



**Early Childhood
Development Agency**

A Good Start for Every Child

**Public Consultation Paper on the Proposed Early Childhood Development
Centres Regulatory Framework**

Closing date for submission of feedback:
31 July 2015

Thank you for your interest in the public consultation exercise for the proposed early childhood development centres regulatory framework. We look forward to hearing your views.

Disclaimer: Please note that this public consultation paper is released only for the purpose of consultation, and does not represent the final Early Childhood Development Centres Bill. The information in this paper should not be treated as any kind of advice. The Early Childhood Development Agency shall not be liable for any damage or loss suffered as a result of the use of or reliance on the information given in this public consultation paper.

Public Consultation on the Proposed Early Childhood Development Centres Regulatory Framework

AIM

The Early Childhood Development Agency (ECDA) invites the public to give feedback on the proposed early childhood development centres (ECDCs) regulatory framework.

BACKGROUND

2. Currently, child care centres (CCC) and kindergartens are regulated under the Child Care Centres Act (CCCA) (1988) and the Education Act (EA) (1985) respectively, with different regulatory requirements for CCCs and kindergartens. To harmonise the regulation of CCCs and kindergartens, these centres will be collectively regulated as ECDCs under the proposed Early Childhood Development Centres Bill (ECDC Bill), which will be introduced in late 2015. The proposed ECDC Bill, when enacted, will raise the quality of the early childhood (EC) sector, and benefit parents and their children, operators and EC professionals:

- Parents/children: Parents will have greater assurance of the quality of ECDCs, and their children's well-being and safety in ECDCs.
- Operators of CCCs and kindergartens: Operators will benefit from clearer and more consistent requirements, regardless of the type of EC services they provide.
- EC professionals: As with the operators, EC professionals will benefit from the convenience of a single registration system, and will gain greater recognition as professionals in the sector.

3. The proposed ECDC Bill outlines the main provisions of the regulatory framework, and will empower the Minister for Social and Family Development to make the necessary ECDC Regulations. ECDA will further engage and consult the sector before finalising the ECDC Regulations.

4. The proposed ECDC regulatory framework is the result of a year-long review and deliberation by ECDA. Feedback from our sector partners who were involved in earlier focus group discussions has been taken into consideration in developing the proposals outlined in this public consultation paper.

SCOPE OF THE PROPOSED ECDCs REGULATORY FRAMEWORK

5. The proposed ECDC regulatory framework includes proposals to:

- raise centre quality and ensure more consistent standards across ECDCs through licensing;
- ensure the quality of persons involved in the care and education of children and the management of ECDCs;
- enhance the accountability of ECDCs, and ECDA's enforcement and supervisory powers to uphold standards;
- ensure better management during service disruption; and

- facilitate a smooth transition from the frameworks under the existing CCCA and EA to the new framework under the ECDC Act.

PROPOSALS

A) Raise centre quality and ensure more consistent standards across ECDCs through licensing

(i) Common licensing framework for all ECDCs

6. Currently, CCCs need to be licensed. Licences are issued for a period of 6, 12 or 24 months, and need to be renewed at the end of each relevant period. On the other hand, kindergartens need to be registered through a one-off process only.

7. To ensure more consistent standards across the sector, **we propose that both CCCs and kindergartens be required to be licensed as ECDCs**. An ECDC will be defined as “any premises at which 5 or more children younger than 7 years of age are habitually received for the purposes of either or both care and education for a part of the day or longer period.” Under a common licensing framework, all ECDCs will be subjected to the same basic requirements, which are already found in some form in the current CCCA and EA. They include:

- health, safety, and hygiene requirements to ensure a safe and sanitary environment for children’s well-being;
- employment of suitably qualified staff to uphold teaching and care quality; and
- staff-child ratio and programme content to ensure children receive quality care and education, amongst others.

Please refer to Annex A for the proposed types of ECDCs that the ECDC Act will apply to, and Annex B for the proposed considerations when revoking licences.

8. To accommodate existing differences in service models that exist in the EC sector (e.g. CCCs versus kindergartens as they meet different needs), **we propose to prescribe different classes of licence**. Specific criteria and requirements, such as operating hours and space norms/requirements, may be prescribed differently for child care centres and kindergartens. Please refer to Annex C for the proposed areas to be prescribed under the ECDC Regulations.

9. As with the framework under the existing CCCA, in order to ensure that standards of ECDCs are continuously met, a licensee will need to renew its ECDC licence on a periodic basis before its expiry. **We propose to allow an ECDC licence to be granted for a period of up to 36 months (which is longer than the maximum of 24 months under the current CCCA framework)**. This will lower the administrative burden and cost for well-performing ECDCs. We expect that a significant proportion of ECDCs could potentially benefit from this proposal, considering that over 80% of child care centres today have a 24-month licence, and 60% of child care centres today have had two consecutive 24-month licences.

B) Ensure the quality of persons involved in the care and education of children and the management of ECDCs

(i) All programme staff need to be registered

10. To uphold the quality of education and care at ECDCs, **we propose to require all staff employed for the care and education of children (i.e. programme staff) to be registered.** This includes principals/supervisors, educators and educarers. It will be an offence to hire a person without a valid registration for the care and education of children. This builds on the existing requirement under the EA, where kindergarten teachers have to be registered with the Ministry of Education. This requirement also formalises the current arrangement for CCC programme staff members, who may be employed only if they meet professional, academic and language requirements.

11. While registration is expected to be one-off, all programme staff will need to meet the prevailing requirements as set by ECDA and update their administrative details (e.g. current ECDC where they are employed) periodically in order to maintain their registrations. Registration may be suspended or cancelled, for example, in cases of child mismanagement. During the suspension of registration, the programme staff member may be directed to carry out remedial actions as instructed by ECDA (e.g. attend training, undergo medical/health assessment/treatment) before his or her registration is reinstated. Please refer to Annex D for the proposed considerations when cancelling or suspending the registration of a programme staff member.

(ii) ECDCs who want to employ unregistered programme staff must seek ECDA's approval

12. **For persons who have not obtained valid registration to teach or provide care to children (i.e. unregistered programme staff), we propose that they be allowed to be employed by ECDCs, if ECDA's approval has been obtained.** This approach provides flexibility for ECDCs to employ these individuals while ensuring that only suitable persons may come into contact with children. ECDA may refuse employment of certain individuals as unregistered programme staff members, if the individual is convicted of an offence under the ECDC Act or such other specified written law, or is likely to threaten the safety and well-being of children (e.g. due to medical concerns or the lack of character or fitness of the individual). The authorisation is for a limited period and may be renewed subjected to ECDA's approval.

(iii) Employment of non-programme staff may be prohibited, ceased or suspended, if directed by ECDA

13. To safeguard the well-being and safety of children, **we propose that ECDA may direct the licensee to prohibit, cease or suspend employment of certain individuals as non-programme staff members, if they are deemed unsuitable.** Non-programme staff refers to staff members not directly involved in the care and education of children, and are employed to support the operations of ECDCs (e.g. cooking and cleaning staff, administrative and facilities management staff). We will consider doing so if the individual is convicted of an offence under the ECDC Act or such other specified written law, or is likely to threaten the safety and well-being of children (e.g. due to medical concerns or the lack of character or fitness of the individual).

(iv) Unsuitable person cannot be a Key Appointment Holder (KAH) without ECDA's approval

14. A KAH is defined as (i) a director, chief executive officer, chief financial officer, chief operating officer, partner or sole proprietor of the ECDC; and (ii) any other person, by whatever name called, who has general control and management of the administration of the ECDC. As KAHs play an important role in the management of ECDCs, **we propose that unsuitable persons be unable to act as KAHs, unless they have obtained authorisation from ECDA.** Some considerations for determining that a person is unsuitable are as follows:-

- if the person is convicted of an offence under the ECDC Act;
- if the person is convicted of the prescribed offences in the ECDC Regulations; or
- if the person is or has been a director of, or directly concerned in the management of an ECDC, child care centre or kindergarten for which the licence/registration was revoked/cancelled.

15. This will be a new provision. It will be an offence for any person who falls within any ground of unsuitability to act or continue to act as a KAH, and for any licensee to knowingly allow an unsuitable person to act or continue to act as a KAH in its ECDC.

C) Enhance the accountability of ECDCs, and ECDA's enforcement and supervisory powers to uphold standards

(i) Enhanced framework to provide for a more graduated approach in regulating the sector and penalising errant licensees

16. Currently, errant licensees are liable to have their CCC licences revoked or their kindergarten registrations cancelled, and/or may be prosecuted as all breaches of the CCCA and EA are criminal offences. While these penalties are still necessary to hold licensees accountable for more severe breaches, it may cause unnecessary service disruption for minor or administrative breaches. Therefore, there is a need for a more graduated approach in regulating the sector to provide flexibility and ensure that the penalties are proportionate to the severity of the breaches. To this end, **we are considering the following enhancements to ECDA's enforcement and supervisory powers:**

- **Security bond (New):** We are considering a new provision which allows ECDA to require the licence applicant or licensee to provide a security bond. **We are considering only requiring a security bond from licensees with no or poor track records.** For example, new licensees or licensees with short licence tenures. The security bond may be forfeited if the licence is revoked, or if the licensee contravenes requirements imposed by their licence conditions or the ECDC Act, including the failure to comply with directions to secure the orderly cessation of its ECDC operations (e.g. failure to refund deposits and fees to affected parents). This aims to better ensure these licensees meet regulatory requirements, and put in place transition measures required by ECDA should they cease operations.

- **Financial penalty and letter of censure for administrative breaches (New):** We propose to introduce the power for ECDA to impose a financial penalty of up to \$5,000 on licensees and/or to issue a letter of censure (and requiring the licensee to communicate the contents within to the parents of the children enrolled in the ECDC if necessary), if the licensee contravenes, or fails to secure the compliance by its employees, officers, agents or contractors with, (i) any condition of the licence, or (ii) any regulation made under the ECDC Regulations which is not an offence. For example, a financial penalty may be imposed on a licensee who fails to keep a register of the particulars of the staff members employed and the children enrolled in its ECDC. This allows us to decriminalise breaches which are administrative in nature, but are currently prescribed as offences under the CCCA or EA. We will also consider the licensee's record of letters of censure when determining whether to grant new licences or renew existing licences, as well as determining the licence duration.
- **Shortening of duration or revocation of licence (Enhanced):** In addition to licence revocations, we propose additional powers to shorten the duration of the licence for less serious breaches.
- **Penalty for offences (Enhanced):** We propose to enhance the penalties so that they are proportionate to the severity of the offences and to ensure alignment to similar offences in other legislation, such as the Private Education Act (please refer to [Annex E](#) for the proposed enhanced penalty framework).
- **Holding individuals in the body corporate responsible for offences committed (Enhanced):** This provision is currently in the CCCA. We propose to extend the provision to include partnerships, unincorporated associations, and limited liability partnerships.
- **Offence for abetment (New):** We propose adding a new offence on abetment so that any person who encourages or assists in the commission of an offence under the ECDC Act will be similarly held accountable.
- **Composition of offence (New):** To provide greater flexibility whilst still ensuring accountability, we propose allowing certain less serious offences to be compounded, i.e. the offender may pay \$5,000 or one half of the maximum fine that is prescribed for the offence, whichever is the lower.

(ii) Enhanced enforcement and supervisory powers to ensure standards are upheld

17. Currently, under the CCCA, licensees may be directed to implement remedial actions to ensure compliance with requirements relating to the operations or activities of, or the standards to be maintained by their centres. **We propose to enhance the powers of ECDA to issue written directions that could be general or specific in nature, if it is deemed necessary or expedient for the welfare of the children attending the ECDCs.** For instance, ECDA could issue a general direction to suspend operations in emergency situations, such as in situations where there are infectious diseases or hazardous haze conditions. For cases of child mismanagement, ECDA

could also issue more specific directions, for example, to suspend enrolment or implement necessary measures to improve the management of the ECDCs.

18. In addition, **we propose to enhance the powers of designated ECDA officers in enforcing the ECDC Act**. For instance, in addition to the existing power to enter and inspect the premises, the officers will have new powers to interview persons, and take photographs, videos and audio recordings for investigation and enforcement purposes (please refer to [Annex F](#) for details).

(iii) Appeals to the Minister for Social and Family Development

19. Currently under the CCCA, new licence applicants and existing licensees may appeal to the Minister if their applications for licence have been refused and if their licences have been revoked or suspended respectively. **We propose to provide the right to appeal to the Minister for Social and Family Development within 21 days, except in instances where there are immediate risks to the safety and well-being of the children in the ECDC**. For example, written directions given by ECDA to ensure the welfare of children (e.g. in situations when there are infectious diseases, hazardous haze conditions, or in cases of child mismanagement), or to stop using unsafe premises will not be appealable. Please refer to [Annex G](#) for the proposed decisions and directions which are appealable or non-appealable under the proposed ECDCs Bill.

D) Ensure better management during service disruption

(i) Licensees to put in place transition measures when ceasing operations

20. Parents and children are usually affected in service disruptions (e.g. upon licence expiry, revocation or transfer), and licensees have a role to play in making the necessary transitional arrangements in order to minimize the impact. Hence, **we propose adding a new provision to give ECDA the power to issue directions to licensees to put in place necessary measures to secure the orderly cessation of their operations**. Such measures may include:

- informing parents or guardians of every child enrolled, and every staff member employed that it intends or has been ordered to cease operations;
- assisting ECDA with informing affected parents of alternative care and education arrangements;
- refunding parents or guardians any deposit or fee collected;
- providing audited statements of subsidy claims and applications to ECDA before it ceases operations; and
- not having new enrolments of children, or collecting any deposit or fee.

E) Facilitate a smooth transition from the frameworks under the existing CCCA and EA to the new framework under the ECDC Act

21. When the ECDC Act comes into force, the CCCA will be repealed and consequential amendments to the EA will be made. Once the ECDC Act comes into force, new ECDCs and programme staff members will be subjected to the full requirements and penalties under the ECDC Act.

22. **To facilitate a smooth transition from the existing frameworks to the new one, we propose allowing for an 18-month transition period after ECDC Act comes into force.** This will provide sufficient time for existing ECDCs and programme staff members to make the necessary arrangements to meet the new and enhanced requirements. During the transition period, existing ECDCs and programme staff members will be subjected to the requirements of the existing CCCA or EA. However, where existing requirements have been mirrored in the ECDC Act with new penalties, the new penalties will apply with immediate effect once the ECDC Act comes into force. ECDA's enhanced enforcement powers will similarly apply with immediate effect. More details on the transitional arrangements will be provided at a later stage.

FEEDBACK

23. We welcome your feedback and comments. You may consider the following questions in providing your comments:

- Which proposals are you supportive of, and why?
- What are your concerns with the proposals? What should we clarify on?
- Is there any proposal which should be added to, modified or taken out of the proposed ECDC regulatory framework, and why? What are the alternatives which we should consider?
- How may we support you in the transition to the new regulatory framework?

24. Please follow the following guidelines to help us to better understand your feedback:

- Identify yourself and the organisation which you represent (if any) to assist us in understanding the impact of the proposals on different groups.
- Focus on how the proposals may be improved or be made clearer.
- Make your comments concise.
- As far as possible, explain your points with concrete examples.

25. Please send your feedback to this email address consultation@ecda.gov.sg with the subject heading "Consultation on the Early Childhood Development Centres Regulatory Framework" and in Word document (.doc) format. This will enable us to receive your feedback earlier. Alternatively, you may fax your feedback to (65) 6735 9221 or mail it to:

Attn: Policy and Corporate Development Department (ECDC Regulatory Framework)
Early Childhood Development Agency
51 Cuppage Centre #08-01
Singapore 229469

CONSULTATION PERIOD

26. Please send us your comments by 31 July 2015.

SUMMARY OF RESPONSES

27. We will carefully consider all feedback before finalising the proposals under the ECDC Bill. While we are unable to separately address and respond to every piece of feedback we receive, we will provide a summary of the key areas of the feedback received and our responses once this consultation has come to an end. All feedback is provided to us in confidence. We will not disclose the identity of the person(s) providing the feedback in the summary document.

28. Thank you for your interest in this public consultation exercise. We look forward to hearing from you.

Proposed Application of the Early Childhood Development Centres Act

We propose for the ECDC Act to cover the following types of ECDCs:

- (a) **Child care centres** providing full-day infant care services for infants from 2 months to 18 months, and/or full-day child care services for children from 18 months to below 7 years old. Requirements of the ECDC Act will also apply to the half-day and flexi-care programmes provided in these ECDCs.
- (b) **Kindergartens** providing pre-school education for children from 3 to below 7 years old. Requirements of the ECDC Act will also apply to the playgroups for children from 18 months in these ECDCs.
- (c) **Foreign system kindergartens registered under the EA by the Ministry of Education** providing pre-school education under a recognised foreign curriculum. These are stand-alone institutions offering only pre-school classes.

The ECDC Act will not apply to the following types of centres:

- (a) **ECDCs operated by the government** (e.g. MOE Kindergartens). They will be held to comparable standards as the rest of the EC sector through direct government oversight and accountability.
- (b) **Centres that provide services principally conducted for the instruction for a particular activity** (e.g. enrichment centres, children gyms, sports, dance, music and religious classes, and therapy services for special needs children) where the specialised services are beyond the broad-based care and education focus of the proposed ECDC Bill. Some of these services may be optional for children and functions as a supplement to mainstream pre-school.
- (c) **Schools offering pre-primary classes which also conduct full-time primary or secondary education in accordance with a foreign curriculum** will continue to be registered under the Private Education Act with the Council for Private Education. These schools prepare foreign children for overseas school systems, and have different curriculum and teaching requirements in accordance with other education systems.

Proposed Considerations for Early Childhood Development Centre Licence Revocation

We propose that ECDA may revoke, or shorten the duration of, a licence under the following circumstances:

- (a) the ECDC for which the licence was granted or renewed (as the case may be) has ceased operations or ceased to exist, or there are no children enrolled in the ECDC for a continuous period of 6 months;
- (b) the licensee is declared a bankrupt or has gone into compulsory or voluntary liquidation or is insolvent;
- (c) a circumstance which ECDA becomes aware of would have entitled ECDA to refuse to grant or renew the licence on any of the prescribed grounds of refusal¹ had ECDA been aware of it at the material time;
- (d) the licensee has, in connection with the application for the grant or renewal of the licence, made a statement or furnished any information or document which is false or misleading in a material particular, or the licence has been obtained by fraud or misrepresentation;
- (e) the licensee fails to comply with any condition of the licence or any requirement or duty imposed on the licensee under the ECDC Act;
- (f) the licensee fails to comply with any direction, notice or order issued or requirement imposed under the ECDC Act by ECDA or an authorised officer;
- (g) the licensee is convicted of an offence under the ECDC Act, whether or not in respect of the ECDC to which the licence relates;
- (h) the licensee fails to pay a fine for an offence under the ECDC Act, or a financial penalty, charge or fee charged or imposed under the ECDC Act; or
- (i) it is in the public interest to revoke, or shorten the duration of, the licence.

¹ The grounds for refusal to grant a ECDC licence will be prescribed in the ECDC Regulations. ECDA will be having a separate consultation to finalise the ECDC Regulations. We intend to adapt the considerations found in the current provisions in the CCCA.

Proposed ECDC Regulations that may be made by the Minister for Social and Family Development under the Early Childhood and Development Centres Act

We propose that the Minister for Social and Family Development be empowered to make regulations necessary or convenient to be prescribed for carrying out or giving effect to the ECDC Act. The proposed list of ECDC regulations includes:

- (a) the classes of licences, ECDCs and programme staff members;
- (b) the form and manner in which, and the time within which, an application for a licence or renewal of a licence, and the form and manner in which an application to register a programme staff member, may be made and the information and evidence required to be provided in connection with such an application;
- (c) the grounds of refusal of a licence and refusal of registration of programme staff members;
- (d) for ECDCs —
 - (i) the duties and responsibilities of licensees in connection with the operation, management and supervision of the centres;
 - (ii) the qualifications, experience, appointment, duties, responsibilities and discipline of persons for the purposes of the operation, management and supervision of the centres;
 - (iii) the admission of children to the centres and the minimum or maximum age of children who may be admitted to any class or type of centres;
 - (iv) the medical examination of the children cared for and the persons employed in the centres;
 - (v) the exclusion from the centres of any child or employee and measures to preserve the health and well-being of children or employees;
 - (vi) the control and supervision of activities in the centres;
 - (vii) the types and content of the curriculum and programme carried out in the centres;
 - (viii) the adequacy, suitability and use of equipment in the centres;
 - (ix) the keeping of records, timetables, menus and books of account;
 - (x) the returns, reports and other information to be submitted to ECDA;
 - (xi) the structure, hygiene and sanitation of the centres;
 - (xii) the precautions to be taken against fire or other peril likely to endanger the lives or health of children cared for in the centres;
 - (xiii) the fees and other charges to be paid in respect of the services provided in the centres or otherwise on account of the attendance of children at the centres and the restriction or prohibition of any further fees and charges or of any specified fees and charges;
 - (xiv) the methods of payment or collection of fees and charges and the restriction or prohibition of collections or subscriptions of moneys by the centres;

- (xv) the administration and computation of any Government subsidy for eligible parents of children attending at the centres, the submission of applications for subsidy and the refund or recovery of any subsidy that is wrongly given;
 - (xvi) the fees to be paid in respect of applications for and the grant and renewal or late renewal of any licence, and applications for registration and the registration of programme staff members, and otherwise in connection with the administration of the ECDC Act, and the waiver, reduction or refund of fees charged;
- (e) the procedure for appeals under the ECDC Act; and
- (f) the prescribing of anything that is required or permitted to be prescribed under the ECDC Act.

Proposed Considerations for Cancellation and Suspension of Registration

(A) Cancellation of programme staff registration

We propose that ECDA may cancel the registration of an individual as a programme staff member on any of the following grounds:

- (a) any ground that would have entitled ECDA to refuse an application for registration in respect of the individual²;
- (b) ECDA is not satisfied as to the character or fitness of the individual to be registered as a programme staff member; or
- (c) the individual has contravened any of the provisions of the ECDC Act, or is convicted of an offence under the ECDC Act.

(B) Suspension of programme staff registration

We propose that ECDA may suspend the registration of an individual, if one or more of the events for the cancellation of a programme staff registration above have occurred but are not of sufficient gravity to cancel the registration of the programme staff member.

² The grounds for refusal of an application for registration as a programme staff member will be prescribed in the ECDC Regulations. ECDA will be having a separate consultation to finalise the ECDC Regulations. We intend to adapt the considerations found in the current provisions in the EA.

Proposed Offences under the Early Childhood Development Centres Bill

To ensure penalties for offences under the ECDC Act are sufficient to act as deterrence, we propose that **the maximum penalty be a \$10,000 fine and 12 months' imprisonment**. This is aligned to penalties for similar offences in other legislation, such as the Private Education Act.

The maximum penalty under the EA is a \$2,000 fine and 12 months' imprisonment. Under the CCCA, it is a \$5,000 fine and 2 years' imprisonment.

We propose for the following to be prescribed as offences under the ECDC Act:

(A) General offences

A person commits an offence if he or she:

- (a) operates an ECDC without a valid licence;
- (b) without reasonable excuse, obstructs, hinders or delays an ECDA officer in the exercise of any power under the ECDC Act, or neglects or refuses to furnish any information or attend before an ECDA officer enforcing the ECDC Act;
- (c) makes a statement or furnishes any information to ECDA or an authorised officer under the ECDC Act which the person knows or ought reasonably to know is false in a material particular or is misleading by reason of the omission of a material particular;
- (d) abets the commission of an offence under the ECDC Act; or
- (e) discloses any information relating to any ECDC that the person knows or ought reasonably to know to be confidential information, except:
 - (i) with the permission of the person to whom the information relates;
 - (ii) for the purpose of the administration or enforcement of the ECDC Act;
 - (iii) for the purpose of assisting a public officer or an officer of any other statutory board in the investigation or prosecution of an offence under any written law;
 - (iv) for any other prescribed purpose; or
 - (v) in compliance with the requirement of a court or the provisions of any written law.

(B) Licensees

A licensee commits an offence if he or she:

- (a) fails to comply with an order to cease the use of a premise as an ECDC;
- (b) fails to comply with a direction relating to the operations or activities of, or the standards to be maintained by, an ECDC or the ECDCs;

- (c) fails to comply, without reasonable excuse, with a direction given to secure the orderly cessation by a licensee of the operations of an ECDC with minimal disruption to the children attending the ECDC;
- (d) knowingly allows a person, who is required to but had not obtained the written consent of ECDA, to act or continue to act as a key appointment holder for the ECDC to which the licensee's licence relates;
- (e) employs an unregistered programme staff member without authorisation to be employed at the ECDC; or
- (f) fails to comply with directions to prohibit, cease or suspend the employment of a non-programme staff member.

(C) Key appointment holders

A key appointment holder commits an offence if he or she:

- (a) is required to but has not obtained the written consent of ECDA, and acts or continues to act as a key appointment holder for any ECDC; or
- (b) fails to comply, without reasonable excuse, with a direction given to secure the orderly cessation by a licensee of the operations of an ECDC with minimal disruption to the children attending the ECDC. This applies to key appointment holders; or any person who was a key appointment holder of the licensee in the period of 6 months immediately preceding the date that the licence expires, or is transferred (or such other event as prescribed), if there are no key appointment holders who are able to comply with the direction.

(D) Programme staff members

A person commits an offence if he or she is employed as a programme staff member without valid registration or authorisation at any ECDC.

**Proposed Powers for Enforcement of the
Early Childhood Development Centres Bill**

For the purpose of:

- ensuring that the provisions of the ECDC Act and the conditions imposed on a ECDC licence are being complied with; or
- investigating an offence under the ECDC Act or a contravention of a provision under the ECDC Act,

we propose that designated ECDA officers may do all or any of the following in relation to an ECDC (whether or not it is the subject of a licence):

- (a) enter and inspect the centre, and inspect any equipment or other thing at the centre;
- (b) enter and search the centre, if the ECDA officer reasonably believes that evidence of the commission of an offence under the ECDC Act can be found at the centre;
- (c) inspect and make copies of, or take extracts from, any book, document or material kept at the centre;
- (d) take any document or other thing at the centre, if the ECDA officer considers it necessary to do so for the purpose of obtaining evidence of an offence under the ECDC Act, and for this purpose may ask an individual who is able to operate any equipment at the centre to do so for the purpose of enabling the ECDA officer to ascertain whether the equipment, or a disk, tape or storage device that can be used or associated with the equipment, contains information that is relevant to the enforcement purpose;
- (e) require any person whom the ECDA officer reasonably believes has committed an offence under the ECDC Act to furnish evidence of that person's identity;
- (f) require any person whom the ECDA officer reasonably believes is in possession of a document or information relevant to the enforcement purpose to take reasonable steps to produce the document or provide the information;
- (g) require any person whom the ECDA officer reasonably believes is acquainted with any facts or circumstances relevant to the enforcement purpose —
 - (i) to answer any question to the best of the person's knowledge, information and belief, immediately or at such place and time specified in writing; or
 - (ii) to take reasonable steps to provide information or produce a document, immediately or at such place and time specified in writing; and

- (h) photograph or film, or make audio recordings or make sketches, of any part of the centre or anything at the centre or of any person whom the ECDA officer reasonably believes is acquainted with any facts or circumstances relating to the commission of an offence under the ECDC Act.

Proposed Appealable and Non-Appealable Decisions and Directions under the Early Childhood Development Centres Bill

We propose that aggrieved persons may appeal within 21 days after the notification of a decision or direction by ECDA to the Minister for Social and Family Development. Nonetheless, any appeal made to the Minister does not affect the implementation of ECDA's decision or direction, unless otherwise provided in the ECDC Act or directed by the Minister in any particular case. We further propose that decisions and directions which address the immediate risks to children's safety and well-being should be non-appealable.

The proposed appealable and non-appealable decisions and directions are summarised in the table below.

Appealable decisions and directions	Non-appealable decisions and directions
Refusal to grant or renew licence	Issuance of written directions (e.g. in situations where there are infectious diseases, hazardous haze conditions and child mismanagement)
Addition, variation or revocation of condition of licence	Cessation of use of premises due to danger or risk of danger to occupants in the ECDC (e.g. structurally unsound)
Revocation or shortening the duration of licence	
Refusal to register programme staff member	
Cancellation or suspension of registration of programme staff member	
Prohibition, cessation or suspension of employment of non-programme staff member	
Refusal to authorise or cancellation of authorisation of employment of unregistered programme staff member	
Imposition of financial penalty and issuance of letter of censure	
Forfeiture of security bond	