

# ECD Centre Infrastructure Norms and Standards – Assessment of Potential Flexibility



September 2015

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## Abbreviations

CWP	Community Works Programme
DH	Department of Health
DHS	Department of Human Settlements
DSD	Department of Social Development
EHP	Environmental Health Practitioners
EPWP	Expanded Public Works Programme
INEP	Integrated National Electrification Programme
ICDG	Integrated City Development Grant
IUDG	Integrated Urban Development Grant
LGES	Local Government Equitable Share
MAUC	Mid-Upper Arm Circumference measurement to determine nutritional status
MUN	Municipality
NBR	National Building Regulations
NDA	National Development Agency
NDPG	Neighbourhood Development Partnership Grant
RHIG	Rural Households infrastructure Grant
TREE	Training & Resources for Early Childhood Education
USDG	Urban Settlement Development Grant

# 1. INTRODUCTION

This document is one of three documents produced by PPT as part of an ECD support collaboration involving Ilifa Labantwana, PPT and the Network Action Group and funded by Ilifa Labantwana. This document should be read in conjunction with the other two documents which are:

1. ECD Centre Categorisation Framework and Programmatic Response Model
2. ECD Centre Infrastructure Delivery and Funding Model.

## 2. REQUIREMENTS FOR ECD CENTRES

Infrastructure norms and standards required for ECD Centres to register as Partial Care Facilities are set out in the Children's Act.<sup>1</sup> The Children's Act Guide for Early Childhood Development Practitioners<sup>2</sup> thus forms the main basis of this document. It should however be noted that the ECD centres also have to meet a number of other standards:

- National Building Regulations: The National Building Regulations and Building Standards Act 103 of 1977 (as amended<sup>3</sup>) apply to all buildings including facilities such as ECD centres.
- Municipal bylaws: ECD centres are required meet the requirements of the local authority regulations and by-laws regarding the building or structure as well as the health requirements. These requirements are applied by municipal environmental health practitioners in assessing ECD centres. There is however is little uniformity amongst municipalities and it is to this effect that Government put out a tender for the "*Rapid Assessment of Local Government bylaws and policies related to early childhood development and services to young children*" to be completed in September 2015. Examples of municipal bylaws are: eThekweni's Child Care Facilities By-law, 2015; Ugu Municipal bylaws – Chapter 10 Child Care facilities.
- Provincial ECD Centre Guidelines: There are instances where there are additional provincial ECD requirements such as those of the DSD in the Western Cape which are defined Standard Operating Procedures for Registration & Funding of Partial Care Facilities Providing ECD and After School Care Services<sup>4</sup>.

In addition to the above, the following additional documents have been consulted in developing this document:

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<sup>1</sup> The original Children's Act 38 of 2005 was amended by the Children's Amendment Act 41 of 2007 – some of the provisions came into force on 1 July 2007 and the rest of the provisions and the associated regulations on 1 April 2010.

<sup>2</sup> Developed by the Children's Institute, University of Cape Town and Little Elephant Training Centre for Early Education (LETCEE) in November 2011

<sup>3</sup> Amended in terms of: Standards Act 30 of 1982 National Building Regulations and Building Standards; Amendment Act 36 of 1984 National Building Regulations and Building Standards; Amendment Act 62 of 1989 National Building Regulations and Building Standards; Amendment Act 49 of 1995; Mine Health and Safety Act 29 of 1996; Standards Act 8 of 2008 [with effect from 1 September 2008]

<sup>4</sup> Foundation for Community Work (FCW) with support from The Department of Social Development(Western Cape)

- National Housing Code - Emergency Housing Programme<sup>5</sup>
- Provincial documents - KZN Communique Circular No.2/2014: Adjustment of The Housing Subsidy Quantum of Certain National Housing Programmes & Contractually Committed Projects (*such as the Emergency Housing Programme*)<sup>6</sup>
- Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure<sup>7</sup>
- "Municipal Infrastructure: An Industry Guide to Infrastructure Service Delivery Levels and Unit Costs- 2010 (Final)"<sup>8</sup>
- "Building Clinic Facilities with Innovative Building Technologies"<sup>9</sup>
- "Ikhayalami "Affordable homes and technologies for all"<sup>10</sup>) Local Government Position on Municipal Response and Backyard Dwellings Draft Policy Proposal<sup>11</sup>.

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<sup>5</sup> Department of Human Settlement: Incremental Interventions: Emergency Housing Programme | Part 3 (Of The National Housing Code) | 2009

<sup>6</sup> KZN Policy Communiqué Circular No.2/2014 Date : 9 June 2014

<sup>7</sup> South African Schools Act 84 Of 1996 Published under Government Notice R920 in *Government Gazette* 37081 of 29 November 2013.

<sup>8</sup> COGTA: Municipal Infrastructure: *An Industry Guide to Infrastructure Service Delivery Levels and Unit Costs- 2010 (Final)*

<sup>9</sup> IUSS Health Facilities Guides compiled by the CSIR for the Department of Health , July 2014

<sup>10</sup> [www.Ikhayalami.org](http://www.Ikhayalami.org)

<sup>11</sup> Alison Tshangana Specialist: Sustainable Human Settlements for SALGA June 2013

### 3. THE NEED FOR FLEXIBILITY

Whilst there are various non-negotiable minimum ECD norms and standards (e.g. clean drinking and handwashing water, adult supervision at all times, functional toilets etc.) there also needs to be appropriate flexibility in the application of the minimum requirements as set out in the Children's Act and municipal bylaws within under-serviced rural and informal settlement communities. This is especially so in respect of the application of municipal bylaws by environmental health practitioners assessing ECD sites (e.g. in respect of zoning and approved building plans).

ECD centres in such rural and informal settlement communities are often unable to meet all specified requirements unless there is such flexibility. Coupled with greater flexibility, such centres will typically also require structured support (e.g. in respect of infrastructure improvements, programme enhancements and practitioner training). A proactive and supportive developmental approach is thus required that will allow unregistered ECD Centres to "grow" toward compliance. Flexibility is a key part of such a developmental approach towards ECD.

The need for flexibility with regard to the registration of ECD Centres is already well accepted within the relevant legislation as well as government's policy and strategies as can be seen in:

- The Children's Act as summarised in the Children's Act Guide for ECD practitioners.
- The Draft National ECD Policy 2014: Annexure D: Strategies to improve registration and access to funding for ECD Centres and programmes. It states the following:

- Norms and standards for registration at ECD centres are generally reasonable. The main problem is the application of inappropriately rigid municipal health and safety bylaws. In trying to ensure high standards of care, the net effect is that children are often unsupervised in home circumstances that are even more hazardous.  
*Policy change proposed: Standards of environmental health in informal settlements and rural areas must be amended so as to be less onerous, whilst continuing to ensure minimum safety standards. (This has been done in some municipalities, with good effect).*
- The Children's Act makes provision for conditional registration, but does not spell out the circumstances under which conditional registration may be granted. This has resulted in varied application of this provision across provinces. Conditional registration is either not offered or is used as a means of bypassing the unrealistic norms and standards.  
*Policy change proposed: Clear minimum norms and standards for conditional registration must be developed. Standard operating procedures must be developed for conditional registration of ECD programmes in order to facilitate the improvement of ECD access and quality.*

- The gold, silver and bronze standards for ECD which are being considered by the NDSD (as per the SA Integrated Programme of Action for ECD Moving Ahead 2013-2016). For each of these standards, varying levels of compliance will apply as well as different timeframes to achieve full registration.

## 4. FACTORS IMPACTING ON FLEXIBILITY

The nature and extent of the flexibility which is appropriate in respect of infrastructure norms may vary and will be determined by the following factors:

- **Category of the centre:** Centres which are already registered as partial care facilities or have the potential to achieve such registration (A,B1 or B2 categories) may often require flexibility (of the nature outlined in more detail in sections 7 and 8) so that they can receive support and improve the quality of ECD services rendered. By contrast, those centres in category C1, which may not be able to achieve registration (partial care facility and ECD programme) will nonetheless have imminent health and safety threats which require emergency mitigation (e.g. in respect of sanitation). Such centres may not be able to meet the revised minimum (more flexible) standards outlined in sections 7 and 8.
- **Locality and context:**
  - Informal settlements: Land within informal settlements is typically not a proclaimed residential township and land/sites are typically not owned by residents and in many instances the underlying land may not even be owned by the Municipality. Building typologies vary and may include a mix of informal 'shacks' as well as more conventional building methods. In such communities the full flexibility (including in respect of building plans and zoning) will typically be required for existing centres, but for new builds building plans should be prepared and underlying land secured (even if zoning and approval of building plans is not (yet) possible).
  - Traditional land: In most rural communities land falls under traditional authorities with land ownership typically vesting in the state (or Ingonyama Trust in KZN). Land is typically allocated and administered by traditional authorities (e.g. via the allocation of 'permissions to occupy' – PTOs). The full flexibility (including in respect of building plans and zoning) will typically be required. It is recognised that processes are underway in terms of SPLUMA (Spatial Land Use Management Act) to empower municipalities to oversee and approve land use management including zoning and building plan approvals within rural areas (as of July 2015). However it is anticipated that this will take some time to be fully implemented (noting also the substantial extent of traditional land, the dispersed settlement pattern and constrained municipal capacity). Whilst the new planning regime will eventually affect new ECD facilities, it is unlikely to be applied to existing facilities. A solution may be for all category A,B1, and B2 ECD sites to be zoned by means of a 'batch' ('blanket zoning') once sites have been georeferenced and the categorisation confirmed by DSD (i.e. only centres with DSD approval receive the batched/blanket zoning).
  - Formal townships: New ECD centres being built within formally proclaimed townships can be expected to meet usual zoning and building requirements and flexibility in these respects would not normally be necessary or appropriate. However it is recognised that there are also informal ECD buildings or those which are more conventional but without approved building plans within such proclaimed townships. In such cases the full flexibility (including in respect of building plans and zoning) would typically be required.
  - Townships in the process of development: This includes informal settlements under planning for formal upgrading and township establishment. It is noted that the process for formalisation and township establishment is slow, typically taking 5-10 years from the commencement of feasibility to township registration. Provision for sites for ECD centres should be made within

the town planning layout, including de-facto centres (e.g. category A,B1,B2) and new centres. The full flexibility (including in respect of building plans and zoning) would typically be required except where township establishment has been completed.

➤ **Type of building:**

- Informal ('shack-type') structures: These are typically made (at least in large part) of such materials as corrugated metal, planks, plastic and wattle and daub. They typically do not have proper foundations and floor (e.g. concrete slab). The full flexibility (including in respect of building plans and zoning) will typically be required.
- Traditional structures: These are typically made of wattle and daub with either thatch or corrugated metal roofs. They may or may not have a concrete slab floor. They are typically located within rural/traditional areas. The full flexibility (including in respect of building plans and zoning) will typically be required.
- Formal (conventional) structures: These typically have walls made of blocks or bricks, roofs of corrugated metal or tiles with proper rafters/batons, with proper foundations and a either a slab or suspended floor. Where these structures do not have approved building plans (as in the case of most rural settlements) then the full flexibility (including in respect of building plans and zoning) may be required.
- Move-able structures (e.g.'edutainers'). Edutainers are 12.0m x 2.3m x 2.4m high shipping containers that have been remodelled and equipped as 'instant classrooms' for up to 25 children meeting the requirements of the National Building Regulations (NBR) and the DSD. Given that these edutainers would typically be located on sites not yet zoned, zoning flexibility would typically be required.
- Alternative building materials: Buildings may be constructed of non-conventional materials that still meet the relevant requirements of the NBR. The materials are often modular or prefabricated making use of such technologies as insulated metal or fibre-cement panels. Zoning flexibility may still be required.

➤ **Level of infrastructure investment – 'package' provided** (for more detail refer to the 'Infrastructure Delivery and Funding Model' document):

- New buildings/structures: The proposed flexibility (revised minimum standards) should apply, except that, where the site forms part of an established township, zoning and building plan approval should apply (with associated municipal charges waived).
- Major building upgrading and renovations: As for 'new buildings/structures' above if the structure is a conventional building.
- Basic services and minor building repairs/improvements: The full proposed flexibility (revised minimum standards) should apply.
- Emergency infrastructure mitigations to address imminent health and safety threats: The proposed flexibility (revised minimum standards) should not necessarily apply. Such Category C1 centres do not have prospects provide acceptable ECD services. Infrastructure interventions are motivated on health and safety grounds. However it is noted that the level of investment will be limited.

## 5. FLEXIBILITY PRECEDENT

### Existing state exemption from National Building Regulations:

In terms of the National Building Regulations and Building Standards Act: “The Act makes provision for the State to be exempt from the requirements of the Act under specific conditions namely: a) if the building is in the interests of or connected with the Security of the Republic; b) by virtue of economic considerations, necessity or expediency after notice in writing to the Local Authority in question. However, the Act does require that plans, specifications, and certificates as may be prescribed by the Act shall, before the commencement of such erection, be lodged with the local Authority in question for its information and comment. It must be noted that the exemption does not free the application from complying with health and safety requirements of the occupants of any relevant building.”<sup>12</sup>

### Emergency Housing Programme:

The Emergency Housing Assistance Programme (established via the National Housing Code) is regarded as a useful precedent in respect of how government has put into place substantially increased flexibility in order to address situations of particular need and vulnerability. This Programme may assist the DSD and Municipalities in determining how the issue of infrastructural flexibility for ECD centres in underserved communities (especially informal settlements and rural communities) can most appropriately be addressed.

The Department of Social Development (DSD) might consider negotiating with National Treasury, the DHS and CoGTA for a similar arrangement (standards and processes) for the provision of non-conventional structures for ECD Centres (along the lines of those provided under the Emergency Housing Assistance Programme).

The Emergency Housing Assistance Programme endeavors to address the needs of households who for reasons beyond their control, find themselves in an emergency housing situation such as the fact that their existing shelter has been destroyed or damaged, their prevailing situation poses an immediate threat to their life, health and safety, or they have been evicted, or face the threat of imminent eviction.” The Programme benefits all affected persons who are not in a position to address their housing emergency from their own resources. Significantly, “The National Norms and Standards in respect of permanent residential structures will not apply in temporary settlement areas.”<sup>13</sup>

Examples of the approach taken to flexibility within the Emergency Housing Assistance Programme are:

- “Temporary shelters should be appropriate for the specific environment, basic, simple in form and easy to construct. The structural design should provide the strength, stability, and durability for the anticipated life-span of the shelter, providing basic shelter against the elements. The floor area of a shelter should be at least 30m<sup>2</sup> depending on the need and possibilities within the funding limits. The minimum technical specification and a typical drawing of such a shelter is provided by the Programme.
- Shelters can be provided through the supply of materials to beneficiaries on site to construct their own shelter or to be constructed depending on the exceptional nature of the situation. The preferred option for the provision of shelter is the supply of prefabricated units which could after

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<sup>12</sup> IUSS Health Facility Guides – Building Clinic Facilities with innovative building technologies” July 2014 – CSIR for the Department of Health.

<sup>13</sup> Incremental Interventions: Emergency Housing Programme | Part 3 (Of The National Housing Code) | 2009

being used, be dismantled and stored for re-use. No tented structure will be provided under this Programme.

- Where beneficiaries have provided their own materials, advice and assistance can be provided with the construction of the shelters.

### **Ikhayalami 150 informal ECD structures in the Western Cape**

Ikhayalami<sup>14</sup> (a member of the SA Slum Dwellers International (SDI) Alliance) have reportedly assisted with the construction of approximately 150 informal crèches within settlements in the Western Cape. This precedent may warrant further assessment including in respect of the working relationship with the WC DSD and related processes and flexibilities in respect of construction methods and municipal bylaw compliance.

### **National Informal Settlement Upgrading Programme:**

It is now well-accepted that informal settlements are here to stay and that conventional approaches premised on formalization, formal housing delivery and relocations are not effective due to a range of factors such as cost, land availability, and site constraints. The new approach to upgrading accepts informality and works with it over time to achieve meaningful change and improvements. Instead of a few settlements benefiting from a high level of investment, a greater number of settlements benefit by means of a more incremental approach.

The historical approach characterized by a philosophy of 'eradicating' informality and premised on formalization and the delivery of 'RDP' style housing (a formal and very slow process which delivers a top-structure, full level of service and title deed) is now recognized as being unworkable at scale and unsustainable for various reasons. It cannot on its own address the informal settlement 'backlogs'. It also often produces a range of negative unintended consequences (such as relocations and a loss of livelihoods).

The shift is towards a more rapid, participative and broad-based response led in most instances by the provision of basic services to informal settlements (in-situ) along with basic, functional tenure<sup>15</sup>. Whilst the provision of formal, low-income housing forms part of the overall informal settlement response, it will typically only constitute a small part of the overall delivery given the slow timeframes, high costs and a range of other challenges associated with it. It is accepted that formalization and subsidized housing provision will often not be achievable in the short term and will either be deferred or in the case of marginal land, may not be achievable at all.

The National Upgrading Support Programme (NUSP) has been established to give impetus and support to the new approach, which also finds support in the National Development Plan, which, amongst other things, affords priority to public realm investment. The new approach is already being embraced in various ways by several cities (e.g. eThekweni, Cape Town and Johannesburg), certain provinces (e.g. KwaZulu-Natal), and enjoys significant support from the civil society sector.

Rapid Assessment and Categorisation of informal settlements is central to realizing this new programmatic and incremental approach. Amongst other things it ensure that all settlements are identified, mapped and

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<sup>14</sup> [www.ikhayalami.org](http://www.ikhayalami.org), Director Ms Andy Bolnick.

<sup>15</sup> Refer to the 'functional tenure' section in section 4, it being emphasised that individual functional tenure is often not rapidly achievable and that administrative recognition of the settlement by the Municipality should be regarded as the minimum since it does not require the municipality to have first acquired and subdivided the land in question.

assessed and that relevant and realistic developmental pathways are formulated for each and every settlement ranging from rapid full and conventional upgrading to the provision of basic services as an intermediate measure with relocations only undertaken as a last resort and with careful regard for the potential impacts on the livelihoods of residents.

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## 6. SUMMARY OF SUGGESTED INFRASTRUCTURAL FLEXIBILITY

The following summary of suggested flexibility relates to state infrastructure investments (refer also to the detailed assessment in section 9 from which this summary is substantially derived). Whilst it correlates substantially with the suggested flexibility for ECD centre registration, there are differences (e.g. pertaining to the distinction between the level of requirements for basic infrastructure versus new buildings and in respect of the desirability of emergence infrastructural investments to mitigate health and safety threats for category C1 centres which may not be viable for centre registration). It is noted that in most instances the flexibility required relates to municipal bylaws.

Requirement	Flexibility	Minimum standard / preconditions
Zoning	For basic infrastructure and minor building improvements: <u>Waving the zoning requirement</u> for centres in informal settlements and rural communities where there is no proclaimed township subject to specified preconditions.	A) Centre is categorised as A, B1, B2 or in certain cases C1 (emergency mitigations). B) Approval of social worker of DSD service office and Municipal EHP. In addition: <ul style="list-style-type: none"> <li>For centres on <u>traditional land</u> – C) a PTO from the Traditional Authority<sup>16</sup>.</li> <li>For centres in <u>informal settlements</u> in towns/cities – C) Municipal or DSD letter of support for improvements to be made.</li> </ul>
	For substantial renovations and extensions or new structures: <u>Waving of zoning requirements</u> for centres in informal settlements and rural communities where there is no proclaimed township subject to specified preconditions.	A) Categorised as A, B1, or B2. B) Approval of social worker of DSD service office and Municipal EHP. In addition: <ul style="list-style-type: none"> <li><u>Traditional land</u>: C) a PTO from the Traditional Authority.</li> <li><u>Informal settlement movable structures e.g. ‘edu-tainer’</u>: C) Settlement not designated for imminent relocation - settlement preferably destined for eventual upgrading. D) No objections from current landowner (e.g. as a minimum a government letter advising landowner of intention to install a movable ECD structure with reasonable time-frame allowed for landowner objection – this in the event that there is no express permission or land agreement in place).</li> <li><u>Informal settlement permanent structures</u>: C) Settlement not designated for imminent relocation; D) land is municipal-owned (and the municipality is supportive of using the land for an ECD site) or else owned by the ECD NPO (or it has a signed availability agreement or land sale agreement); E) a preliminary settlement layout plan has been developed and the ECD site is shown to be viable as a permanent site (e.g. not located within a future service</li> </ul>

<sup>16</sup> Refer to SPLUMS – need to await further clarity.

Requirement	Flexibility	Minimum standard / preconditions
		lane such as a road servitude). In such a case, the site plan and building plan should be drawn and a copy should be submitted to the DSD and Municipal EHP. However the building plans will only be formally lodged and approved by the Municipality after the GP is registered. Correct zoning would also be conferred at the time of township establishment.
<b>Building plans</b>	<u>For basic infrastructure and minor building improvements: Waving the requirement for approved building plans for 'informal' or 'traditional' buildings in informal settlements, rural areas of poor underserved areas subject to specified preconditions.</u>	As for 'zoning' above. In addition: <u>A hand drawn sketch with measurements with a specified set of photos</u> (including site, building elevations, etc.) of the current buildings and site layout and improvements to be made (to infrastructure and building). These should be provided to DSD and Municipality (for record purposes).
	<u>For substantial renovations and extensions or new structures (whether conventional, traditional or informal): Waving of approved building plan requirements subject to specified preconditions.</u>	Over and above the suggested minimum requirements for 'zoning' above: <ul style="list-style-type: none"> <li>- <u>A formal drawing of building and site plan with specifications and cost estimates plus a specified set of photos</u> (including site, building elevations, etc.) of current and proposed buildings/infrastructure. These should be provided to DSD and Municipality (for record purposes).</li> <li>- Accepting <u>non-conventional (traditional and less-formal) building methods</u> (where these are safe, structurally-sound and functional<sup>17</sup>).</li> <li>- Accepting <u>movable containerised units (e.g. 'edutainers') or prefabricated buildings</u> provided they meet other revised minimum requirements.</li> </ul>
<b>Office &amp; Sickbay</b> (for facilities with 50+children)	<u>Existing facilities:</u> A separate sick room and office should not be mandatory for such facilities <u>New facilities:</u> Sick room and office need not be separate rooms	<u>Existing facilities:</u> a <u>cornered off space for a desk / office equipment and for bed for sick child</u> (e.g. by curtain of low barricade) in existing building. <u>New facilities:</u> An office cum sick bay should be accepted (one room fulfilling both functions).
<b>Water</b>	<u>Existing and new facilities:</u> Municipalities should accept the minimum DSD partial care facility standard (which is lower than some municipal bylaws) - noting that not all centres have access to piped water	<u>Existing and new facilities:</u> Standards provided for in the Act for Partial Care Registration i.e. a 25L covered water container containing treated water sufficient instead of piped, running water.
<b>Sanitation</b>	<u>Existing and new facilities:</u> Municipalities should	<u>Existing and new facilities:</u>

<sup>17</sup> The process for making this determination still needs to be defined. A CSIR publication "The Case for Improving the Performance of Indigenous Erf Dwellings in Rural South Africa" dated March 2002 already accepts traditional construction methods and the potential to enhance them. Further assessment is required. It is unlikely that a municipal building inspector can play this role given that they are bound by current, conventional and formal building regulations. It is also unlikely that registered builders or built environment professionals (e.g. architect, civil engineer, construction project manager) could play this role for similar reasons.

Requirement	Flexibility	Minimum standard / preconditions
	accept the minimum DSD partial care facility standard (which is lower than some municipal bylaws) with a few specific additional flexibilities	<p>Minimum standards provided for in the Act for Partial Care Registration be utilised e.g.:</p> <ul style="list-style-type: none"> <li>- Use of covered water container (instead of hand-basin) for hand-washing – one for every 20 children (where hand-basins are not available).</li> <li>- Accepting VIPs instead of flushing toilets (in the event that a Municipality might require these) at the stipulated ratio of 1 toilet for every 20 children (not using a potty).</li> <li>- accepting that boys and girls share toilet and washing facilities – the Act does not specify that these be separate).</li> </ul> <p>Some additional flexibilities e.g.:</p> <ul style="list-style-type: none"> <li>- use of ‘tippy taps’ for handwashing instead of covered containers or hand-basins – suggest one 2L tippy tap bottle per 10 children and refilled regularly.</li> <li>- one potty for every 5 child under the age of 3 instead of one for every child.</li> <li>- children may be washed in a cordoned off area within playroom instead of within a dedicated bathroom).</li> </ul>
<b>Refuse removal</b>	<u>Existing and new facilities:</u> ECD Centres should not be required to meet all Municipal waste disposal requirements (noting that some centres do not have the means to effectively manage waste according to municipal standards where the municipality either do not render services or where such services are irregular).	<u>Existing and new facilities:</u> It is suggested that the following alternatives be permitted: <ul style="list-style-type: none"> <li>• where municipalities <i>can</i> collect solid waste, that the waste be separated into recyclable and non-recyclable types and placed preferably in ‘wheely-bins’ or else plastic bags provided by the municipality and stored in a cordoned-off area inaccessible to children – municipalities should collect such solid waste on a regular basis (preferably twice a week or at worst once a week).</li> <li>• where municipalities <i>cannot</i> collect waste, then open-trench on-site refuse disposal should be permitted (typically in rural areas) provided such trenches are cordoned off and inaccessible to children and provided that organic waste is disposed of in a dedicated trench or compost heap and that all remaining waste be placed in a separate trench and burned on a regular basis when children are not present at the facility.</li> </ul>
<b>Food Preparation areas etc.</b>	Refer to minimum standard / preconditions  <i>Noting that there are circumstances/ constraints beyond the control of ECD Centres which make it difficult for them to meet certain requirements. e.g. no funding to add a kitchen or formally subdivide, to add lockable store, to extend playroom for separate eating area and no electricity or no running water in many areas to meet all the requirements that anticipates the presence of these items.</i>	<u>Existing and new facilities:</u> It is suggested that the following alternatives be permitted <ul style="list-style-type: none"> <li>• <i>Separate food-serving area:</i> A separate area in which food is served/consumed should not be mandatory. Children should be permitted to eat in the play-room provided the area is cleaned after mealtime.</li> <li>• <i>Cooling facility (e.g. fridge):</i> Where there is no electricity and/or where the centre does not have the financial means: Make use of foods that do not rapidly perish (e.g. vegetables and fruits) or else which are non-perishable (e.g. tins, powdered foods) or where food is perishable, it should be replenished on a daily basis.</li> <li>• <i>Food preparation area:</i> Double sinks, hot water supply, a separate hand basin as required by some municipalities should not be mandatory. Separate dish and hand washing containers and a pot used for boiling water should suffice.</li> <li>• <i>Preparation of baby food:</i> Centres should be permitted to use a separate table or work surface for the preparation of baby food instead of having to have a separate milk kitchen / area for the preparation of baby food</li> </ul>

Requirement	Flexibility	Minimum standard / preconditions
		<ul style="list-style-type: none"> <li>• <i>Food storage:</i> Non-perishable food can be stored in containers with tight closing lids since not all ECD centres can afford lockable cupboards .</li> <li>• <i>Serving food:</i> The playroom can be used as a food serving and eating area provided it is clean and the area is cleaned after each meal (instead of a separate area being required).</li> </ul> <p><i>Gas and paraffin storage:</i> These can be store in the kitchen in a safe place as it may not be practical to store these outside the building due to such factors as the risk of theft and cost.</p>
<b>Indoor Space</b>	Accepting slightly reduced floor area per child in areas of high demand and where there is no other alternatives	<ul style="list-style-type: none"> <li>• 2m<sup>2</sup> in play-area/nursery for babies (instead of 3m<sup>2</sup> as required by some municipalities)</li> <li>• 1.2-1.4m<sup>2</sup> in play-area for 2-6 year olds (instead of a minimum of 1.5 m<sup>2</sup> as required by the Act)</li> </ul>
<b>Separate age groups &amp; staff- child ratios</b>	Accepting that smaller ECD Centres may not have enough space or staff to separate children per age group or meet the stipulated child-staff ratio (refer to detailed assessment in section 9)	<ul style="list-style-type: none"> <li>• <i>Children aged 3-5 may share a playroom</i> where the ECD centre only has one playroom and / or where there is only one ECD practitioner provided the revised minimum 'indoor space' outlined above are adhered to.</li> <li>• <i>Higher child-staff (ECD practitioner) ratios:</i> in 3-5 year old group should be allowed where demand is high and where there the playrooms offer adequate space to accommodate a few more children and where it does not exceed the revised minimum 'indoor space' outlined above. It is suggested that an additional 5 children extra per practitioner be permitted – 25 instead of 20 children per ECD practitioner.</li> </ul>
<b>Disability</b>	Disability access should not be a requirement for Partial Care Registration	<p><u>Existing facilities:</u> should not be required to adapt their centres if DSD is not providing both the capital / operational funding to make provision for children with disabilities.</p> <p><u>New facilities:</u> should be wheel chair accessible (playrooms and ablution blocks) provided DSD is providing both the capital / operational funding to make provision for children with disabilities.</p>
<b>Outdoor area</b>	Recognise limitations within specific environments (e.g. informal settlements) and accept that outdoor spaces smaller than the current minimum can be used optimally and suffice	<p><u>Allow 1m<sup>2</sup> per child as the minimum</u> where outdoor space is limited due to situational factors (e.g. limited physical space within an informal settlement) provided there is a clearly defined plan as to how such space is optimised (e.g. rotating children's outside play time; providing suitable play equipment).</p>
<b>Fencing</b>	Accept more basic fencing.	<p><u>Existing facilities:</u> It is suggested that the following minimum fencing can suffice:</p> <ul style="list-style-type: none"> <li>• <i>Rural centres:</i> Minimum fence height should be 1.2m (instead of 2m as required by some municipalities)</li> <li>• <i>Informal settlements:</i> Minimum fence height should be 1.2m but alternative fencing materials should be permitted provided they are non-harmful (e.g. no sharp edges or protrusions). Materials may include: planks or corrugated metal instead of wire mesh.</li> <li>• <i>Gates</i> that can be properly closed and locked should be acceptable - self-closing and self-locking gates are expensive.</li> </ul> <p><u>New facilities:</u></p> <ul style="list-style-type: none"> <li>• Minimum fence height should be 1.8m and constructed of wire mesh.</li> </ul>

## 7. ADDITIONAL SUGGESTIONS FOR FLEXIBILITY

The following suggestions are made in order to enable the above-mentioned flexibility to be successfully implemented and for ECD infrastructural improvements to be effectively and programmatically implemented by means of an area-based approach. It is noted that such an approach commences with Rapid Assessment and Categorisation (RAC) of ECD Centres in rural and informal settlement areas and that all data (including GPS coordinates) will be made available to both DSD district offices and Municipal personnel.

The following enabling actions and flexibilities are suggested:

### Municipalities:

- Issue blanket (batch) zoning to all existing ECD Centres once DSD social worker and municipal EHPs have assessed centres and confirmed them as being worthy of state support (i.e. centres in categories A,B1 and B2).
- Wave re-zoning costs for ECD Centres serving poor underserved communities or arrange for this to be paid for by the Municipality in terms of the Equitable Share.
- Issue standard letters for purposes of ECD partial care facility registration to indicate
  - where a particular centre is within a rural / informal settlement and cannot yet be zoned;
  - building plans were received but cannot be approved until township establishment has taken place (especially in case of conventional extensions and new builds).
- Make provision in their planning for all existing and new ECD Centres when formalising informal settlements or establishing new green-fields residential developments (i.e. establishing a new township).
- Make arrangements for the allocation of land for ECD Centres including for existing centres. This may require engagement with National Treasury given the current constraints in municipalities allocation land to NPOs.
- Approve building plans at zero or reduced cost for ECD NPOs operating in poor underserved communities
- Provide rates rebates for ECD NPOs in such communities
- Amend the Indigent Policy to allow ECD Centres in poor underserved communities to apply for reduced monthly municipal service charges. (Many of the ECD Centres are dependent on the contributions of parents who are also registered as Indigent consumers.)
- Provide water and sanitation to all ECD Centres (NPO or private) in poor and underserved areas free of charge.
- Provide guidelines for the construction of affordable, sturdy informal structures for ECD operators for building non-conventional (informal) structures (e.g. durable materials, how to ensure a sturdy framework, dry floor, resistance to rain and wind, acceptable thermal performance, etc. It is likely that this can best be achieved in collaboration with National and Provincial Government (e.g. NDHS). These documents can be distributed via the ward councillor's office within each informal settlement.
- Avail building inspectors to advise ECD operators on how to improve their centres to ensure sturdy, safe, and acceptable structures (i.e. implement the above guidelines).

#### National and Provincial Government (e.g. NDHS/Treasury):

- Assist municipalities to (or directly develop) appropriate guidelines for the construction of affordable, sturdy less-informal structures for ECD operators for building non-conventional (informal) structures (as outlined above).

#### Department of Social Development:

- Develop and provide standard letters of support to accompany ECD centre building plans - it is important for Municipalities to know that the centre is supported by DSD (i.e. as a centre worthy of support and incremental improvement (e.g. category B1 or B2)).
- Consider channelling some of the DSD's Infrastructure funding via established housing delivering mechanisms (e.g. direct to municipalities and/or via provincial DHSs) for the provision of NPO specification or non-conventional ECD structures including new builds, extensions, renovations, movable 'edutainers', or new low cost non-conventional structures.

#### Department of Human Settlements:

- Consider availing Emergency Housing funding for non-conventional ECD structures (along the lines of the temporary structures provided for under the Programme).

## **8. LOW-COST NON-CONVENTIONAL STRUCTURES**

Low-cost, non-conventional structures (including traditional structures, informal 'shack-type' structures and other non-conventional low-cost structures<sup>18</sup>) need to be included within the national ECD support programme subject to certain conditions and minimum specifications being met. It is recognized that many de-facto centres operate out of these types of structures and that in some circumstances, the provision of comparatively costly conventional structures may be un-feasible (e.g. when the underlying land is not secured or due to budgetary constraints).

This section must be read in conjunction with section 6 above and 9 below and in particular with the sections pertaining to building plans and zoning.

As yet there are no generally-accepted guidelines for low cost, non-conventional structures whether of the type encountered within informal settlements or those encountered within traditional rural settlements. There is however already some level of acceptance that such non-conventional building methods may be acceptable under some circumstances. For example:

- A. The Emergency Housing Programme contained within the National Housing Code provides for the provision of temporary low-cost housing which is often utilised to establish temporary relocation areas, or to replace shacks destroyed by shack fires or to replace rural dwellings destroyed by severe weather events.
- B. A study undertaken by CSIR and Agreement SA has indicated that traditional buildings can be adapted and improved to provide adequate and appropriate accommodation for a variety of purposes<sup>19</sup>.

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<sup>18</sup> E.g. along the lines of the temporary structures provided for under the Emergency Housing Programme

<sup>19</sup> "The Case For Improving The Performance Of Indigenous Earth Dwellings In Rural South Africa", Don MacLeod, Architect Consultant 19 March 2002 CSIR and Agreement SA.

It has therefore been suggested (as outlined in the preceding section) that guidelines for the construction of affordable, sturdy informal structures (of both the type as well as those along the lines provided for under the Emergency Housing Programme) for ECD operators for building non-conventional (informal) structures (e.g. durable materials, how to ensure a sturdy framework, dry floor, resistance to rain and wind, acceptable thermal performance, etc). It is likely that this can best be achieved with assistance from National and Provincial Government (e.g. NDHS/Treasury).

### **Traditional structures:**

Traditional structures (typically 'wattle and daub') should be accommodated where other alternatives do not exist including where there are constraints with available funding. It should be accepted that existing and new traditional structures will continue to represent a substantial percentage of South Africa's building stock for many years to come. The afore-mentioned study by the CSIR and Agreement SA indicate the following in terms of existing and new buildings:

#### Existing facilities:

- *"Houses that have been destroyed and those that have been so damaged that they are unsafe to live in must be replaced."*
- *"The performance of traditional houses that are structurally sound can be improved in several ways such as:  
a) Replace or cover existing rendering with mesh-reinforced plaster, b) ensure that the adjacent ground levels are well below floor level and that surface water is shed away from the building, c) cast a 900 mm wide concrete plinth around the building at least 150 mm below floor level d). replace inadequate roof members and if necessary, the roof covering, e) install a ring beam at eaves level where movement of roof timbers is evident, f) install window cills with DPCs, g) secure door and window frames, h) paint the wall surfaces. These measures could also be used to improve the habitability of undamaged traditional housing and to reduce the maintenance burden that many of the homeowners find onerous and unaffordable".<sup>20</sup>*

New facilities: New facilities should preferably be formally built but where it is not possible, it is suggested that new traditional (wattle and Daub) structures nonetheless be accommodated. Agreement SA indicates that *"1. new dwellings can be constructed using traditional materials and building techniques, that will have improved performance with regard to weatherproofness, durability, structural strength and stability and have a required maintenance regime closer to that of conventional construction; 2. the aesthetics, performance, durability, and life span of much of the existing stock of traditional buildings can be improved and the maintenance burden reduced to an acceptable level for the occupants of these dwellings."*

### **Existing informal ('shack-type') structures:**

Informal "shack-type" structures vary greatly in their materials, safety and functionality. In most cases, such structures are not temporary but are "here to stay". In many respects they may be functional for informal settlement environments and their residents due to such considerations as cost, speed of construction, informal tenure arrangements and uncertainty over future relocation. It is suggested that such structures be assessed to see what type of materials and construction are used, whether or not they are safe and

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<sup>20</sup> Further follow up with CSIR/Agreement SA suggested to obtain further advice on the structural assessment of traditional homes.

functional<sup>21</sup>, or if improvements can/should be made. Reference could be made to the specifications of the Emergency Housing Programme or other guidelines for such structures which might be developed in future. Advice and assistance could be provided to owners/operators in making structural and other improvements.

**New low cost structures along the lines of the Emergency Housing Programme:**

New structures of the above typology (typically making use of corrugated metal and other recognised materials) should meet basic requirements that need to be set down (e.g. along the lines of those set down within the Emergency Housing Programme of the Department of Human Settlements). These could be made available in kit form, or small contractors could be appointed to put up these structures. As outlined previously, additional guidelines should be developed in this regard. It is noted that there are already established processes, standards, specifications and procedures in place for Emergency Housing and these could be adapted (or even used as it) for purposes of low cost, rapid ECD building provision where circumstances warrant this (e.g. within some informal settlements). It is noted that the National Building Regulations do not apply to the Emergency Housing Programme.

**Movable structures (e.g. 'edutainers' or prefabricated buildings):**

These solutions may be appropriate where the underlying land is not state or NPO-owned or where there is doubt about how long the centre will remain at its currently locality (e.g. due to future settlement relocation).

- Edutainers refer to purpose-made converted containers which meet the requirements of the DSD. They are typically 12.0m long x 2.3m wide x 2.4m high shipping containers that have been remodelled and fitted to be an 'instant classroom', taking up to 25 children. These containers consist of mild steel sections forming the frame, corrugated side walls and roof, cargo-loading door and timber floor. These containers are able to satisfy the requirements of the NBR and the DSD. Bright Kid Foundation works closely with DSD and established early-childhood development NGO's. Edutainers are only allocated to competent trained teachers. Edutainers are structurally robust and are designed to be relocatable without suffering structurally. There are however a number of issues to take into account when delivering or moving edutainers such as site accessibility, topography and crane access. Edutainers can be used for new facilities or as extensions to existing facilities.
- Existing converted containers: Existing containers being used for ECD (distinct from edutainers) may potentially be upgrade-able but such investment must be cost effective. This may occur where containers previously used for purposes such as construction site offices are now being used for ECD.
- Prefabricated buildings are usually either a partially or completely assembled building that complies with the NBR. Some of these buildings are designed to be reused. The technologies generally used for these buildings are insulated steel panels, insulated fibre-cement panels, or concrete panels. A significant advantage of panellised construction, and dry construction (relying on mechanical joints and not mortar joints), is that the system can be 'deconstructed' and not

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<sup>21</sup> Durable (e.g. wood, corrugated iron) or non-durable ( e.g. card board, canvas). Structurally sound (e.g. spacing of poles and roof rafters/purlin). Roof water proofness. Roof height. Type of flooring. Thickness of roof sheets. Fitting of doors and windows. Natural light. Ventilation.

demolished. Prefabricated buildings can be rapidly erected, quality can be more easily assured, and they may potentially be slightly more cost-effective (but probably not substantially).

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## 9. DETAILED ASSESSMENT OF CURRENT REQUIREMENTS AND PROPOSED FLEXIBILITY

Norms and Standards for Partial Care Registration	Municipal and Provincial Standards	Flexibility and minimum standard proposed (only on aspects where flexibility is required)
<p><b>1. Zoning</b> (Act No. 41, 2007 Clause 78 (b)(ii) ) The centre must comply with “the structural safety, health and other requirements of the municipality of the area where the partial care facility is situated.”</p>	<p>Municipalities require that all sites on which ECD Centres are located need to be appropriately zoned in terms of an approved town planning scheme (e.g. ‘institutional’ or ‘educational’)</p> <p>Note: Every property within a formally established township has a set of regulations to control development. These regulations are determined by the zoning of the property. Property zoning is set out in the applicable Town Planning Scheme, which determines such aspects as possible land use, floor area, coverage, building lines, parking provisions etc<sup>22</sup>.</p>	<p><u>Comment:</u> Zoning is required for ECD Centres to register as a Partial Care Facility. Zoning costs are unaffordable for all ECD Centres rendering services in poor communities and should be waived or be paid for by the Municipality in terms of the Equitable Share</p> <p><u>Suggested flexibility:</u> It is suggested that the formal zoning requirement for centres in informal settlements and rural communities be waived where there is no proclaimed township.</p> <p><u>Suggested revised minimum standards:</u> (For centres categorised as A, B1, B2 and C1(emergency mitigation) that require basic infrastructure and minor repairs as well as substantial renovations, extensions or new structures )</p> <ul style="list-style-type: none"> <li>• <i>Informal Settlements</i> <ol style="list-style-type: none"> <li>1) For informal structures(“shack), movable structure (edutainer or prefab building on land that does not belong to the Municipality:               <ul style="list-style-type: none"> <li>○ Letter from land owner permitting temporary or movable structure to be erected on their land <u>unless there is already a land agreement between the municipality and the land owner</u> that would allow development on that land.</li> <li>○ Letter from Municipality confirming that the land is not up for imminent relocation and that Zoning Certificate cannot be issued due to the fact that these areas are not falling within formalised townships and that this should not be considered a reason by DSD to withhold Partial Care Registration.</li> </ul> </li> </ol> </li> </ul>

<sup>22</sup>[http://joburg.org.za/index.php?option=com\\_content&task=view&id=552&Itemid=9#ixzz3mTfEURrW](http://joburg.org.za/index.php?option=com_content&task=view&id=552&Itemid=9#ixzz3mTfEURrW)

Norms and Standards for Partial Care Registration	Municipal and Provincial Standards	Flexibility and minimum standard proposed (only on aspects where flexibility is required)
		<p>2) For permanent structures to be erected on Municipal or NPO owned land in informal areas</p> <p>Letter from the municipality to confirm that</p> <ul style="list-style-type: none"> <li>○ the land is owned by the municipality</li> <li>○ Preliminary settlement layout is in place which indicates that the ECD site is a viable permanent site (e.g. not located in future service land such as road servitude)</li> <li>○ a Zoning Certificate cannot be issued at this stage and that this should not be considered a reason by DSD to withhold Partial Care Registration</li> <li>○ building plans have been submitted but that it will only be approved once the township establishment is done.</li> </ul> <p>• <i>Rural areas</i></p> <p>For any type of structure (traditional, informal or conventional)</p> <p>A Permission to Occupy (PTO) will suffice at this stage.</p> <p>Comment: This may change once procedures are determined for zoning in terms of the Spatial Planning and Land Use Management Act, (16 of 2013) that came into effect in July 2015</p> <ul style="list-style-type: none"> <li>○ <i>Recently formalised and formal townships</i></li> <li>○ Sufficient provision be made to accommodate existing ECD centres and planning of more sites when informal settlements are formalised</li> </ul> <p><u>Comments:</u></p> <ul style="list-style-type: none"> <li>• <i>Formalising of townships</i></li> <li>○ Environmental Health Practitioners should be required to record the GPS positions of all ECD Centres that they are visiting (including informal Settlements and rural areas) and that these</li> </ul>

Norms and Standards for Partial Care Registration	Municipal and Provincial Standards	Flexibility and minimum standard proposed (only on aspects where flexibility is required)
		<p>coordinates be provided to Town Planning Section so that the location of each ECD Centre can be mapped.</p> <ul style="list-style-type: none"> <li>○ When an informal settlement is formalised, existing ECD Centres in these areas must be taken into account and the Municipality must ensure that provision is made for enough ECD sites to accommodate existing centres as well as a couple more sites. The zoning of these centres should be done upfront (in much the same way that the determine sites for business or churches in the town planning scheme.)</li> <li>○ Municipalities investigate the possibility of making land available for existing and new ECD Centres in terms of a land availability agreement at no cost to the ECD Centre as it is near impossible for ECD Centres to be allocated a site in terms of the current municipal procurement procedures. This issue must also be taken up with National Treasury</li> <li>• <i>Traditional land</i> <ul style="list-style-type: none"> <li>○ It is suggested that all existing ECD Centres on traditional land be identified and be allocated a blanket ECD zoning and that such zoning certificates be issued to both the ECD Centres and the Provincial DSD.</li> </ul> </li> </ul>
<p><b>2. Building plans</b> New buildings or alterations should meet the building standards of the National Building Regulations and Building Standard Act, 1997</p>	<p>Every structure on premises on which any child care facility is operated or is to be operated must comply with the requirements of the National Building Regulations. The structure must be</p> <ul style="list-style-type: none"> <li>a) stable;</li> <li>b) waterproof;</li> <li>c) sufficiently ventilated;</li> <li>d) constructed of materials which are safe;</li> <li>e) supplied with a portable fire extinguisher or other appropriate firefighting equipment;</li> </ul>	<p><u>Comment:</u> The description a) – f) of what is expected, is reasonable even for informal buildings (often referred to as “shacks” or “traditional” buildings) - similar to the houses in which people are accommodated 24/7 even though these informal structures may not meet the National Building Regulations. These may be located in rural settlements, informal settlements and in newly developed areas. The fact that it is an informal structure does not mean that it is unsafe and does not necessarily prevent ECDs from rendering a good ECD service.</p> <p><u>Suggested flexibility and revised minimum standards:</u></p> <p>A) <u>It is suggested that the requirement for approved formal building plans be waived in cases</u></p>

Norms and Standards for Partial Care Registration	Municipal and Provincial Standards	Flexibility and minimum standard proposed (only on aspects where flexibility is required)
	<p>f) does not contain any physical features which present or might present a risk to children;</p>	<p>i. <i>where informal or traditional buildings are used (existing and new buildings):</i> An alternative may be to require ECD centres to provide a hand drawn sketch with measurements plus specified set of photos (including site, building elevations, etc.) for record purposes. Most ECD operators have cell phones and would be able to provide photos that will give a good indication of the type, size and condition of the buildings. This information could also be collected by the Environmental Health Practitioner during their inspections.</p> <p><u>Comment:</u> DSD may consider enter into negotiations with DHS and Municipalities to fund and provide structures similar to emergency shelter issued by DHS for use as ECD Centres in informal settlements or newly developed areas. (Refer to Housing Code Part 3: Emergency Housing Programme (Annexure B page 79 &amp; 80)</p> <p>Alternatively Municipalities could compile guidelines for the construction of affordable, sturdy informal structures which can advise prospective ECD operators on materials to be used and how to ensure a sturdy framework, dry flooring and safe, non-leaking roofing structure, etc. These documents can be distributed via the ward councillor’s office within each informal settlement.</p> <p>ii. <i>Where new buildings/extensions, either state- or donor-funded, are to be provided within informal settlements areas not yet formally established</i></p> <ul style="list-style-type: none"> <li>• for movable or containerised units (e.g. edutainers) or prefab buildings that meet most of the DSD’s ECD requirements and which can be moved to a formal site when the informal settlement is formalised.</li> <li>• For permanent structure in those areas where initial planning and or land surveying completed and where it can be confirmed</li> </ul>

Norms and Standards for Partial Care Registration	Municipal and Provincial Standards	Flexibility and minimum standard proposed (only on aspects where flexibility is required)
		<p>that the proposed site is a viable site</p> <p>It is however recommended that</p> <ul style="list-style-type: none"> <li>○ Traditional and less-formal building methods (where these are safe, structurally-sound and functional<sup>23</sup>) be accepted as well as movable containerised units (e.g. 'edu-tainers') or prefabricated buildings provided they meet the revised minimum requirements.</li> <li>○ A formal drawing of building and site plan with specifications and cost estimates plus a specified set of photos (including site, building elevations, etc.) of current and proposed buildings/infrastructure. These should be provided to DSD and Municipality (for record purposes) but will only be approved once township establishment has been completed.</li> </ul> <p>iii. <i>Where building plans of existing conventionally built centres cannot be located:</i> In many instances ECD Centres are making use of formal buildings (whether in established towns, rural, peri-urban or informal settlements) but building plans cannot be traced / found at the municipality. It is suggested that in such cases both the DSD will accept a hand drawn sketch with measurements plus specified set of photos (including site, building elevations, etc.) provided by ECD centres. If the Municipality does not want to waive the requirement, it is suggested that the municipality allow the ECD Centre to apply for assistance to get the building plan drawn by a suitably qualified person and that the Municipality pay the draftsman from the Equitable Share. It is unaffordable for ECD Centres that are dependent on monthly contributions paid by poor communities to get a professional draughtsman to provide formal drawings to scale.</p>

<sup>23</sup> The process for making this determination still needs to be defined. A CSIR publication "The Case for Improving the Performance of Indigenous Erf Dwellings in Rural South Africa" dated March 2002 already accepts traditional construction methods and the potential to enhance them. Further assessment is required. It is unlikely that a municipal building inspector can play this role given that they are bound by current, conventional and formal building regulations. It is also unlikely that registered builders or built environment professionals (e.g. architect, civil engineer, construction project manager) could play this role for similar reasons.

Norms and Standards for Partial Care Registration	Municipal and Provincial Standards	Flexibility and minimum standard proposed (only on aspects where flexibility is required)
		<p>B) <u>It is also suggested that a reduced, affordable rate for the submission of building plans for all ECD Centres operating in poor underserviced communities be determined by the Municipality</u></p> <p>C) <u>It is further suggested that where formal conventional buildings (extensions/ new buildings) are to be built on Traditional land PTO be accepted as well as a standard letter be issued by the Traditional Authority to confirm that formal plans have been submitted to the Traditional Authority (Note: It is expected that more concrete arrangements will be made for approval of Building plans in terms the Spatial Planning and Land Use Management Act, (16 of 2013) that came into effect in July 2015 in future)</u></p>
<p><b>3. A safe environment for Children</b></p> <ul style="list-style-type: none"> <li>• Children are safe and cared for while at the centre</li> <li>• Premises and equipment are safe, clean and well maintained and the structure or building is safe and weatherproof</li> <li>• Children are transported safely and protected from the risk of fire, accidents and other hazards</li> <li>• There is adult supervision at all times</li> </ul>		<p>Comment: No flexibility required</p>
<p><b>4. Proper care for sick children or children who become ill</b></p> <ul style="list-style-type: none"> <li>• Staff should be able to identify sick children and refer them for appropriate health care</li> <li>• Policies and procedures on the health care of children while at the centre should be in place, and the procedure to deal with sick</li> </ul>	<p>Every premises on which a child care facility is operated must have an area set aside as a sickbay for the treatment and care of any child who becomes ill or who is injured until such time as the child is collected by his or her parents or guardian. (2) The sickbay may only be used for the treatment of ill or injured children</p>	<p><u>Comment</u>: ECD Centres operating in poor communities may just not have the space or financial means to formally subdivide a play room for this purpose and or to extend the building for an office and sick bay. A separate sick room and office should not be mandatory provided the suggested alternatives outlined below are in place.</p> <p><u>Suggested minimum standard</u></p>

<b>Norms and Standards for Partial Care Registration</b>	<b>Municipal and Provincial Standards</b>	<b>Flexibility and minimum standard proposed</b> (only on aspects where flexibility is required)
<p>children must be followed</p> <ul style="list-style-type: none"> <li>• Medical records should be kept</li> <li>• A first aid kit should be available in every centre</li> <li>• Where more than 50 children are enrolled for a full day at an ECD Centre, a separate room should be used as an office and sick bay.</li> </ul>	<p>(3) The sickbay must be equipped with (a) an approved, fully lockable and fully equipped first-aid unit, which must be kept out of the children's reach; and (b) a bed or a mattress. (4) Every sickbay must have an approved method for washing hands Every centre must have a working telephone available to notify parents or guardians of illness or injury and, where applicable, to summon medical assistance.</p>	<p><u>Existing buildings:</u> It is suggested that a separate space be provided for a desk / office furniture for the ECD Practitioner and bed for a sick child and that the child be isolated from the rest of the children by means of a curtain or low barrier in such a way that the sick bay can be incorporated back in to the playroom space when no one is sick.</p> <p><u>New buildings:</u> An office cum sick bay should suffice</p>
<p><b>5. Adequate space and ventilation</b></p> <ul style="list-style-type: none"> <li>• The ECD centre should have proper ventilation and enough light</li> <li>• Spaces for different activities should be clearly identified</li> <li>• New buildings or alterations should meet the building standards of the National Building Regulations and Building Standard Act, 1997</li> </ul>	<p>According to the National Building Regulations - "Any habitable room in any dwelling house or dwelling unit, or any bedroom in any building used for residential or institutional occupancy" MUST have at least one opening for natural light – even if there is artificial lighting.<sup>24</sup></p> <p>"natural ventilation should be organized so that doors and windows relate to one another in such a way that the room will be effectively ventilated, and it should be at least five percent of the floor area of the room (or at least 0,2 square metres if the room is very small)<sup>25</sup></p>	<p><u>Comment:</u> transparent roof sheets and external stable doors can be used to increase natural light and ventilation where it may be difficult to add another window</p>
<p><b>6. Safe drinking water</b></p> <ul style="list-style-type: none"> <li>• Safe and clean drinking water must always be available</li> </ul>		<p><u>Comments</u> ECD Centres are dependent on the services municipalities are able to render in terms of water provision.</p>

<sup>24</sup> <http://sans10400.co.za/regulations-2/sans-10400/sans10400-nbr-sa/>

<sup>25</sup> <http://sans10400.co.za/regulations-2/sans-10400/sans10400-nbr-sa/>

Norms and Standards for Partial Care Registration	Municipal and Provincial Standards	Flexibility and minimum standard proposed (only on aspects where flexibility is required)
<ul style="list-style-type: none"> <li>Where piped water is not available, water should be made safe and treated according to the approved national health guidelines for treating water (by adding one teaspoon of bleach to 25liters of water)</li> <li>Water storage containers should be covered at all times</li> </ul>		<p><u>Existing and new facilities:</u> Standards provided for in the Act for Partial Care Registration i.e. a 25L covered water container containing treated water sufficient instead of piped, running water.</p>
<p><b>7. Hygienic and adequate toilet facilities</b></p> <ul style="list-style-type: none"> <li>ECD centres caring for toddlers should have potties, toilets and washbasins that can be accessed by toddlers</li> <li>Children should be supervised by an adult when using a toilet</li> <li>Centres should meet the requirements of the local authority regulations and by-laws regarding the building or structure and the health requirements</li> <li>Every child under the age of three years should have a potty and potties should be emptied and cleaned after use in a hygienic manner</li> <li>There should be a specific nappy changing area located away from the kitchen area</li> <li>For children aged 3 – 6 years, there should be one toilet and washbasin for every 20 children</li> <li>Where no sewerage system is available, there should be one appropriate toilet at or next to the ECD centre</li> <li>All toilets should be safe and hygienic</li> </ul>	<ul style="list-style-type: none"> <li>Toilets must have an adequate– <ul style="list-style-type: none"> <li>supply of toilet paper, soap and paper towels available and accessible to the children; and</li> <li>number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials.</li> </ul> </li> <li>Separate adult toilet and hand washing facilities must be provided for the staff in terms of the National Building Regulations</li> <li>Separate facilities for all boys and girls</li> <li>A place for children to bath</li> </ul>	<p><u>Suggested minimum standard ( new and existing facilities)</u></p> <ul style="list-style-type: none"> <li>Minimum standards provided for in the Act for Partial Care Registration be utilised e.g.:</li> <li>Use of covered water container (instead of hand-basin) for hand-washing – one for every 20 children (where hand-basins are not available).</li> <li>Accepting VIPs instead of flushing toilets (in the event that a Municipality might require these) at the stipulated ratio of 1 toilet for every 20 children (not using a potty).</li> <li>accepting that boys and girls share toilet and washing facilities – the Act does not specify that these be separate).</li> </ul> <p><u>Some additional flexibilities e.g.:</u></p> <ul style="list-style-type: none"> <li>use of ‘tippy taps’ for handwashing instead of covered containers or hand-basins – suggest one 2L tippy tap bottle per 10 children and refilled regularly.</li> <li>one potty for every 5 child under the age of 3 instead of one for every child.</li> <li>children may be washed in a cordoned off area within playroom instead of within a dedicated bathroom).</li> </ul>

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<ul style="list-style-type: none"> <li>Where no running water is available, 25 litres of drinkable water must be supplied to the ECD centre daily</li> <li>Instead of washbasins, one suitable container for every 20 children can be used if the container is cleaned, kept closed, and the water changed regularly</li> <li>For children aged six years and older, there should be hygienic and safe toilets, with one toilet and washbasin for every 20 children</li> </ul>		
<p><b>8. Safe storage of harmful substances and objects</b></p> <ul style="list-style-type: none"> <li>Medicines and other dangerous substances or dangerous objects should be kept out of reach of children, in locked or child-proof cupboards</li> <li>Dangerous substances should not be used near to the children</li> <li>Electrical plugs and appliances, paraffin and gas should be kept out of children's reach</li> </ul>	<p>“(1) Any premises on which a child care facility is operated must have adequate and suitable storage space and storage facilities for–</p> <p>(a) food, crockery, cutlery and kitchen utensils, if a kitchen is provided;</p> <p>(b) the personal belongings of each child; and</p> <p>(c) the personal belongings of the staff of the child care facility.</p> <p>(2) The storage facilities must be lockable”</p>	<p><u>Suggested flexibility</u></p> <p>ECD Centres may not have the necessary funding to provide lockable storage as required by some municipalities for food, crockery, personal belongings. Non perishable food can be stored in containers with closed lid and personal belongings can be stored in designated areas in the playroom (e.g. hooks on the wall / open shelves)</p> <p><u>Suggested minimum standard (existing and new buildings)</u></p> <p>Lockable cupboard for harmful substances and dangerous objects.</p>
<p><b>9. Access to adequate means of refuse removal</b></p> <ul style="list-style-type: none"> <li>Where possible, refuse must be disposed of according to municipal regulations</li> <li>Waste must be kept out of children's reach, and methods of waste disposal must be</li> </ul>	<p>Any person in charge of a child care facility must provide–</p> <p>(a) an adequate number of bins with liners and tightly closing lids, inside the premises, for the disposal of paper, paper towels, tissues and other waste materials;</p> <p>(b) an approved refuse area, which is roofed and is graded to a gully and fenced; and</p>	<p><u>Comment:</u> Refuse removal services are usually not rendered in rural areas. There is no transport to remove refuse from the site and it cannot just be buried – the centre will run out of space. It has no choice but to regularly burn the refuse. ECD Centres should be using organic waste to make compost for their vegetable garden.</p> <p>Refuse removal in Informal Settlements are also often irregular. ECD</p>

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<p>safe and covered</p> <ul style="list-style-type: none"> <li>Waste disposal areas should be sanitised</li> </ul>	<p>(c) adequate refuse bins within the refuse area for the storage of refuse pending removal by the Municipality or an approved contractor.</p>	<p>Centres typically cannot afford 'wheely bins' or other big bins with closing lids but they may be able to store the refuse in closed black bags away from the children in an area cornered / fenced off / not accessible by the children in informal settlement. ECD Centres in informal settlements will most probably not use organic waste for compost as the sites are usually quite small. Storage in informal settlements is problematic</p> <p><u>Suggested minimum standard (existing and new buildings)</u></p> <p>It is suggested that the following alternatives be permitted:</p> <ul style="list-style-type: none"> <li>where municipalities <i>can</i> collect solid waste, that the waste be separated into recyclable and non-recyclable types and placed preferably in 'wheely-bins' or else plastic bags provided by the municipality and stored in a cordoned-off area inaccessible to children – municipalities should collect such solid waste on a regular basis (preferably twice a week or at worst once a week).</li> <li>where municipalities <i>cannot</i> collect waste, then open-trench on-site refuse disposal should be permitted (typically in rural areas) provided such trenches are cordoned off and inaccessible to children and provided that organic waste is disposed of in a dedicated trench or compost heap and that all remaining waste be placed in a separate trench and burned on a regular basis when children are not present at the facility.</li> </ul>
<p><b>10. A hygienic area for the preparation of food for children</b></p> <p>There should be:</p> <ul style="list-style-type: none"> <li>A specific, clean and safe area for the preparation of food and for cleaning after food preparation, enough clean water and cleaning agents</li> <li>A specific, clean and safe area for serving</li> </ul>	<p>Some municipalities require that the kitchen must –</p> <ul style="list-style-type: none"> <li>have a double bowl sink;</li> <li>have a hot water supply;</li> <li>have a separate hand wash basin;</li> <li>be arranged so that the utensils and other kitchen equipment are inaccessible to children; and</li> </ul>	<p><u>Existing and new facilities:</u> Suggested minimum standards</p> <ul style="list-style-type: none"> <li><i>Separate food-serving area:</i> A separate area in which food is served/ consumed should not be mandatory. Children should be permitted to eat in the play-room provided the area is cleaned after mealtime.</li> <li><i>Cooling facility (e.g. fridge):</i> Where there is no electricity and/or where the centre does not have the financial means: Make use of foods that do not rapidly perish (e.g. vegetables and fruits) or else which are non-perishable (e.g. tins, powdered foods) or where food is perishable, it should be replenished on a daily basis.</li> </ul>

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<p>food to children</p> <ul style="list-style-type: none"> <li>• Cooling and storage facilities for the food</li> <li>• A food preparation area that is clearly identified and out of children’s reach</li> </ul>	<ul style="list-style-type: none"> <li>• meet the requirements of the Regulations Governing General Hygiene Requirements For Food Premises and the Transport of Food made in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) and published by Government Notice R962 of 23 November 2012.</li> <li>• Have cooling and storage facilities for the food</li> <li>• Separate milk kitchen/ area for preparation of baby food.</li> <li>• Facilities to boil water for sterilization.</li> <li>• If using gas or paraffin it should be stored outside safely</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Food preparation area:</i> double sinks, hot water supply, a separate hand basin as required by some municipalities should not be mandatory. Separate dish and hand washing containers and a pot used for boiling water should suffice.</li> <li>• ECD Centres should be permitted to use a separate table or work surface for the preparation of baby food instead of a separate milk kitchen / area for the <i>preparation of baby food</i></li> <li>• <i>Food storage:</i> not all ECD centres can afford lockable cupboards - non-perishable food can be stored in containers with tight closing lids</li> <li>• <i>Gas and paraffin</i> should be store in the kitchen in a safe place as it may not be practical to store these outside the building as it may be stolen;</li> </ul>
<p><b>11. Indoor floor space</b></p>	<p>Indoor unobstructed play area:</p> <ul style="list-style-type: none"> <li>• 0-2 years – 3m2 per child</li> <li>• 2-6 - 1.5m2 per child</li> </ul>	<p><u>Suggested minimum standards (existing buildings)</u></p> <ul style="list-style-type: none"> <li>• 2m2 in play-area/nursery for babies (instead of 3m2 as required by some municipalities)</li> <li>• 1.2-1.49 m2 in play-area for 2-6 year olds (instead of a minimum of 1.5 m2 as required by the Act)</li> <li>•</li> </ul>
<p><b>12. Separating children into different age groups</b></p> <ul style="list-style-type: none"> <li>• Where possible, children should be separated, in separate rooms or spaces, into the following age groups: <ul style="list-style-type: none"> <li>a) Children younger than 18 months</li> <li>b) Children aged 18 – 36 months</li> <li>c) Children aged 3 – 4 years</li> <li>d) Children aged 4 – 6 years</li> <li>e) School-going children in after-care,</li> </ul> </li> </ul>	<p>The following child / staff ratios are prescribed in DSD guidelines: 0-18 months 1:6; 19 months – 3 years 1: 12, 3 -4 years 1:20 and 5-6 year 1:30. For every staff member stipulated above, there must be an assistant.</p>	<p><u>Suggested minimum standards (existing buildings)</u></p> <ul style="list-style-type: none"> <li>• <i>Children aged 3-5 may share a playroom</i> where the ECD centre only has one playroom and / or where there is only one ECD practitioner provided the revised minimum ‘indoor space’ outlined above are adhered to.</li> <li>• <i>Higher child-staff (ECD practitioner) ratios:</i> in 3-5 year old group should be allowed where demand is high and where there the playrooms offer adequate space to accommodate a few more children and where it does not exceed the revised minimum ‘indoor space’ outlined above. It is suggested that an additional 5 children extra per practitioner be permitted – 25 instead of 20 children per ECD practitioner.</li> </ul>

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where provided		
<p><b>13. The development of action plans for emergencies</b></p> <ul style="list-style-type: none"> <li>• Precautions must be taken to protect children from the risk of fire, accidents and other harmful events</li> <li>• There should be policies and procedures to deal with emergencies and disasters, such as up-to-date emergency plans including evacuation procedures</li> <li>• Staff should be trained to deal with emergencies and children should be made aware of emergency procedures</li> </ul>		<p><u>Comment</u> It is unlikely that centres in rural and informal settlements would have the know-how as to how to draft these policies.</p> <p>Suggested minimum standard</p> <ul style="list-style-type: none"> <li>• Very basic and realistic policies and procedures must be provided to ECD Centres</li> <li>• All staff member must be formally trained on the implementation of these policies by Environmental Health practitioners</li> </ul>
<p><b>14. The development of policies and procedures regarding health care at the ECD centre</b></p> <p>Policies should:</p> <ul style="list-style-type: none"> <li>• Include procedures for dealing with infectious diseases at the centre, and for dealing with the medical needs of sick and chronically ill children</li> <li>• Address standards of hygiene and cleanliness at the ECD centre</li> <li>• Provide for the training of staff in first aid</li> <li>• Include procedures for record keeping on the storage and use of medicine and the promotion of confidentiality when dealing with health issues</li> <li>• Promote ongoing staff training on keeping a</li> </ul>		<p><u>Comment</u> It is unlikely that centres in rural and informal settlements would have the knowhow as to how to draft these policies.</p> <p>Suggested minimum standard</p> <ul style="list-style-type: none"> <li>• Very basic and realistic policies and procedures must be provided to ECD Centres</li> <li>• All staff member must be formally trained on the implementation of these policies by Environmental Health practitioners</li> </ul>

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<p>health environment and on the identification of illness in children</p> <ul style="list-style-type: none"> <li>Encourage and support staff to take care of their own health</li> </ul>		
<p><b>15. Disability</b> (Children’s Act clause 78(2) (k) Provision should be made for access to the building by children with disabilities</p>		<p><u>Comment</u> Not all ECD Centres have the funding make their centre (playroom and all toilet facilities) disability friendly. Disability accessibility should not be a deciding factor for partial care registration It is suggested that</p> <ul style="list-style-type: none"> <li>DSD determines need and type of disability</li> <li>DSD arranges inspections by Disability expert to assess potential of existing ECD Centres to be adapted at a reasonable cost without extensions and major structural improvements. The specific circumstances at the ECD Centre should be taken into account. Some centres are built on steep sites, some centres are fairly small and will not afford proper manoeuvrability for wheel chair users. Existing VIPs may be too narrow, etc.</li> <li>DSD discusses that with parents and ECD Centre staff and management</li> <li>Government provides plans and capital to make a centre wheelchair friendly in terms of their SLA with the NPO.</li> <li>DSD to provide funding for training of staff (e.g. to communicate with deaf children) and increased operational funding to appoint and pay additional staff</li> </ul> <p>Suggested minimum standard</p> <ul style="list-style-type: none"> <li><u>Existing facilities:</u> should not be required to adapt their centres if DSD is not providing both the capital / operational funding to make provision for children with disabilities.</li> <li><u>New facilities:</u> should be wheel chair accessible (playrooms and ablution blocks) provided DSD is providing both the capital / operational funding to make provision for children with disabilities</li> </ul>
<p><b>16. Outdoor space and outdoor</b></p>	<p>Other requirements include that</p>	<p><u>Suggested minimum standard</u></p>

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<p><b>equipment</b></p> <ul style="list-style-type: none"> <li>• The premises must be safe clean and well maintained,</li> <li>• Equipment must be safe , clean and well maintained</li> </ul>	<ul style="list-style-type: none"> <li>• The required outdoor space is 2m<sup>2</sup> per child.</li> <li>• An outdoor play area must be provided on every premises on which a child care facility is operated.</li> <li>• If no outdoor play area is available at a premises, the health compliance certificate holder may, subject to the approval of the Municipality, substitute an additional indoor play area of 1.5 m<sup>2</sup> per child for the outdoor play area.</li> <li>• Separate play area for children between 0 – 2 years and 3-6 years.</li> <li>• No open fires in outdoor play area.</li> <li>• not have any excavations, steps, projections, levels or surfaces that may, in the opinion of the Municipality, be dangerous or may constitute a hazard; and</li> <li>• The outside area can consist of lawn, sand pits, shady areas and hard surfaces.</li> <li>• If there is a sand pit, it should be covered overnight so that animals cannot dirty it. It must be cleaned regularly by sprinkling it with coarse salt every six weeks or by wetting the sand with a bleach solution. Sand pit sand must be replaced at least once a year.</li> <li>• Sufficient outside play equipment must be provided. This must be safe and not have sharp edges or pieces.</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Allow 1m<sup>2</sup> per child as the minimum</u> where outdoor space is limited due to situational factors (e.g. limited physical space within an informal settlement) provided there is a clearly defined plan as to how such space is optimised (e.g. rotating children’s outside play time; providing suitable play equipment).</li> <li>• Public parks to be used as long as it is close by, safe for the children and parents consent to that.</li> <li>• The requirement for lawns and shady areas in outdoor play area should be waived in informal settlement areas.</li> </ul>

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	<ul style="list-style-type: none"> <li>No poisonous or harmful plants may be grown on the premises.</li> </ul>	
<p><b>17. Fencing</b></p>	<p>Any premises on which a child care facility is operated must be enclosed with approved fencing so as to prevent reasonably cause harm to children.</p> <p>(a) a child from leaving the premises on his or her own accord;</p> <p>(b) the entrance of domestic animals onto the premises; and</p> <p>(c) unauthorised access or entry. Strangers should not be able to enter the premises without the knowledge of the staff.</p> <p>Fencing must :</p> <p>(a) be not less than 2m high;</p> <p>(b) have horizontal members that are placed at intervals which make it difficult for a child to climb; and</p> <p>(c) be constructed of material which cannot reasonably cause harm to children.</p> <p>d) have a gate which is self-closing and self-locking.</p>	<p><u>Comment</u></p> <p>Most ECD Centres may have some kind of fence or fencing structure and most of them are between 1.2m - 1.8m. Flexibility is required in terms of fencing taking into account that a) Fencing in rural areas may also be less critical than in busy areas in informal settlements b) Fencing is expensive and rural ECD sites are often quite big c) ECD Centres would not be able to afford to increase the height of existing fencing to 1.8 m. d) Fencing materials are often stolen in informal areas. ECD Centres in informal settlements thus often use of wooden sheets, planks old roof sheets the back of a neighbouring shack etc. to “fence” off their premises. Self-closing and self-locking gates are expensive and not affordable for ECD Centres in poor communities</p> <p><u>Suggested minimum standards</u></p> <p><u>Existing facilities:</u> It is suggested that the following minimum fencing can suffice:</p> <ul style="list-style-type: none"> <li><i>Rural centres:</i> Minimum fence height should be 1.2m (instead of 2m as required by some municipalities)</li> <li><i>Informal settlements:</i> Minimum fence height should be 1.2m but alternative fencing materials should be permitted provided they are non-harmful (e.g. no sharp edges or protrusions). Materials may include: planks or corrugated metal instead of wire mesh.</li> <li><i>Gates</i> that can be properly closed and locked should be acceptable - self closing and self locking gates are expensive</li> </ul> <p><u>New facilities:</u></p> <p>Minimum fence height should be 1.8m and constructed of wire mesh.</p>