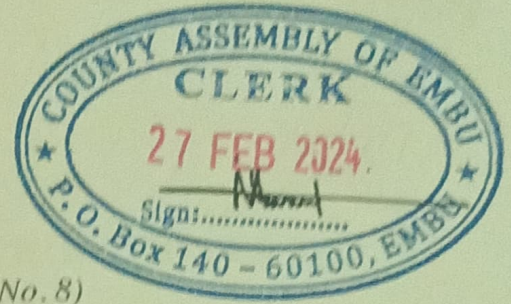


SPECIAL ISSUE



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**THE EMBU COUNTY ESTABLISHMENT OF CHILDREN
RESCUE CENTRES BILL, 2023**

A Bill for

AN ACT of the County Assembly of Embu to make provision for the establishment of child rescue centres for the care and protection of neglected children within the County; to give effect to Article 53 with regard to neglected children; and for connected purposes.

ENACTED by the County Assembly of Embu, as follows —

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Embu County Establishment of Children's Rescue centres Act, 2023.

Interpretation

2. In this Act, unless the context otherwise requires —

“child” has the meaning assigned to it under Article 260 of the Constitution;

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“child abuse” has the meaning assigned to it under the Children Act;

“child care” means services that have as their primary purpose the care and supervision of neglected children;

“children's rescue centre” means facility that provides child care services, but does not include a family child care rescue centre;

“Council” means the National Council for Children's Services established under section 41 of the Children's Act;

“County Executive Committee Member” means the County Executive Committee Member responsible for children's services;

“Department” means the County Government Department responsible for matters related to children;

“neglected child” means any child in need of care and protection and includes a child —

(a) who is not receiving —

(i) the proper care necessary for his or her well-being, including adequate food, clothing and shelter;

- (ii) the necessary nourishment or medically indicated treatment including food;
- (b) whose care is not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician or otherwise is not receiving the proper or necessary support or medical or other remedial care necessary for a child's well-being, or other or who is subjected to an environment which is injurious in so far as —
 - (i) the child's environment creates a likelihood of harm to the child's health, physical well-being, or welfare; and
 - (ii) the likely harm to the child is the result of a blatant disregard of parent or caretaker responsibilities; or
- (c) who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; and.

“rehabilitation” means the process by which a neglected child is enabled to reach and maintain the child’s optimal physical, sensory, intellectual, psychiatric or social functional levels, and includes measures to restore functions or compensate for the loss or absence of a function, but excludes medical care.

(2) A child shall not, for the purpose of this Act, be considered as a neglected child for the sole reason that the child’s parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time.

Objects of the Act

3. The objects of this Act are to—
- (a) promote and protect the status, well-being, safety and security of children within the county who have no person to care for them; and
 - (b) provide a framework for the provision of quality care in children’s rescue Centres established under this Act.

Guiding principles

4. All persons under this Act shall, in the performance of their functions under this Act, be guided by the following principles—

- (a) the welfare of the child is the paramount consideration;
- (b) respect, protection, promotion and fulfilment of the rights of a child as enshrined under Article 53 of the Constitution;

- (c) the need to rehabilitate any child who has undergone abuse or neglect and to enable such child to manage the effects of such abuse or neglect;
- (d) the need to nurture each child as an individual with talents, strengths and capabilities that can develop over time;
- (e) accountability of duty bearers and transparency in the implementation of this Act; and
- (f) coordinated public participation in the formulation and implementation of policies and plans related to care and protection of children.

Non-application of Act

5. This Act shall not apply to —

- (a) persons providing care and supervision exclusively to children who are members of their immediate families;
- (b) child care services that are provided exclusively to a child in the child's home by a person other than a parent of the child; or
- (c) a home, premises or establishment that—

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- (i) would, save for this Act, be a rescue centre merely because it is used to provide accommodation for children for the purpose of a holiday or for cultural, educational, recreational or sporting activities;
- (ii) provides day care services to children;
- (iii) is established as a rehabilitation or remand home under the Children Act; or

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- (iv) is established as a borstal institution under section 3 of the Borstal Institutions Act.

**PART II- ESTABLISHMENT OF CHILDREN'S RESCUE
CENTRES**

Establishment of Children's rescue centres

6. (1) The County Government may by notice in the Gazette establish and maintain children's rescue centres for the temporary care and protection of neglected children within the county pending placement in alternative care or other interventions.

(2) Every rescue centre shall include the grounds and buildings within the centre enclosure and also any other grounds or buildings belonging or attached hereto and used by children or the staff of the centre.

Requisites of a rescue centre

7. Every rescue centre shall provide—
- (a) proper sanitary arrangements, water supply, food, clothing and bedding for the children thereof;
 - (b) the means of giving such children educational training; and
 - (c) an infirmary or proper place for the reception of children who are ill.

Closure of a rescue centre

8. (1) Where the Department would like to close a rescue centre, the Department shall ensure that on the closing down of the rescue centre, the children residing in the rescue centre are accommodated in another children's rescue centre.

- (2) The Department shall —
- (a) inform the county Executive Committee of the intention to close down the rescue centre and submit a report to the committee containing information regarding—
 - (i) the children residing in the rescue centre;
 - (ii) the management and persons employed in the rescue centre;
 - (iii) any investigations or cases that may have been carried out or instituted against the rescue centre or that are pending in relation to the rescue centre;
 - (iv) the steps taken regarding the future accommodation of the children residing in the rescue centre; and
 - (v) such other information as the county executive Committee may require;
 - (b) at least six months before the closing down of that rescue centre notify the children of such closure; and
 - (c) ensure that prior to closing down of the rescue centre, the children residing in the rescue centre have been accommodated in another registered rescue centre.

Submission of reports on the management of a rescue centre

9. (1) The manager of a children's rescue centre under this Act shall, within three months from the end of each financial year, submit to the county Executive committee member, a report regarding the management of the rescue centre.

(2) A report under subsection (1) shall contain the following information—

- (a) compliance with the standards for service delivery, prescribed in this Act or any other law;
- (b) the number of children residing in the rescue centre including the date of their admission into, and discharge from the rescue centre;
- (c) compliance with principles of sound management systems; and
- (d) such other information as the county Executive committee member may require.

PART III—MANAGEMENT OF RESCUE CENTRES

Management Committee

10. (1) The Executive Committee Member shall, by notice in the Gazette, appoint a Management Committee for every rescue centre, and may, by notice in the Gazette, revoke any appointment so made.

(2) The committee shall comprise of—

- (a) the Chief Officer responsible for children affairs who shall be the chairperson;
- (b) the Director responsible for children affairs who shall be the manager and shall be the secretary to the committee;
- (c) the Chief Officer responsible for Finance or his representative;
- (d) the Director in charge of public health or his representative;
- (e) one officer from the Department having specialized skills or knowledge in children's social welfare issues;
- (f) the County Director enforcement or his representative; and
- (g) one person appointed by the County Executive Committee member representing a non-governmental organization involved in children affairs.

(3) Not more than two thirds of the members of the committee under sub-section (1) shall be of the same gender.

(4) A member of the Committee, other than an *ex officio* member, shall hold office for a period of three years from the date of appointment specified in his instrument of appointment, but shall be eligible for re-appointment for one further term.

Vacancy

11. (1) The office of a member of the Committee shall become vacant—

- (a) if, not being an *ex officio* member—
 - (i) he resigns his office in writing to the Secretary to the Committee;
 - (ii) he is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months; or
 - (iii) he is absent without reasonable cause from three consecutive meetings;
- (b) if that member is, by reason of physical or mental infirmity, unable to exercise the functions of his office; or
- (c) upon death of the member.

(2) Where the office of a member of the Committee becomes vacant under subsection (1), the Secretary shall forthwith notify the appropriate appointing authority or person of the vacancy.

Functions of the Committee

12. Functions of the Committee shall be—

- (a) to administer the property and funds of the Rescue centre in a manner and for purposes which shall promote the interest of the centre, but it shall not charge or dispose of immovable property of the Centre except in accordance with the procedures laid down by the Asset Disposal Committee established under the Public Procurement and Asset Disposal Act, 2015;
- (b) ensure the provision of adequate equipment and facilities within the rescue centre that such equipment and facilities are well maintained;
- (c) to receive gifts, donations, grants or other moneys on behalf of the Centre;
- (d) to admit children to the centre;
- (e) approve the estimates of the revenue and expenditure of the rescue centre ;

- (f) to formulate policies for children protection, rescue, restoration and rehabilitation in Embu County;
- (g) mobilize resources for children protection, rescue, restoration and rehabilitation;
- (h) promote public awareness and education on children's rights, rescue, protection and care;
- (i) to recommend intervention aimed at improving children's welfare standards and care in Embu County; and
- (j) to perform such other function for implementation of this Act or any other relevant written law.

(2) The committee shall be responsible for operating the Embu County Children rescue centre.

(3) The committee shall draw allowances and benefits as shall be determined by the salaries and Remuneration Commission.

Conduct of Business

13. (1) The conduct and regulation of the business and affairs of the Committee shall be as set out in the Schedule.

(2) Except as provided in the Schedule, the Committee may regulate its own procedure.

Manager

14. There shall be an officer of the rescue centre, to be known as the manager, who shall be responsible for the execution of the policy of the Department with regard to children rescue centres and for the control and management of its day to day business.

Staffing

15. (1) A County executive Committee member may in consultation with the County Public Service Board establish staffing levels as may be necessary for the implementation of this Act and recruit such staff in a competitive manner.

(2) The Department shall—

- (a) ensure that each employee completes an appropriate induction; and
- (b) provide each employee with a job description outlining the employee's responsibilities.

(3) Every children's rescue centre shall have such number of qualified personnel including social or community workers as shall be

determined by the County executive committee member in accordance with subsection (2).

(4) The number of personnel in a children's rescue centre shall be based on the number of children cared for or housed in the rescue centre and on such other factors as the county Executive committee member may determine.

PART IV— CARE AND PROTECTION OF NEGLECTED CHILDREN

Rights of a child

16. Pursuant to Article 53 of the Constitution, every child has the right to —

- (a) free and compulsory basic education;
- (b) basic nutrition, shelter and health care;
- (c) protection from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment and hazardous or exploitative labour;
- (d) protection from any form of physical and mental abuse;
- (e) protection from discrimination and to be free from exploitation;
- (f) take part in activities that promote the child's social, physical, mental and emotional well-being; and
- (g) receive reasonable care, assistance and protection from the family and the State.

Obligations of a County Government with respect to the care of neglected children

17. (1) The County Government shall, to the extent of its constitutional mandate, promote the care and protection of neglected children.

(2) The County Executive committee member shall, in ensuring that the County Government fulfils its obligation under sub section(1) —

- (a) implement the national policy and strategies relating to the care and protection of neglected children within the County;
- (b) formulate and implement county specific programmes for the care and protection of neglected children within the respective County;

- (c) deliver, such social services for the care and protection of neglected children within the County as may be considered appropriate;
- (d) provide the necessary social services essential for the welfare of families and in particular, children within the County;
- (e) approve and oversee the proper implementation of child welfare programmes proposed by children's rescue centres established under this Act;
- (f) design, County specific programmes for the care, protection and alleviation of the plight of children —
 - (i) with special needs or requiring special care and attention within the County;
 - (ii) living in conditions of acute hardship including street children and children who abuse drugs or who suffer any form of child abuse;
- (g) monitor and supervise children's rescue centres and such other persons involved in the delivery of social services to neglected children in the County and coordinate the delivery of such services within the County; and
- (h) collaborate with the Department in the provision of such technical assistance, information and facilities as may be necessary to ensure the efficient delivery of social services in children's rescue centres established within the county.

PART V— CARE OF CHILDREN WITHIN THE CHILDREN'S RESCUE CENTRES

Welfare of children in a rescue centre

18. The Committee shall, in respect of a rescue centre established under this Act, ensure that —

- (a) each child is provided with sufficient and nutritious food to keep the child in good health;
- (b) in the case of children of four or more years of age, children of different gender do not sleep in the same room;
- (c) the daily routine of the rescue centre, including the hours appointed for rising, school instruction, practical training, chores, meals, recreation, study and retiring to bed, are in accordance with the standards and conditions that may be prescribed by the County executive Committee member;

- (d) a child who resides in the rescue centre does not engage in the solicitation of money or other aid for the maintenance of the rescue centre from any member of the public; and
- (e) no child who resides, or is, at the rescue centre is employed in any work that is likely to—
 - (i) impair that child's health or capacity for benefiting from instruction; or
 - (ii) deprive the child of reasonable recreation or leisure.

Right to education of children residing in a rescue centre

19. (1) The Committee shall arrange for the proper education of every child who resides at the children's rescue centre.

(2) Where educational programmes are provided at the rescue centre, the committee shall ensure that —

- (a) the educational programmes are in accordance with a curriculum approved by the Cabinet Secretary responsible for matters relating to education; and
- (b) the attendance of each child who resides at the rescue centre for educational and practical training classes is recorded in a register provided for that purpose.

Medical care of children in a rescue centre

20. (1) There shall be a medical officer stationed in or otherwise responsible for every rescue centre.

(2) The medical officer shall be responsible for the health of all children in the rescue centre and shall —

- (a) make suitable arrangements for the treatment of the children of the rescue centre at a health facility located at reasonably accessible proximity to the rescue centre; and
- (b) cause all children of the rescue centre to be medically examined on such occasions as may be prescribed.

Delivery of child care in a rescue centre

21. The delivery of child care in a children's rescue centre under this Act shall ensure—

- (a) the protection and promotion of the welfare of each child in the rescue centre;
- (b) that every child is treated with dignity and respect;

- (c) that as far as possible, every child receives personalised care that meets the child's needs;
- (d) the support of each child to manage the consequences of any abuse or neglect;
- (e) the support of each child to develop resilience and skills that prepare them to live in a new place or live independently as an adult; and
- (f) that each child is –
 - (i) provided with the necessary physical necessities including personal items; and
 - (ii) enabled to provide feedback to, and raise issues with, the relevant persons in the rescue centre regarding the support, services and care received by that child in the rescue centre.

Management of a children's rescue centre

22. The Management Committee shall ensure that—

- (a) the number of children resident in the rescue centre at any time shall not exceed the number recommended by the Department; and
- (b) a child who is not within the age limits specified by the Department is not allowed to reside in the rescue centre.

Admission of a child into a children's rescue centre

23. The placement of a child in a rescue centre shall be done as a last resort in cases where—

- (a) the child has no immediate access to parental care by the child's parent, guardian or relative, if any;
- (b) no alternative family based placement, is for the time being available to the child; or
- (c) the usual place of abode or home is not conducive to the well-being of the child.

(2) The manager of a children's rescue centre which is established by a County Government shall not refuse to admit into the rescue centre, a neglected child.

(3) The manager of a children's rescue centre shall admit a child where such child is not a neglected child but who is—

- (a) in urgent need of care and protection and who is delivered to the children's rescue centre; or

(b) referred to the institution by way of an order of the court for the care and protection of the child in a children's rescue centre.

(4) The manager of a children's rescue centre shall, upon admitting a child into the rescue centre, explain and inform the child regarding —

- (a) the available facilities and services within the rescue centre and the entitlements to such child in the rescue centre;
- (b) the manner in which access to such facilities can be obtained;
- (c) the personnel in the rescue centre and the persons whom the child may consult in the rescue centre; and
- (d) the complaints procedure including the person to whom a complaint may be lodged or any issue raised.

Records relating to children in a rescue centre

24. The manager of a rescue centre shall keep or cause to be kept, in respect of each child in the rescue centre, a register containing —

- (a) all available information on the status, health and welfare of the child, including demographic data, physical and mental health status, educational profile, socio-economic status, guardianship, and closest family relation, and, for that purpose, information may be received from a social inquiry report and any data available from the Council;
- (b) a health record containing the following details—
 - (i) every visit to a medical practitioner or health care provider, with the dates and times of such visits and the names of the persons who accompanied the child on such visits;
 - (ii) illnesses, presenting symptoms, treatment and drugs prescribed or administered, accompanied by a health card indicating diseases against which the child has been immunized; and
- (c) the school record with respect to a child.

Services rendered within a rescue centre

25. The manager of a rescue centre under this Act shall ensure that the following services are provided in the rescue centre —

- (a) twenty-four hour care and support services to children in the rescue centre;

- (b) care and supervision services to children in the rescue centre who may have special needs and those in need of special care and attention;
- (c) guidance, counselling and rehabilitation to a child who may have undergone any form of abuse or neglect;
- (d) outreach programmes; and
- (e) recreational activities.

Placement of Children

26. (1) A child shall be accommodated in a children rescue centre for a period not exceeding six months pending any of the interventions specified in the Children's Act.

(2) The placement of a child in a children rescue centre shall only be done in cases where no alternative care placement is for the time being available to the child.

(3) A children rescue centre may admit a child to its care—

- (a) in an emergency situation and the child is referred to the centre by way of an interim care order or a care order; or
- (b) if the child is taken to the institution by an authorised officer or any person who has reasonable cause to believe that the child is in need of care and protection.

Escape from Rescue Centres

27. (1) Whenever a child runs away from a rescue centre, it shall be the duty of the officer responsible for the management of the rescue centre or relevant authorised officer within forty-eight hours of such occurrence coming to his or her knowledge to notify the county executive committee member.

(2) A person who contravenes the provision of sub-section (1) commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for term not exceeding six months or to both.

Role of management of a rescue centre

28. (1) The manager of a children's rescue centre shall —

- (a) ensure that the premises used for the purposes of the rescue centre are designed and furnished so as to —
 - (i) meet the needs of each child; and

- (ii) enable each child to participate in the daily life of the rescue centre;
 - (b) ensure that any care that is arranged or provided for a child that relates to the child's development;
 - (c) seek to develop and maintain effective professional relationships with such persons, bodies or organizations as may be appropriate having regard to the range of needs of children who the children's rescue centre provide care and accommodation;
 - (d) ensure the provision of quality service to the rescue centre;
 - (e) ensure the continuous training of the personnel in the rescue centre;
 - (f) apply principles of sound financial management and submit quarterly financial reports to the County Executive Committee Member for onward transmission to the County Assembly;
 - (g) monitor activities at the rescue centre in order to deal speedily with any incidents of abuse of the children in the rescue centre and takes steps to report such incidents to the appropriate authority; and
 - (h) meet the conditions set out under subsection (2) with respect to the rescue centre.
- (2) A manager in a children's rescue centre shall ensure that –
- (a) the standard of care provided in the children's rescue centre is reviewed from time to time to ensure that the obligations with respect to the provision of care is of children in the rescue centre under this Act are met;
 - (b) the care is delivered by a person who –
 - (i) has the experience, knowledge and skills to deliver that care; and
 - (ii) is under the supervision of a person who is appropriately skilled and qualified to supervise that care; and
 - (c) there is in place medical facilities or an infirmary within the vicinity of the children's rescue centre

Conduct of personnel in a children's rescue centre

29. The manager of a children's rescue centre shall ensure that the employees of the rescue centre give quality care to children in the rescue centre and in particular, shall –

- (a) deliver care that meets the needs of each child and supports each child to fulfil their potential;
- (b) protect and promote each child's welfare;
- (c) treat each child with dignity and respect;
- (d) provide personalised care that meets each child's needs taking into account of the background of the child;
- (e) help each child to understand and manage the impact of any experience of abuse or neglect;
- (f) help each child to develop resilience and skills that prepare the child to live in an adoption rescue centre or to live independently as an adult;
- (g) provide to children living in the rescue centre the physical necessities they need in order to live there comfortably;
- (h) provide to children personal items that are appropriate for their age and understanding;
- (i) make decisions about the day-to-day arrangements with respect to each child, in accordance with the child's relevant plans, which give the child an appropriate degree of freedom and choice; and
- (j) ensure that the premises used for the purposes of the rescue centre are designed and furnished so as to —
 - (i) meet the needs of each child; and
 - (ii) enable each child to participate in the daily life of the rescue centre.

Discipline of children in a rescue centre

30. (1) No measure of control or discipline which is excessive, unreasonable or contrary to subsection (2) may be used in relation to any child.

(2) The following measures shall not be used to discipline any child—

- (a) any form of corporal punishment;
- (b) any punishment involving the consumption or deprivation of food or drink;
- (c) any restriction, other than one imposed by a court;

- (d) the use or withholding of medication, or medical or dental treatment;
 - (e) the intentional deprivation of sleep;
 - (f) any inappropriate physical examination;
 - (g) withholding any aids or equipment needed by a disabled child;
 - (h) any measure involving a child imposing any measure against another child; or
 - (i) any measure involving punishing a group of children for the behaviour of an individual child.
- (3) Nothing in this section shall prohibit—
- (a) the taking of any action by, or in accordance with the instructions of, a registered medical practitioner or a registered dental practitioner which is necessary to protect the health of the child; or
 - (b) taking any action that is necessary to prevent injury to any person or serious damage to property.

Risk management within a rescue centre

31. (1) The manager of a children's rescue centre shall put in place such management strategies as the manager considers appropriate for the purpose of supporting children within the rescue centre to manage any safeguarding concerns and enabling the children to access the appropriate services within the county.

(2) The manager shall, for the purpose of subsection(1) —

- (a) collaborate with the relevant authorities and stakeholders in developing strategies for the management of, and the minimizing of risks that are likely to be faced by children within the rescue centre;
- (b) involve the children in the development of strategies under paragraph (a);
- (c) sensitize the children in the rescue centre about risks and support them in developing skills and strategies for managing those risks;
- (d) facilitate access, by children within the rescue centre to sources of confidential advice and advocacy so as to enable them feel safe to disclose any risks that they face; and

- (e) put in place the necessary infrastructure for the purpose of improving the security and securing the rescue centre from potential predators.

Monitoring and surveillance

32. The manager of a rescue centre may only use devices for the monitoring or surveillance of children in the rescue centre where—

- (a) such monitoring or surveillance is for the purpose of safeguarding and promoting the welfare of the children within the rescue centre;
- (b) so far as reasonably practicable in the light of the child's age and understanding, the child is informed in advance of the intention to do the monitoring or surveillance; and
- (c) the monitoring or surveillance is no more intrusive than necessary, having regard to the child's need for privacy.

Notification of abuse of a child

33. (1) Every medical practitioner, social worker or any other person who examines, attends to or deals with a child in a children's rescue centre and who suspects that the child—

- (a) has been abused; or
- (b) suffers from any injury, shall notify the County Executive Committee Member, the manager and medical officer in charge of the centre of the abuse or injury.

(2) Upon receipt of a notification under subsection (1), the Manager shall conduct such investigation as he considers necessary and upon establishing that the child has been subjected to any form of abuse, the manager shall inform officers from the National Police Service who shall take such action as is appropriate.

(3) On receipt of a notification under subsection (1), the Manager in consultation with the county Executive committee member may, in addition to such action as may be taken by the Police —

- (a) remove the child from the current rescue centre and place the child in a hospital, another children's rescue Centre or such other place as they may consider appropriate;
- (b) arrange, where necessary, that the child receives medical treatment; and

- (c) arrange, where necessary, for the removal and transfer of the other children housed in the rescue centre to another children's rescue centre.

(4) Any medical practitioner, social worker or other person is not liable for any action or claim for damages in respect of any notification given in good faith in accordance with subsection (1).

(5) Any medical practitioner, nurse, social worker or other person who fails to comply with subsection (1) commits an offence and is liable, on conviction, to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred thousand shillings or to both such fine and such imprisonment.

Register of notifications on abuse of children in a rescue centre

34. (1) The County Executive Committee member shall keep a register of notifications received by it containing –

- (a) information relating to the affected children;
- (b) information relating to the person alleged to have abused the children;
- (c) the date of the notification;
- (d) a description of the circumstances regarding each notification;
- (e) the action taken by the relevant authorities; and
- (f) such other information as the County Executive committee member shall consider appropriate.

(2) A person who is found guilty of having abused a child in a children's rescue centre and whose name appears in the register kept under subsection (1) shall not –

- (a) be employed in any children's rescue centre; or
- (b) provide any community-based care and services.

Safety in a children's rescue centre

35. A manager in children's rescue centre under this Act shall –

- (a) maintain premises that meet the requirements of the occupational health, safety regulations and building standards;
- (b) ensure the welfare and safety of the children within the rescue centre;

- (c) put in place fire-fighting equipment, first aid and other emergency equipment and non-prescription medicine as the county executive committee Member may prescribe; and
- (d) have a list of the contacts of emergency service providers including hospitals, readily available to all members of staff.

(2) In providing the equipment specified under subsection (1)(c), the manager shall ensure that such equipment is accessible during an emergency.

(3) The equipment and medicine under subsection (1) shall be maintained or kept by a centre in such manner as to ensure that it is out of the reach of children and ensures that the safety of the children is not compromised.

(4) The County Executive committee member shall prescribe minimum standards for the health and safety of children and for a satisfactory environment for the housing of the children in the rescue centre.

Visits and letters

36. (1) Communications between children in the rescue centre and other persons shall be allowed only in accordance with rules and regulations as shall be outlined hereunder, and the manager may restrict such communications if he thinks it necessary for the welfare of the child and the maintenance of discipline and order in the rescue centre.

(2) Visits and letters shall be governed by the following rules—

- (a) a child shall be entitled to write one letter every week to persons approved by the manager and to receive letters as often as the manager considers desirable;
- (b) a child shall be entitled to receive one visit every month from three persons who shall have been pre-approved by the manager on such conditions relating to visits as may be imposed by the manager.

(3) If a child dangerously ill desires to be visited by a near relative or friend, the manager may give authority in writing for the admission of that relative or friend.

(4) The manager shall at any time communicate to a child, or to his relatives or friends, any matter which he thinks likely to be of importance to such child.

(5) The degree of supervision to be exercised during visits to children shall be within the discretion of the manager.

PART VI—FINANCIAL PROVISIONS**Funding**

37. (1) The County Government shall ensure a sustained budget through its annual budgetary allocations for purposes of establishment of child rescue centres for the care and protection of neglected children within the County

(2) The Funds shall be utilized to—

- (a) offer short term shelter, care and rehabilitation of children experiencing child abuse;
- (b) provide a secure home for healthy upbringing of abused children;
- (c) cover medical expenses of the Children within a rescue centre;
- (d) promote health and wellbeing of children in rescue centres;
- (e) offer a stand-in measure to the most vulnerable children in need of assistance; and
- (f) to provide any intervention measure and promote children protection.

Annual estimates

38. (1) The manager shall cause to be prepared an estimate of its income and expenditure as specified in the budget cycle for approval.

(2) The annual estimates shall make provisions for all the estimates of expenditure of the rescue centre for the Financial year and shall provide for the cost of administration of the committee.

Financial statements

39. (1) The manager shall cause to be kept proper books and records of accounts of income, expenditure assets, audits, liabilities of the committee at the end of each financial year.

(2) The manager shall not later than three months after the end of each financial year, submit financial statements relating to those accounts to the County Executive Committee Member who shall present the financial statements to the County Assembly

PART VII— MISCELLANEOUS PROVISIONS

Transitional provisions

40. Any county rescue centre that, immediately before the commencement of this Act, was established as a rescue centre shall be deemed to have been established as a rescue centre under this Act.

Regulations

41. (1) The County Executive Committee Member may, make regulations generally for the better carrying out of the provisions of this Act.

(2) Notwithstanding the generality of subsection (1), the County Executive Committee Member may make Regulations —

- (a) prescribing the programmes that may be administered in a children's rescue centre;
- (b) limit or regulate the numbers of children who may attend a registered rescue centre;
- (c) prescribing the procedures to be used when releasing or transferring children from rescue centres;
- (d) prescribing the qualifications required to be held by persons managing, employed in or rendering services in a children's rescue centre;
- (e) providing for and regulating the discipline and duties of rescue centre staff; and
- (f) Prescribing the admission procedures for children.

2. the principles and standards set out under the Interpretation and General Provisions Act and the Statutory Instruments Act, 2013 in relation to subsidiary legislation shall apply to Regulations made under this Act.

SCHEDULE

(Section 13)

CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEE**Meetings**

1. (1) The Committee shall meet not less than six times in every financial year and not more than two months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding subparagraph (1), the Chairperson may, and upon requisition in writing by at least a third of all the members, convene a special meeting of the Committee at any time for the transaction of the business of the Committee.

(3) Unless three quarters of the total members of the Committee otherwise agree, at least fourteen days' written notice of every meeting of the Committee shall be given to every member of the Committee.

(4) The Chairperson shall preside at every meeting of the Committee but the members present shall elect one of their member to preside whenever the Chairperson is absent, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted thereat.

Quorum

2. (1) The quorum for the conduct of the business of the Committee shall be half of the total members including the Chairperson or the person presiding.

(2) Where there is a vacancy in the committee, the quorum of the meeting shall not be less than three appointed members.

(3) Subject to subparagraph (2), no proceedings of the Committee shall be invalid by reason only of a vacancy among the members thereof.

Secretariat

3. The County Government Department for the time being responsible for matters relating children affairs shall be responsible for—

- (a) providing administrative support to the Committee;
- (b) the custody and keeping of the minutes of the proceedings of the Committee and all other records of the Committee; and
- (c) such other functions as may be assigned by the County Executive Committee Member and the Committee.

Disclosure of interest

4. (1) A member who has an interest in any contract, or other matter present at a meeting shall at the meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Committee who contravenes subparagraph (1) commits an offence and is liable to a fine not exceeding two hundred thousand shillings.

Voting

5. Unless a unanimous decision is reached, a decision on any matter before the Committee shall be by a majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

MARY KAVINDA IGOKI
Chairperson, Youth, Gender, Sports, Culture and
Social Services Committee

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principle object of the Bill is to make provision for the establishment of child rescue centres for the care and protection of neglected children within the County; and for connected purposes. This would therefore give effect to Article 53(1) (c) and (d) of the Constitution on the right of every child to —

(c) basic nutrition, shelter and healthcare; and

(d) to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill confers on the County Executive Committee Member the powers to make regulations under the Act for the purposes of operationalizing the Act in order to implement the objectives set out in the Bill. The Bill does not limit any fundamental rights or freedoms.

Statement on how the Bill concerns county governments

This Bill is expected to provide a framework through which county government is to put in place mechanisms for the implementation of policies and programmes necessary for the protection and care of neglected children in the County. In particular, the county is expected to establish rescue centres and implement programmes within the county for the care of neglected children.

Paragraph 9 in Part 2 of the Fourth Schedule to the Constitution confers on each County Government, a role with respect to the provision of childcare facilities. These include the establishment of rescue centres particularly for the vulnerable children who have no one to care for them.

Dated the 19th April, 2023.

MARY KAVINDA IGOKI,
*Chairperson, Youth, Gender, Sports, Culture and
Social Services Committee.*