation.

Clothing and Personal Property

Clothing

27. (1) Every child in an Approved School shall be provided with a school uniform and other adequate clothing, suitable for the climate, to wear in the Approved School.

(2) Every child who does not have adequate and suitable clothes of his or her own shall be provided with adequate and suitable clothes to wear while on leave, when attending court appearances, upon discharge and in other circumstances when the child is outside the Approved School.

Right to personal property

28. (1) Subject to sub-rule (2), every child in an Approved School is entitled to use his or her own personal property and other articles for his or her own entertainment or recreation.

(2) Religious books and recognised objects of religious devotion and similar items belonging to a child are taken to be approved property and to have been acquired with the permission of the Manager.

(3) The Manager may refuse to allow a child to use or otherwise have possession of personal property if, in the opinion of the Manager, the possession of the property by the child is a risk to security, safety or good order.

(4) Any approved property in the possession of a child must be-

- (a) kept by the child in a tidy and orderly manner;
- (b) used only in a manner approved by the Manager; and
- (c) kept for safety in a place that is personal and secured.

(5) The property of a child transferred from an Approved School to another Approved School, a Retention Home or a prison must be transferred from the custody of the Manager of the former Approved School to the custody of the Manager of the new institution, together with such inventories and records as may be directed by the Commissioner.

29. (1) A child may acquire any books, newspapers, magazines or other printed material approved by the Manager.

Unauthor-
ised
possession

30. (1) The Manager may seize any property found in the possession of a child if, in the opinion of the Manager, the possession of the property by the child is a risk to security, safety or good order.

(2) The Manager may require visitors to the Approved School to surrender items for the duration of their visit if, in the opinion of the Manager, the items may pose a risk to a child or security, safety or good order.

Disposal
of
property

31. (1) Any property of a child that is seized by the Manager in accordance with Rule 30(1) may, after consultation with the child, be:-

- (a) retained by the Manager and returned to the child at the time of his or her discharge;
- (b) delivered to the child's parents or guardian;
- (c) forfeited to the State; or
- (d) destroyed, disposed of or otherwise dealt with by the Manager in such manner as is reasonable in the circumstances, taking into account the nature of the property.

(2) Any medicine seized from or surrendered by a child at an Approved School shall be dealt with as the clinical officer directs.

Record of
property

32. (1) A record must be kept by the Manager, in a manner approved by the Commissioner, of any property of a child which is-

- (a) surrendered to, or taken and retained by, the Manager;
- (b) sent away by the Manager;
- (c) forfeited to the State;
- (d) disposed of by the Manager;
- (e) destroyed by the Manager;
- (f) transferred by the Manager to the custody of the Manager of another Approved School;
- or
- (g) allowed to be retained by the child.

(2) The Manager must record particulars of the property in the property register and sign the record.

(3) The child must sign the record.

(4) If the child refuses to sign the record, an Approved School employee, other than the Approved School employee who made the record, may sign the record.

(5) Any property retained by the Manager shall be returned to the child on discharge from the Approved School unless the property in question has otherwise been lawfully disposed prior to the discharge.

Education, Training and Rehabilitation

Education

33. (1) The Commissioner shall ensure, in collaboration with the Ministry responsible for education and vocational training, that every child in an Approved School can realize his or her right to

education and that the education provided is suited to his or her needs and abilities, and without limiting the generality of the foregoing:-

(a) children of compulsory school age shall be provided with primary school education in accordance with the national curriculum available to children in the community;

(b) children who have completed primary school shall be afforded access to secondary education if they so choose in accordance with national curriculum provided to children in the community; and

(c) special education programmes shall be provided for children with cognitive or learning difficulties and children who have missed schooling.

(2) where a child is discharged from the Approved School prior to his examination, the Council Social Welfare Officer shall communicate with the Council Education Officer to ensure that the child is able to sit for his or her exams.

(3) The Commissioner shall ensure that adequate education materials are provided for every child in an Approved School.

Skills training **34.** (1) Every child in an Approved School is entitled to participate in vocational training programmes to promote skills and prepare him or her for future employment.

(2) As far as possible, each child should be able to select programmes in which he or she has an interest.

Rehabilitation Programmes **35.** The Manager of an Approved School must, as far as practicable, establish programmes for children, including programmes designed to:-
(a) prevent future reoffending;
(b) address the underlying factors contributing to their offending behavior;
(c) equip children with life skills; and
(c) assist the children in their rehabilitation and reintegration into the community.

Recreation and Leisure **36.** (1) Every child in an Approved School has the right to participate in regular recreational and physical activities including social, sporting, leisure and cultural activities.
(2) Appropriate physical activities, in the open air where weather permits, and recreational activities shall be provided to all children for not less than two hours a day.
(3) Adequate space, installations and equipment shall be made available within the Approved School to enable children to take part in appropriate recreational and physical activities.
(4) Children in Approved School shall have the opportunity to participate in arts and crafts activities.

Religious rights **37.** (1) Every child in an Approved School has the right to satisfy the needs of his or her religious and spiritual life, in particular by attending the services provided in the Approved School or by

conducting his or her own services and having possession of the necessary books or items of religious observance and instruction of his or her denomination.

(2) The Manager shall take all reasonable steps to facilitate the participation of children in the religious observances of their respective religious denominations, and in that regard shall provide religious leaders and faith based organisations with reasonable access to the Approved School.

(3) A child has the right not to participate in religious services and may freely decline religious education, counselling or indoctrination.

PART VII

FAMILY AND COMMUNITY CONTACT

Family and
other
contacts

38. (1) Subject to sub-rule (3) every child in an Approved School shall be permitted at all reasonable times, to receive visits from and communicate freely with his or her parents, guardian, relatives, advocate, legal practitioners and other persons of significance to the child as set out in Rule 4(2) above.

(2) An Approved School shall promote and assist contact between children and their parents, guardians or relatives.

(3) The Manager may restrict a child's visits from and communications with a specified individual where: -

- (a) an order of the court exists restricting communication or visit by specific individuals; or
- (b) the Manager determines that communication or visits by specific individuals will have an unquestionably and overwhelmingly detrimental impact on the child.

Visits

39. (1) The Manager shall be responsible for providing: -

- (a) an appropriate place within the Approved School for children to meet with their visitors; and
- (b) a schedule of the hours and days during which those visits are allowed.

(2) Where for any reason contact is not maintained between a child and his or her family, the Manager shall appoint an independent person to visit and befriend the child.

Mail and
Other
Communicat
ions

40. (1) The Manager shall assist children to send and receive letters and parcels.

(2) The Manager may examine correspondence between a child and another person if the Manager reasonably believes the correspondence may disclose information, or contain property, that is, or is likely to be, detrimental to the best interests of the child.

Representati
on by an
Advocate

- 41.** (1) A child may be visited by his or her advocate, or by a clerk authorised in writing by the child's advocate, to discuss or transact legal business (whether civil or criminal) in which the child has an interest.
- (2) Visits must take place during business hours, but must not otherwise be restricted in duration or number.
- (3) The Manager may, if of the opinion that it is convenient and practicable to do so, permit a visit to take place outside business hours.
- (4) All verbal or written communications between a child and his or her advocate are privileged and confidential.

Leave of
absence

- 42.** (1) Wherever possible, children in Approved School may be granted temporary leave of absence to visit their parents, guardian, and other relatives or to allow for contact with the outside world in order to facilitate the rehabilitation, reintegration and well being of the child.
- (2) Without limiting the generality of the foregoing, a Manager may approve a request by child for a temporary leave of absence for the following reasons:-
- (a) to visit the his parents, guardian and other relatives;
 - (b) attend a funeral;
 - (c) for educational or vocational training purposes;
 - (d) to take part in approved education, sport, recreation or entertainment, or
 - (e) for any other purposes that the Manager considers will assist the child's reintegration.
- (3) Leaves of absence available under this shall be limited to a period not exceeding thirty days.
- (4) The Manager shall consider the following factors when deciding whether or not to approve a leave of absence:-
- (a) the conduct of the child while at the Approved School;
 - (b) the availability of supervision and support for the child during the period of leave;
 - (c) the likelihood that the child will violate any terms and conditions of the leave;
 - (d) the benefit of the leave to the child, to the child's family or to other persons;
 - (e) the risk to the public posed by the release of the child; and
 - (f) such other factors as the Manager considers relevant.
- (5) The Manager shall notify the Board of Visitors of any temporary leave granted and the reasons and the source of information the Manager considered before authorising the leave of absence.
- (6) The child shall be deemed to be under the legal custody of the Approved School during any period of leave.
- (7) During the period of leave, the child shall be in the charge of such person as the Manager shall appoint and that person shall be responsible for the proper supervision of the child.

(8) In the event the child breaches the conditions in relation to the leave of absence the Manager or person in charge shall cause the child to be sent back to the Approved School forthwith.

Links with
other
entities

43. (1) Approved Schools shall promote and maintain contact between children in the Approved School and reputable governmental and non-governmental organisations, faith based organisations and other civil society organisations.

(2) The Manager of Approved Schools shall encourage and permit regular visits by lawful organisations and clubs, including but not limited to those providing educational, sports, music, arts and cultural activities and healthy living information and advice.

Approval
criteria

44. An organisation or individual may be approved by the Commissioner to provide services and activities for children in an Approved School provided:-

(a) in the case of an organisation -

(i) the organisation is legally established; and

(ii) the organisation is certified as a reputable organisation by the Local Government Authority and local police.

(b) any individual who will be working directly with the children is a person of high moral character and good reputation; and

(c) the services and activities that the organisation or individual proposes to undertake at the Approved School are, in the opinion of the Manager, suitable to the needs of the children.

PART VIII

BEHAVIOUR MANAGEMENT

Managemen
t of
Behaviour

45. (1) The Manager of the Approved School shall endeavour to create a structured environment that occupies children's time in a meaningful and constructive manner, which fosters an attitude of positive self-esteem and worth, and is consistent with community norms.

(2) The Manager and staff of an Approved School must promote approaches to positive discipline by:-

(a) ensuring that children are provided with the skills and support which enable constructive and effective social behaviour;

(b) demonstrating the expected behaviour in staff attitudes and interactions with the children;

(c) ensuring, through programmes and effective role modelling, that children are given opportunity and encouragement to demonstrate and practice positive behavior; and

(d) putting in place a fair and consistent system that rewards appropriate behaviour and imposes a hierarchy of consequences for negative behaviours.

Misbehaviour

46. (1) A child who breaches any of the Behaviour Rules of the Approved Schools provided in Schedule 3 may be subject to a disciplinary measure.
- (2) If a staff member believes on reasonable grounds that a child is committing or has committed an act of misbehavior, he or she shall, as soon as practicable, notify the Manager orally or in writing of;
- (a) the misbehaviour that is alleged to have been committed; and
 - (b) the circumstances surrounding the misbehaviour.
- (3) Before determining whether a disciplinary measure is warranted, the Manager shall:
- (a) explain the allegations to the child in language appropriate to the child's age and level of development; and
 - (b) allow the child to present his or her defence and express his or her views about the alleged misconduct.
- (4) Where the Manager is satisfied that the child has breached the Behaviour Rules, the Manager may order one or more of the following disciplinary measures:
- (a) a warning or reprimand;
 - (b) an oral or written apology;
 - (c) temporary or permanent loss of one or more privileges or activities normally available to the child;
 - (d) extra chores or other tasks, for a specified period not longer than 2 hours; or
 - (e) transfer of the child to a different room or living unit in the Approved School.
- (5) A child shall have the right to challenge the imposition of a disciplinary measure in accordance with Rules 53 and 54.
- (6) Any incident of misbehavior resulting in a disciplinary measure shall be recorded in the Behaviour Management Register.
- (7) The following disciplinary measures are expressly prohibited:
- (a) physical punishment, except as provided for in sub-rule (8);
 - (b) group punishment for individual behaviour;
 - (c) humiliation, emotional abuse or sustained verbal abuse;
 - (d) deprivation of or reduction in basic rights and needs such as food, clothing and medical care;
 - (e) denial of or restrictions on visits, telephone calls or correspondence with family members and significant other persons;
 - (f) exclusion from educational or vocation programmes;
 - (g) solitary confinement; and
 - (h) the use of physical force or restraints.
- (7) Corporal punishment is permitted but shall be used only as a last resort and in exceptional circumstances, provided that:
- (a) the decision to resort to corporal punishment is arrived at after careful consideration of the facts;

- (b) all other available disciplinary measures have been considered and determined to be inadequate;
- (c) the use of corporal punishment is justified in accordance with the Education (Corporal Punishment) Regulations G.N. 294 Of 2002;
- (d) the child has been given the opportunity to challenge the disciplinary measure before it is administered;
- (e) a maximum of four strokes are administered;
- (f) the punishment is administered only by the Manager; and
- (g) the use of corporal punishment is documented in the Behaviour Management Register.

Restriction
on use of
force

- 47.** (1) Except in accordance with Rule 46(8), physical force and restraints shall not be used as a form of punishment against a child.
- (2) The application of physical force by a staff member may be used only in exceptional circumstances where it is required to -
- (a) to prevent a child from injuring himself or others, or causing serious damage to property; and
 - (b) all other means of dealing with the child without the use of force have been exhausted or are not proportionate in the circumstances.
- (3) Where force is used against a child, the amount of force shall be proportionate and not excessive having regard to the nature of the threat posed by the child and all other circumstances of the case;
- (4) The use of physical holds that restrict children's breathing are forbidden as are any actions, the primary purpose of which is to cause the child pain.
- (5) Only staff members who have been trained in the use of physical force and restraint may utilise such measures;
- (6) Any use of force or restraints against a child by a staff member shall be reported immediately to the Manager and recorded in the Behaviour Management Register;
- (7) The carrying and use of weapons by staff members of an Approved School is strictly prohibited.

PART IX

REINTEGRATION PLAN, REVIEW AND DISCHARGE

Reintegration
and
discharge

- 48.** (1) The Manager shall ensure that, from the time of a child's admission to an Approved School, consideration is given to a child's future and the help to be given in preparation for and after his or her return to the community.
- (2) In order to facilitate a child's reintegration into the community, the Manager shall ensure that:

- (a) six months prior to the child's discharge date, the Council's Social Welfare Officer is sent notification of the child's discharge, along with A.S. Form No. 2 Care Plan, and information on his or her post discharge needs, which are copied to the Commissioner;
- (b) a reintegration plan, which responds to the child's post discharge needs, is developed with:
 - (i) the child;
 - (ii) the Council's Social Welfare Officer; and
 - (iii) where possible, the child's parents, guardians or relatives.

(3) A child's reintegration plan shall include:-

- (a) arrangements as to where the child will live;
- (b) the name of the person responsible for care of the child following his or her discharge;
- (c) the educational or vocational training arrangements for the child, where appropriate, and details of any support that the child may need to attend school or training;
- (d) details of any employment for the child, where appropriate; and
- (e) the child's entitlements upon discharge, including appropriate clothing, travel to the place that they will be residing and other appropriate support.

(4) The reintegration plan shall be finalized with all details two months prior to the child's discharge and this plan shall be provided to the Council's Social Welfare Officer in advance of the child's discharge.

(5) Upon receiving the notice of discharge, a Council's Social Welfare Officer shall undertake preparations for the child's return to the community, paying attention to addressing his or her post discharge needs, and, in particular, shall:

- (a) visit the child's parents, guardians, near relative or other identified fit person or institution and share the child's progress and expected discharge date of the child. This visit shall take place as soon as possible following receipt of the notice of discharge;
- (b) make necessary arrangements, in full consultation with the Manager of the Approved School and the child, to ensure that the child has an appropriate place to live upon discharge. This shall involve:
 - (i) undertaking an assessment to determine whether the child can live with his or her parents or guardians;
 - (ii) undertaking an assessment as to whether the child is able to live with his or her relatives, in case the child cannot live with his or her parents or guardians;
 - (iii) identifying alternative living arrangements, in case the child cannot live with his or her parents, guardians or relatives;
 - (iv) providing counselling, where necessary, to prepare those who will care for the child following his or her discharge; and
 - (v) informing the Manager of the Approved School of the findings of his or her assessment.
- (c) inform the Council's Education Officer and Regional Education Officer of the child's discharge and request them to identify a school for the returning child, where the child wishes to carry on his or her education;
- (d) inform the manager of the school identified of the child's discharge date and any other information that he or she determines is relevant;

- (e) cooperate with relevant representatives in the Council to secure an appropriate placement, where the Manager indicates that the child wishes to undertake vocational training or an apprenticeship;
 - (f) cooperate with relevant representatives in the Council to secure employment. where the Manager indicates that the child wishes to take up employment;
 - (g) identify and refer the child to government agencies, non-government organisations and community bodies that can provide additional support for him or her; and
 - (h) support the Manager of the Approved School to make any other arrangements that will assist the child to reintegrate upon his discharge.
- (6) Upon receipt of information from the Council's Social Welfare Officer as per Rule 48(4)(d), the manager of the identified school shall make all necessary arrangements for the regional transfer of the child to that school.
- (7) In order to facilitate a child's reintegration into the community, the Manager of the Approved School shall ensure that, during the six months prior to the child's discharge:
- (a) the child is provided educational and psychosocial support to prepare him or her for release; and
 - (b) where feasible and appropriate, the child is permitted to make short visits home.
- (8) Following the child's discharge, the Council Social Welfare Officer shall:
- (a) take all necessary steps to implement the reintegration plan;
 - (b) carry out post-discharge visits to the child's place of residence. The first visit shall take place not less than one month following the child's discharge and thereafter not less than twice in the first six months;
 - (c) provide counselling and additional support where necessary to support the child's reintegration; and
 - (d) provide a written progress report to the Manager of the Approved School six months after the child's discharge date which provides information on the extent to which the reintegration plan was implemented, the child's progress, any further support provided to the child to assist with his or her reintegration and details of reoffending, if applicable.

Early
discharge

- 49.** (1) During the course of the periodic review of the child's care plan under Rule 19(2)(e), the child's suitability for early discharge pursuant to section 129 of the Act shall be determined by the Approved School Manager and recorded in A.S. Form No. 2 (G).
- (2) In making a determination as to whether a child is to be discharged, the Manager shall consider the following:-
- (a) the conduct and progress of the child while in custody;
 - (b) the availability of supervision and support for the child in the community;
 - (c) the likelihood that the child will re-offend or present a risk to society;
 - (d) the desirability of promoting children's reintegration into the community and limiting periods of custody to shortest possible duration;
 - (e) the views of relevant care staff, teachers and vocational trainers;

- (f) the views of the child and, wherever possible, his or her family; and
- (g) such other factors as the Manager considers relevant.

(3) If the Manager recommends the early discharge of the child, he shall;

- (a) present the recommendation and the reasons for this recommendation to the Board of Visitors at their next meeting or, if the next quarterly meeting will be held more than two months after the periodic review, request the Chairman of the Board of Visitors to convene an extraordinary meeting to consider the recommendation for discharge; and
- (b) facilitate the child's participation in the meeting, at which the child shall be permitted to express his or her views to the Board of Visitors.

(4) The Board of Visitors shall consider the criteria set out in sub-rule (2) of this Rule, in making a decision as to whether to approve the discharge of a child

(5) Any decision to discharge a child must be endorsed in writing by a simple majority of the members present at the meeting of the Board of Visitors.

(6) Where a child has been approved for early discharge, a discharge date shall be set at two months from the date of the Board of Visitor's decision so that appropriate arrangements can be made to facilitate the child's discharge and reintegration, in accordance with Rule 48.

(7) In case of early discharge, the timelines set out in Rule 48 shall not apply. However, the Manager shall ensure that the Council's Social Welfare Officer is informed of the discharge date within seven days. All other steps required under Rule 48 shall be carried out by the Manager and the Council's Social Welfare Officer as soon as possible and in advance of the discharge date.

(8) The Manager shall inform the Court that issued the Approved School Order of the early discharge of a child.

Extension of
detention
period

50. (1) The provision for an extension of the period of detention under section 127 of the Act shall be used only in exceptional circumstances.

(2) An application by the Manager for an extension of the period of detention shall be filed in the Court that issued the Approved School Order.

PART X

MONITORING, INSPECTIONS AND COMPLAINTS

Monitoring

51. (1) It is the duty of the Commissioner to monitor and supervise Approved Schools.

(2) The Manager of an Approved School shall submit quarterly reports to the Commissioner.

(3)The Commissioner shall ensure that monitoring visits are carried out at frequent intervals, and not less than two times per year, by him or her or by a designated Social Welfare Officer.

- Visits by Board
- 52.** The Board of Visitors shall make periodic visits to the Approved School as provided under section 123(a) of the Act, and in any case not less than at quarterly intervals, and for that purpose shall devise procedures for the following, as well as for any other matters which the Board determines are relevant -
- (a) regular as well as unannounced inspections of Approved Schools;
 - (b) review of all records and the general administration system of the Approved School;
 - (c) meeting in private with children and staff of the schools; and
 - (d) making, keeping and reviewing records of such visits.

Complaints Procedure

- Complaints Guidelines
- 53.** (1) The Commissioner shall issue guidelines as to how complaints, and applications for the review of decisions on complaints, are to be dealt with.

(2) Copies of the complaints guidelines shall be given to all children upon admission to an Approved School and a copy shall be available upon request by a child's parent or guardian.

- Right to Make a Complaint
- 54.** (1)A child in Approved School may make a complaint about any aspect of his or her care and treatment.
- (2)A complaint concerning the treatment of a particular child may be made by the child or by a representative of the child or any other interested party.
- (3) A complaint may be made either orally or in writing to one or both of the following:-
- (a) The Manager of the Approved School;
 - (b) The Board of Visitors;
 - (c) The Commissioner for Social Welfare; or
 - (d) The Commission for Human Rights and Good Governance
- (4) All complaints shall be investigated and resolved in a timely manner and the child informed of the outcome in the manner set out in the Complaints Guidelines.

- Records of complaints
- 55.** (1) The Manager shall maintain a Complaints Register recording all the complaints made by or on behalf of a child, except a complaint which a child does not wish to be recorded in the register.
- (2) The following information shall be recorded in respect of each complaint: -
- (a) the date on which the complaint was made;
 - (b) the name of the complainant;
 - (c) the substance of the complaint;
 - (d) the person or body to whom the complaint was made;

- (e) brief particulars of the procedures followed dealing with the complaint; and
- (f) the decision or resolution that was made regarding the complaint.

(3) The complaints register shall be available for inspection by the Commissioner, Board of Visitors, and the Commission for Human Rights and Good Governance.

PART XI

CHILD PROTECTION

Child protection principles

- 56.** (1) Every child has the right to be protected from all forms of violence, abuse, exploitation and injury, and it is the duty of every staff member to ensure that children are protected.
- (2) Everyone has a duty to immediately report any concerns, suspicions or disclosures of a violation of the Code of Conduct to the appropriate authorities.
- (3) Any allegation of a violation of the Code of Conduct shall be taken seriously and responded to in a timely and appropriate manner.
- (4) Violence, abuse and exploitation of a child shall be treated as acts of serious misconduct and are grounds for disciplinary measures, including dismissal.
- (5) No child shall be punished or in any way disadvantaged for making an allegation.

Child Protection Procedure

- 57.** (1) The Commissioner shall issue a Child Protection Policy to promote the protection of children from abuse in the Approved School and a framework for how allegations and disclosures of abuse shall be handled.
- (2) Each Approved School shall develop a Child Protection Procedure in compliance with the Child Protection Policy which shall be submitted to the Commissioner for approval.
- (3) The Child Protection Procedure shall provide the step by step procedure on how allegations and disclosures of child protection concerns are to be handled.
- (4) In any complaint alleging violence, abuse or exploitation of a child, the Child Protection Procedures shall take precedence over the Complaints Procedure in Rule 53.
- (5) The Child Protection Procedures shall as a minimum provide the following standards:
- (a) an initial investigation is undertaken within 24 hours;
 - (b) disciplinary or criminal proceedings are pursued where appropriate;
 - (c) immediate steps are taken to ensure the child's safety, including, where necessary, by barring the accused person from the Approved School and suspending an accused staff member;

- (d) the child is fully informed of the procedures and has the right to participate and express his or her views;
- (e) the child receives all necessary support and assistance, including medical care, counseling and reassurance;
- (f) the child's privacy and dignity are protected; and
- (g) all responses are guided by the principle of the best interests of the child as the paramount consideration.

PART XII

MISCELLANEOUS PROVISIONS

Revocati ons	The Children and Young Persons (Approved School) (Annual Holiday) Rules, G.N. 1945 No. 201 is hereby revoked
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SCHEDULES

SCHEDULE 1

APPROVED SCHOOLS

Name	Location
1. Irambo Approved School	Mbeya Region

SCHEDULE 2

Code of Conduct

I, NameTitle.....,agree to uphold the highest standards of personal and professional conduct at all times. In all of my interactions with children at the Approved School, I will:

1. safeguard and protect children from all forms of violence, abuse, neglect, exploitation and injury;
2. treat children with respect regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, health status birth or other status;
3. not discriminate against, show differential treatment, or favour particular children to the exclusion of others;
4. not use language or behavior towards children that is inappropriate, harassing, abusive, sexually provocative, or culturally inappropriate;
5. respect the physical integrity of all children;
6. not engage a child in any form of sexual activity or acts, including paying for sexual services or acts;
7. never behave physically in a manner that is inappropriate or sexually provocative, or suggest inappropriate behaviour or relations of any kind;
8. never act in ways intended to shame, humiliate, belittle or degrade children, or otherwise perpetrate any form of emotional abuse;
9. never engage in any way in the exploitation of children, or place children in situations which would leave them vulnerable to any form of exploitation;
10. never develop relationships with children which could in any way be deemed exploitative or abusive, or act in any way that may place a child at risk of abuse;
11. never condone or participate in behaviour which is illegal, unsafe or abusive to children;
12. abstain from viewing, possessing, producing or distributing child pornography;
13. respect children's privacy and never take photographs or videos of children without their express consent and the consent of the Manager of the Approved School;
14. not invite unaccompanied child into my home, unless they are at immediate risk of injury or in physical danger;

15. refrain from hiring children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury;
16. comply with all relevant laws of the United Republic of Tanzania, including laws in relation to child labour; and
17. immediately report concerns or allegations of any violence, abuse or exploitation of a child in accordance with appropriate procedures.

I understand that the onus is on me to use common sense and avoid actions or behaviours that could be construed as abusive, exploitative or harmful to children when performing my duties.

Signature: _____ Date: _____

SCHEDULE 3

Behaviour Rules

All children at the Approved School are expected to behave in a responsible and respectful manner in accordance with these Behaviour Rules. A child whose behaviour violates any of these rules may be subject to disciplinary measures.

1. Cooperate with staff members. You must follow all directives given by staff members. This means that back-talking, arguing, ignoring or defying an order from staff members are not allowed.
2. Use clean, respectful language at all times. The Approved School will not tolerate swearing and foul language.
3. Demonstrate honesty and integrity. You must not lie or make any false or misleading statements to a staff member.
4. Treat others with dignity and respect, just as you would wish to be treated. This means no arguing, name calling, threats, and pranks, harassing or provoking another person, or fighting. All residents are expected to make it possible for everyone to live together peacefully.
5. Participate fully in all programmes and activities as directed by staff. You must not refuse to perform any duties that you have been assigned, or to participate in any programmes or activities that you are required to take part in.
6. Treat the property and belongings of others with respect. Do not damage, destroy or steal anything belonging to someone else.
7. The Approved School furniture and equipment are for your use, so take care of them. You must not damage, destroy or misuse any school property.
8. You are allowed to have some personal items with you, but not if they are a danger to the safety, security or good order of the Approved School. You cannot have anything in your possession unless it has been approved by the Manager. Making or possessing a weapon or anything that is designed to cause injury is strictly prohibited.
9. If you need medication for a medical condition, you will be given approval by the Manager to have that medication. You cannot have any medication that has not been approved by the Manager, and must not give medication to any other child.
10. Smoking, using drugs and drinking alcohol are strictly prohibited. You might be tested from time to time for the presence of drugs or alcohol and cannot refuse to submit to the test.
11. You cannot make any telephone calls unless authorised to do so by the Manager. Mobile phones and mobile phone sim-card are not permitted.
12. You will not make sexual contact with other persons or behave in a sexually inappropriate way at any time. This may include anything from touching inappropriately and kissing to having sex.

13. Cooperate with and assist staff members in maintaining safety, order, and discipline. You must not do anything to undermine the good order and discipline of the school or encourage other children to do so.
14. You must not go outside the boundaries of the Approved School or to any prohibited area within the school unless you have been given permission by the Manager to do so. If you have been given leave of absence, you must not violate any of the conditions of that leave.

SCHEDULE 4

FORMS

LAW OF THE CHILD (APPROVED SCHOOLS) RULES, 2011

(G.N. NO..... OF 2011)

A.S. Form No. 1

Admission of Child to an Approved School

Rules 16 and 17

Personal Information			
Date of Admission:			
Full Name :			
Sex:			
Date of birth:			
Nationality / Place of birth (hometown):			
Ethnic Origins/tribe:			
Religion (if any):			
Level of Education:			
Usual Place of Residence:			
Authority for Admissions			
Case Number:			
Offence (s) committed:			
Date of Sentence:			
Name of Court issuing the Approved School Order:			
Date Approved School Order expires:			
Copy of Social Inquiry Report received? Y/N			
Name and contact details of the child's advocate:			
Family and Emergency Contacts			
Name, address and telephone of person(s) with whom child was living prior to admission:		Relationship:	
Name, address and telephone of the child's parents or legal guardian, if different from above:			

Main family contact / emergency contact name, address and telephone:				Relationship:	
Health Information					
	Excellent	Good	Average	Bad	
Physical health					
Mental health					
Nutritional condition					
Does the child have any known illnesses, disabilities, allergies or dietary needs?					
Date of medical check-up	Comments				
Name and signature of Manager:				Date:	

THE LAW OF THE CHILD (APPROVED SCHOOLS) RULES, 2011

(GN NO. OF 2011)

A.S. Form No. 2

Care Plan of Child

Rule 19(2)

Name of Social Welfare Officer completing the form:.....

Date:

A. BASIC INFORMATION ABOUT THE CHILD

Name (and any aliases)	
Sex	
Date of birth	
Nationality / Place of birth (hometown)	
Home address (or usual place of residence)	
Main family contact / emergency contact name and address	

B. FAMILY HISTORY

Relationship (e.g. 'mother')	First and last name	M/F	Date of Birth	Occupat ion	Quality of Relationship according to the child [Mark on a scale of 0 - 5, 0= very bad, 5= excellent]	Does the child want to improve relationships with any of these relatives (Y/N)
If yes or no give explanation						
If the child does not live with any of these	Other relatives				Adopted / foster home	

relatives, where does s/he live? (√)	With friends		Institution (specify)	
	On the street		Other (specify)	
Status of the child's parents (√)	Married		Mother deceased	
	Divorced		Father deceased	
	Separated		Both parents deceased	
	Single parent (never married)		Other (specify)	
Any other information about the child's family situation				

C. EDUCATIONAL BACKGROUND

Attending school? (√)	Full time (100%)	Part time (20-80%)	Rarely (<20%)	Never (0%)	
If attending school rarely or not at all, when was the last time attended school regularly?					
Highest school grade achieved so far					
Name and address of last known school attended					
	Not at all	With difficulty	OK	Without difficulty	Very well
Can the child read and write?					
Can the child count and do basic calculations?					
If the child is not in full-time education, does s/he want to improve his/her education?	Wants to go back to school full time	Wants to attend vocational training (what type of skills preferred?)	No interest in school or vocational training	Other (specify)	
Any other information about the child's educational situation or needs / wishes					

D. HEALTH INFORMATION

(specify whether this form D was completed by welfare officer or clinical officer/nurse)

How would you describe the general state of the child's:	Excellent	Good	Average	Bad
Physical health				
Mental health				
Nutritional condition				
Does the child have any known illnesses, disabilities or allergies?				
Date of last medical check-up	Comments			
Any other information about the child's health status or needs / wishes				

E. EMOTIONAL DEVELOPMENT OF THE CHILD / BEHAVIOURAL ISSUES

--

F. ANY OTHER INFORMATION

Information provided directly by the child and his/her parents about problems, needs, hopes, wishes, dreams etc.	
Observations by the social welfare officer	

G. INDIVIDUAL DEVELOPMENT PLAN

(To be completed with the child and updated / revised each month)

Area of development	Overall objectives	Progress / comments [Mark on a scale of 0-5 (0=no progress; 5=excellent progress)]

Family		
Education / vocational training		
Work		
Life skills (e.g. problem-solving, conflict resolution, making responsible decisions)		
Recreation, sports and leisure		

G. PERIODIC PROGRESS REVIEW
(To be filled in **with** the child every six months)

Name of Child			No. of Review Meeting:
Name of Social Welfare Officer			
Date of Meeting			
Progress Review			
Activities that the child has participated in since the last progress review (courses, seminars, trips, work experience, rehabilitation programmes etc):			
What were the child's goals?	What has been achieved? What worked? Why?	What has not been achieved? What has not worked? Why not?	
What has gone well since your last progress review? Yes/ No Details:			
Do you feel that you have progressed in achieving your overall goals? Yes/ No Details:			
Did you experience any difficulties in achieving the goals set? Yes/ No			

Details:	
Any other comments? (Provide the child with an opportunity to mention any other issue relevant to their progress)	
Assessment of Progress	
Comments by the Social Welfare Officer on the child's progress	
Early Discharge Assessment	
Opinion of the Social Welfare Officer regarding the child's suitability for discharge and justification:	
Opinion of the Manager of the Approved School regarding the child's suitability for discharge and justification:	
POST DISCHARGE NEEDS ASSESSMENT (to be filled in six months prior to the child's discharge date or in the event that the child is granted early release)	
Information to be provided to the Council Social Welfare Officer regarding any living, education, vocational training, and employment arrangements that need to be made for the child and any other support that the child is likely to need	

H. REINTEGRATION PLAN

(Rule 48)

(To be completed in consultation with the child and the Council's Social Welfare Officer)

Name	
Age of the child upon discharge	
POST DISCHARGE ARRANGEMENTS AND SUPPORT (Section to be completed below as applicable)	
Home address/place where the child will stay upon discharge	

Name, relationship with the child and contact details of the person(s) who will have care of the child upon discharge	
Names and relationship with the child of any other person living at the place where the child will stay upon discharge	
Assessment of the living arrangements and conditions by the Council's Social Welfare Officer	
Entitlements upon discharge (e.g. clothing, travel to the place of residence etc) (identify who will provide these entitlements)	
Education arrangements (including the name of the school and form that the child will be entering)	
Vocational training or apprenticeship arrangements (including the name of the training institute/apprenticeship and the type of course or training the child will be undertaking)	
Employment arrangements (including the name and business address of the employer and the type of employment)	
Support required to ensure that the child can access education, vocational training, apprenticeship or employment	
Other support required for the child following discharge	
Any other comments	

Name of assigned Council Social Welfare Officer		
Date of planned first post discharge visit of the Council Social Welfare Officer to the child's place of residence		
PRE DISCHARGE PREPARATION		
Details of psychosocial and educational support required for the child pre discharge		
Signature of Manager and date		
Signature of child and date		

THE LAW OF THE CHILD (APPROVED SCHOOLS) RULES, 2011
(GN NO. OF 2011)

A.S. Form No.3

Leave of Absence

Rule 42(2)

Name of Approved School

Location

Name of child

Reason for leave

Duration of leave: Start date:..... End date:.....

Destination of leave

Name and address of parent/guardian/person where the child will spend the leave

.....

Name and address of supervisor where the child is on leave.....

.....

Terms and conditions for the leave (if any).....

.....

Leave is hereby granted

.....

Name Date and signature of Manager

SHERIA YA MTOTO (SHULE YA MAADILISHO) KANUNI, 2011
(TANGAZO LA SERIKALI NA. YA 2011)

HATI YA S.M. NA. 4

KUACHIWA
KANUNI YA 48(2)

Kwa;

..... (jina la mtoto)
.....(jina la mzazi/mlezi/ndugu wa karibu)

Taarifa ya Kuachiwa inapewa kwa mtoto

Ambaye aalikabidhiwa na kuwekwa kwenye Shule ya Maadilisho kuanzia
tarehe.....na ambaye ameachiwa tarehe
.....Mipango ya kumpokea mtoto kuachiwa imetayarishwa na Shule
hii.....

Jina la Meneja.....

Tarehe.....

Sahihi

(GN NO. OF 2011)

A.S. Form No.5

Notice of Discharge to Social Welfare Officer

Rule 48(2) (a)

To: City Director

Municipal Director

Town Executive Director

District Executive Director

Be notified of the impending release of (Name of the child) from
this School which is due within (State date or approximate period).

Further particulars of the child:

Name and physical and postal address of parent/guardian/relative

.....

.....

Telephone/mobile number/fax of parent/guardian/relative.....

[illegible]

General state of health

Education attended

Vocational training attended.....

Rehabilitation programmes participated.....

.....
Any other plans made.....

.....
Comments/Recommendation by the Manager.....
.....,

Name Date and Signature of Manager

Name of Approved School

THE LAW OF THE CHILD (APPROVED SCHOOL) RULES, 2011
(GN NO. OF 2011)

A.S. Form No. 6

Medical Examination
Rules 17(3)

(To be completed by a Clinical Officer)

Name of the Approved School

Name of child.....

Sex (M/F).....

Date of Birth.....

Date of medical examination of child.....

Basic information

Height Weight

Personal history

Has the examined suffered from any of the following? If yes indicate against the diagnosis, if not, please write “NO” in appropriate space.

- 1. Tuberculosis
- 2. Gastric or Duodenal Ulcer
- 3. Recurrent indigestion
- 4. Dysentery
- 5. Jaundice
- 6. Diabetes
- 7. Poliomyelitis or other neurological disorders.....
- 8. Epilepsy
- 9. Nervous breakdown
- 10. Psychiatric disorder
- 11. Eye disorder
- 12. Ear, nose or throat disorder
- 13. Skin diseases
- 14. Anemia
- 15. Gynecological disorders
- 16. Malaria or other tropical disease
- 17. Cholera
- 18. Operations
- 19. HIV/AIDS
- 20. Serious accidents

If you answered yes to any of the above, provide further information:
.....
.....
.....
.....

Any other serious disorder or disability:
.....
.....
.....
.....

Recommendations of the clinical officer:
.....
.....

.....

Name of examining clinical officer and name of the health facility:

.....

Signature of the clinical officer and date:

.....