

## CHAPTER FIVE

### IMPROVING LEGAL REQUIREMENTS ON PHYSICAL ENVIRONMENT, HEALTH AND SAFETY AND EDUCATIONAL PROGRAMME

#### 5.1 Introduction

This chapter discusses the other important legal requirements which are the physical environment for the first part and health and safety for the second part, and educational programme for the third part. For the first part on physical environment, firstly the importance of physical environment is explained by referring to the previous studies and research. Then, the laws and regulations in Malaysia involving Child Care Centre Act 1984 and Child Care Centre Regulation 2012 are evaluated according to the relevant sections and regulations. Further evaluation is done according to the requirements in two separate categories namely indoor space and outdoor space. Recommendations are then made for Malaysia to improve its laws and regulations regarding physical environment based on research and practices from Malaysia itself and other jurisdictions as benchmarks. The legislations from other jurisdiction are also being taken into consideration in finding and improving the legislation in Malaysia

Meanwhile for the second part on health and safety, the introduction on the importance of this element that is to be embedded in the child care regulations is explained. The laws and regulations in Malaysia concerning this element are then identified and explained according to relevant sections and regulations. Next,

evaluation and recommendation for improvements is made by referring to scholars' views and other jurisdictions' practices.

The discussion elaborates further on the final important legal requirement which is the educational programme. This feature is vital in ensuring that child care settings in Malaysia are not just on custodial matters but also include matters on educational elements.

Basically, this chapter examines the question on whether the physical environment, health and safety, and educational programme are important legal requirements that necessitate improvements in the legislative framework of Malaysian child care.

## **5.2 Physical Environment Legal Requirement: Too Minute to Be Focused on?**

The physical environment is one of the structural factors in ensuring that child care centres provide sufficient facilities and space for the children. The goal of having a conducive physical environment is to foster children who are more happy, creative and independent (Community Child Care Co-operative, 2013).

The physical environment includes indoor space, outdoor space, facilities as well as learning and playing equipment. It is suggested that the place should be calm and not overly stimulated so as not to disturb any sleeping child for instance. In addition, there is a need to prepare spaces for the children to explore their abilities at indoor and outdoor activities.

Physical environment also plays a role in maintaining quality child care. It is claimed that the child care settings must always ensure a high quality of health and

safety aspects besides other supplementary criteria such as space allocated for each children and the availability of toys and materials which suit the age of the children and so on (Ceglowski & Bacigalupa, 2002).

As far as Malaysia is concerned, it is asserted that the legislations, policies and guidelines on early childhood care and education gives more priority to cognitive, social and emotional development rather than the physical designed environment in child care centres (Azhari et al., 2015). The existing guidelines on the physical environment of child care centres in Malaysia are inadequate as they are not described in detail. Therefore it is suggested that more research on the physical environment should be conducted.

In regulating the physical environment, this includes regulating the indoor and outdoor spaces of an early childhood educational premise. OECD underlines several features in ensuring that early childhood and education centres set quality standards in preparing physical environment for the children. Amongst the features are the location of the premise must be suitable; the premise must be accessible, safe, and flexible. Besides that, features such as scale and visibility of the premise must also be considered (United Nations Children's Fund (UNICEF), 2011). There are other added elements such as health, comfort and convenience, child-sized facilities, ensuring movement and provision of good choices (Harkness, 2011).

OECD has conducted a thematic review on several countries on the performance of their early childhood and education sector. Taking Canada as an example, the element of outdoor space has been mentioned where the space is not adequate as compared to other Scandinavian countries such as Finland and Sweden where children have the opportunity to explore outdoor even in winter seasons

(Doherty, Friendly, & Beach, 2003). Few suggestions were made inter alia on the space allocation, and more interest-captured toys and equipment. This is to encourage the children to get involve in more physical activities.

Based on the standards highlighted in the Australian regulations on physical environment, there are three main standards that need to be met. These standards can be found in Schedule 1- National Quality Standard in the Australian Education and Care Services National Regulations 2012 which states that:

*'The physical environment is safe, suitable and provides a rich and diverse range of experiences which promote children's learning and development. Standard 3.1 The design and location of the premises is appropriate for the operation of a service'<sup>7</sup>. Standard 3.2 The environment is inclusive, promotes competence, independent exploration and learning through play'<sup>8</sup>. Standard 3.3 The service takes an active role in caring for its environment and contributes to a sustainable future'<sup>9</sup>.*

The National Quality Standard that is found in the Regulations is meant to be used as guideline in assessing the premises of child care in particular in determining the rating level of the child care centres. As far as the physical environment is concerned, the first standard that is highlighted concerns the design and location of the premises. The premises must be at a suitable location, safe, clean and well maintained

<sup>7</sup> Standard 3.1 of Schedule 1 of National Quality Standard in the Australian Education and Care Services National Regulations 2012 highlights the elements of physical environment to include: *'Element 3.1.1 Outdoor and indoor spaces, buildings, furniture, equipment, facilities and resources are suitable for their purpose. Element 3.1.2 Premises, furniture and equipment are safe, clean and well maintained. Element 3.1.3 Facilities are designed or adapted to ensure access and participation by every child in the service and to allow flexible use, and interaction between indoor and outdoor space'*.

<sup>8</sup> Standard 3.2 of Schedule 1 of National Quality Standard in the Australian Education and Care Services National Regulations 2012 highlights the elements of physical environment to include : *'Element 3.2.1 Outdoor and indoor spaces are designed and organised to engage every child in quality experiences in both built and natural environments. Element 3.2.2 Resources, materials and equipment are sufficient in number, organised in ways that ensure appropriate and effective implementation of the program and allow for multiple uses'*.

<sup>9</sup> Standard 3.3 of Schedule 1 of National Quality Standard in the Australian Education and Care Services National Regulations 2012 highlights the elements of physical environment to include: *'Element 3.3.1 Sustainable practices are embedded in service operations. Element 3.3.2 Children are supported to become environmentally responsible and show respect for the environment'*.

and the facilities in the premises are sufficient for every child to benefit from them. Second is a wide-ranging environment which encourages beneficial activities such as learning through play. This involves the indoor and outdoor spaces that are prepared for the children as well as materials and equipment which may facilitate the activities of the children. Third is an interesting standard where the settings of the premises must consider environmental friendly elements.

Regulating outdoor space is important in realising the aim to include the 'education' element in child care centres just as experiencing outdoor activities will increase the gross motor skills of the children. Provisions on outdoor spaces can be found in Regulation 108 of the Australian Education and Care Services National Regulations 2012. The Regulation states that, *'The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space'*.

Thus, the premise must provide at least seven square metres of unencumbered outdoor space. An added value from Australia's regulations is that the standard that is underlined is that the space must be environmentally friendly using natural substances such as trees, plants and sand. This is pointed out in Regulation 113 which states that, *'The approved provider of a centre-based service must ensure that the outdoor spaces provided at the education and care service premises allow children to explore and experience the natural environment'*.

In addition, the outdoor space must provide adequate shade to protect the children from dangerous ultraviolet radiation from the sun as mentioned in Regulation 114 *'The approved provider of a centre-based service must ensure that outdoor*

*spaces provided at the education and care service premises include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun’.*

Meanwhile, Regulation 28 of the Singapore Child Care Centres Regulations states that every child care centre shall have access to outdoor play space or playground as this is vital for the children’s gross motor skills. Regulation 28 stipulates that *‘Every child care centre shall have access to outdoor play space for gross motor activity’.*

In addition, it is worthwhile for Malaysia to take into consideration the option made by Singapore for child care operators to have indoor space with gross motor activities in case child care centres do not have enough space to have an outdoor playground. This would be helpful and provides an alternative especially for child care operators who operate their premise above ground floor. This is clearly stated in Regulation 28 (4) of Singapore Child Care Centres Regulations which states that: *‘Every child care centre without access to outdoor play space shall have additional indoor space which shall be equipped with materials for gross motor activity and which comply with the specifications set out in the First Schedule’.*

As an additional comparison, it is worthwhile to take lessons from a comprehensive research done in Canada which specify on regulations on physical environment by comparing the existing regulations in various territories and provinces (Beach & Friendly, 2005). For outdoor space, the requirements underlined in the research are less than four requirements focusing mainly on minimum space requirement per child, proximity of outdoor space to indoor space, fencing and playground specifics. In Canada, most of the territories require five to seven square metres. Australia has regulated the outdoor space to be seven square metres as

stipulated in Regulation 108. Furthermore, there is also the requirement for the outdoor space to be adjacent to the indoor space. Nevertheless it is interesting to note that the regulation in Prince Edward Island where there is a waiver for child care centres which do not have outdoor space to use parks or open spaces near the centres. This may be the alternative to be applied in Malaysia since in achieving high quality child care, the laws and regulations in Malaysia should also encourage adherence amongst child care operators.

Besides that, there is also the requirement on fencing the outdoor playground as can be found in Regulation 28 (2) of Singapore Child Care Centres Regulations 2012. Australia for instance has specific regulation on fencing as can be found in Regulation 104 which states that, *'The approved provider of an education and care service must ensure that any outdoor space used by children at the education and care service premises is enclosed by a fence or barrier that is of a height and design that children of preschool age or under cannot go through, over or under it'*.

Enclosed fencing is to ensure the safety of the children from passing through the outdoor space or escaping over or under the fences. Therefore, fencing must be of a suitable height and design for the children. Last but not least is the requirement for the playground specifics. This include the safety of the playground equipment, sufficient space according to the number of children at any one time, availability of areas with grass or sand for gross motor skills, and so on. Singapore's regulation under Regulation 28 (3) ensures that the outdoor space must not have any harmful objects or broken glass that may injure the children. The playground must be physically inspected to be safe for the children as is mentioned in Regulation 28 (3): *'Before the children are allowed the use of any playground, a physical inspection*

*shall be made by the staff to ensure that the playground equipment is in a safe working condition and that the playground is free from broken glass, other sharp or harmful objects and standing water’.*

In addition, on the requirement of height and level, there is no requirement in Malaysia for operators to operate their child care centres on the ground floor as can be found in Singapore or several territories in Canada. There was a request made by the MWFCDC to loosen the requirement made by the local authority and the Fire Department for child care centres to be set up only on ground floor or first floor. Commenting on this, Datuk Seri Rohani Abdul Karim said that, this flexibility shall invite more operators especially the private work place to open child care centres (MyMetro, 2014). Bigger numbers of child care centres indirectly may attract more women to return to the labour force. She added that the condition is no more practical as many commercial building and offices nowadays are located at higher floors since the lower floors are meant for parking spaces. However, she stressed that the safety of the children would always be the prime concern though there is flexibility on this condition.

On the issue of ground floor, Singapore’s child care centres must be set up on the ground floor as mentioned in the First Schedule of Singapore’s Child Care Regulations which states that, *‘Every child care centre shall be housed on the ground floor of a building unless otherwise approved by the Director. The site of the child care centre shall be located away from main roads and other traffic hazards wherever possible’.*

Nevertheless, there is *proviso* for those getting approval not to set up their centres on the ground floor due to merit looking on a case by case basis. This

regulation is seen as a good one as it leaves the child care operator with the first option to find a ground floor premise first. They will only resort to a first floor or second floor premise when there is no other option. Therefore, this regulation is somehow encouraging for child care operators to try to find the best physical environment for the children. However, this regulation is not too rigid to cause more child care centres to avoid registering their centres since they cannot comply with this high demand provision. It is therefore a 'tolerance' regulation with the aim to fulfil what is the best for the children.

Addressing the issue of tolerance, Australia has a good initiative i.e. to include a provision that the child care operator may apply for service waivers from physical requirements spelled in the regulations. The waiver can be permanent or temporary for a specific time. This is under Regulation 41 of the Australian Education and Care Services National Regulations 2012 where it lists down the prescribed elements, they are:

*'(a) the standards and elements set out in Quality Areas 3 and 4 of the National Quality Standard; and (b) the following provisions — (i) regulations 104, 107, 108 and 110; and (ii) in the case of a centre-based service, Division 2 of Part 4.3 and regulations 120, 123, 126 and 130 to 134; and (iii) in the case of a family day care service, regulations 117, 124, 127 and 128; and (iv) any provision in Chapter 7 that applies in place of a provision referred to in subparagraph (i), (ii) or (iii).'*

Canada too in certain provinces allow certain requirements to be waived upon approval by the Director (Beach & Friendly, 2005). This is one of the ways that Malaysia can take as an example for now many child care operators are complaining that it is not that they do not want to register, but they could not afford in the first place to fulfil all the requirements on the regulations especially when they are in their early years of setting up the centres. It is claimed that one of the reasons of non-

registration amongst child care centres is that they are not able to comply with all the legal requirements (Hamdan, 2011). Therefore, this option may ease their burden but at the same time does not leave the physical environment unregulated.

A recent development can be seen from the effort that is made by the taskforce on early childhood and education led by Datin Paduka Chew Mei Fun, the former Deputy Ministry of Women, Family and Community (The Star, 2016a). She has mentioned that there is a plan to amend the existing regulations of child care centres. One of the issues concerned is to permit child care centres to operate on third to fifth floors as compared to the current rule where only first and second floors are permissible. This is a measure to lessen the cost of the operators who have to pay high rentals for first and second floors premises.

This brings the discussion to the issues of offences. It appears that, in the Malaysia Child Care Centre Regulations 2012, not all requirements of physical environments are considered to be an offence in the event of any incompliance. It is an offence when the operators do renovations on the premise and do not inform the authorities about the works that have been made. This can be seen under Regulation 26 which states:

*'An operator shall inform the Director General in writing if there is – (a) any alteration to the structure of the premises where the child care is located; (b) any alteration or addition to the washroom facilities of a child care centre; (c) any alteration in the ventilation or lighting system of a child care centre; and (d) any partitioning of any existing room or space in the child care centre premises for purposes which are not related to child care activities'.*

The offence in Malaysia is punishable by fine not exceeding one thousand ringgit or imprisonment not exceeding six months or both. While it can be seen in

Australia, under Regulation 103, the penalty is \$2000 for the requirement on safe, clean and good repair of the premises, furniture, and equipment. This provision is more general to ensure that the premises, furniture and equipment is safe and in good condition not just upon renovations when it is mentioned that *'The approved provider of an education and care service must ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair'*.

Furthermore, Australia specifies additional requirements for centre-based child care centres and additional requirements for home-based child care centres due to the different nature of these centres. This may be adopted in Malaysia as not to impose general requirements which may not suit both types of centres.

On the requirement of floor areas, it is interesting to note that Malaysia highlighted the requirement of 2.5 square metres for home based child care and 3.5 square metres for centre based child care centres as can be found in Regulation 27 *'The minimum required floor area for each child at a child care centre shall be as follows;(a) for a home based child care centre, at least 2.5 square metres; and(b) for a work place based, community based or institution based child care centre at least 3.5 square metres'*.

However, referring to the survey done, most of the child care centres that are involved in the studies were overcrowded especially when they are not well planned in terms of the space allocated for the different ages of children (Azhari et al., 2015). Furthermore, in Singapore in its First Schedule of the Singapore Child Care Centres Regulation 2012, there are additional requirements for a bigger space of 5 square metres for children aged 18 months or younger as compared to 3 square metres for

each child aged above 18 months. There is also a requirement for additional space to be prepared when there are children who cannot walk which states that, *'Every child care centre shall have a minimum of 5 square metres of usable floor space (excluding service areas) as indoor activity area for each child enrolled, who is aged 18 months or younger. Additional space as determined by the Director shall be provided for children who are unable to walk'*.

The European Commission Childcare Network recommendation for outdoor space is six square metres per child (Beach & Friendly, 2005). It would also be helpful to take an example from the City of Vancouver where they have design guidelines in easing the child care operators. There are guidelines on minimum indoor space according to age groups, according to share facilities, the categorisation of play space according to age group separating the infants from toddlers and so on.

The harm of not separating the children can be seen as in a case that has occurred in Kuala Terengganu. The infant who was just three months old was hospitalised as her face was claimed to be beaten and bitten by another child aged one year plus (Ramlee, 2015). She suffered bruises on her face. Looking at the severe bruises she suffered, it was suspected that the baby was beaten for quite some time and the child care provider has neglected the baby's crying thinking that it was the normal cry of infants. Therefore, in preventing harms especially to infants and younger children who are more vulnerable, the separation of children according to age groups should be done.

It is interesting to further note that most of the provincial or territories in Canada require a certain maximum number of children in one group. For example, in Ontario, Canada, the children are separated in their play room according to their age.

A maximum of ten children for those under 18 months, and a bigger number for children between 18 to 30 months with 15 children per room, and 24 children for 24 months to five years. This is also known as group size. This matter has been dealt with in the previous chapter. This is one aspect where Malaysian laws and regulation is lacking and is in need for further research to add this requirement in the laws and regulations in Malaysia.

Meanwhile, Malaysia does not specify any regulation for the requirement on conditions and organisational requirements for the play space except that the floor area does not include kitchen, store room, office, washroom, and others. Therefore, it is assumed that these floor areas are meant for the children to play and move around. Meanwhile, on furniture and equipment Malaysia does provide general requirements. An initiative may be to look into this matter and provide some details especially on the prohibition of any hazardous equipment such as toxic paints, jolly jumpers or walkers. The requirement for furniture of child-sized shall also be a good point to be considered in the requirement.

The next requirement is the special treatments for infants in terms of separate sleep and rest area separating them from older children. Besides that, there is also the requirement for larger spaces for infants as the activity areas should be separated from their rest and sleeping area. There is also the requirement on diapering, toileting and washing. Malaysia has regulations on washrooms. There should be one washroom for ten children. In addition to that, it is recommended for Malaysia to have child-sized requirement for washrooms so that they can safely use. Diapering area may also be required as to ensure the cleanliness of the premises.

Furthermore, there is also the requirement on eating area for children. Most of the territories in Canada with the exception of three have regulations on this. The same goes to requirements on entrances and exits where not many territories are regulated this matter. The same goes for Malaysia where none can be found in the regulation stipulating on the requirement to provide a specific space for eating and for entrances and exits except for fire prevention. With regard to ventilation and light, Malaysia does have regulations on this though it is in a general form, under the regulation on maintenance.

Furthermore, apart from specifying floor area, kitchen pantry and washroom, there is no requirement to provide an office and a staff room in Malaysia's regulations. It has been pointed out that in some child care centres that were observed in the study, due to non-existence of specified space for staff, they have to use the children area for any meeting or discussion (Azhari et al., 2015). With regard to kitchen area, Malaysian regulations have specific regulations on this, for kitchen or pantry to be located in isolated area separating the area from the areas used for children activities. In addition, there is no requirement for storage for the children's belongings and play equipment. This requirement is meant to ensure facilities are accessible to the children and that their personal belongings are not mixed up. This is a measure to avoid child care providers from accidentally exchanging the personal belongings of the children such as diapers or feeding apparatus. This is important especially when dealing with infant who is still drinking expressed breast milk.

Therefore, in sum Malaysia may take into consideration what and how to improve the laws and regulations on the physical environment especially on the part of separating the children according to their age. Infants should always have special

treatment as they are more prone to harms and injuries. The space therefore should be well planned to designate various segments such as offices for staff, eating area, playing area, diapering area and so on. The provision on outdoor is seen as very significant to be immediately considered and to be included in the requirement of the physical environment of the child care centres. In addition, the examples by Australia and Singapore who offer waiver from certain regulations may be considered, as this will encourage more child care operators to register their centres.

### **5.3 Child Protection: Child Care or Child Scare?**

Health and safety may be predictors of quality which also are often listed as an evaluative criterion in measuring quality. This criteria if well taken care of will lead to lower rates of infectious diseases, respiratory illnesses and playground injuries among children (Vandell & Wolfe, 2000). Amongst hygienic and safe practices are proper hands washing after changing diapers, cleanliness in preparing food, and others.

As children may be exposed to various risks such as injuries, infectious diseases, and even physical and emotional abuse, child care should always offer high quality care and education with high emphasis on health and safety. It is mentioned that when there is good health and safety element in child care, children will benefit as there would be early detection of health problems, lower risks of illnesses and special treatment for special needs children (Crowley, Jeon, & Rosenthal, 2013). Otherwise the health problems of an ill child may spread to his or her parents and the staff at the child care centre. As a result, this will cause lower productivity as they have to be absent from work. The occupational health and safety of the child care providers

should also be given high consideration by the management of the child care centres as their health and safety also affect the children (Hanafi & Ismail, 2014).

Although there are efforts in promoting health and safety in child care especially looking at the Malaysia National Child Care Quality Standards which underline nutrition and health and safety as amongst the standards that should be observed by child care operators in Malaysia, the question is whether the minimum requirements set by the regulations in child care in Malaysia is adequate or the regulations illustrate requirements below the basic level of acceptable care.

Considering Malaysia's position, it has been mentioned by Datin Paduka Chew Mei Fun that amongst the violations of laws and regulations that have been committed by child care centres, to the point that action has to be taken against them by deregistering their centres, include the condition of the premises which have been deemed to be unsafe for the children; these child care operators have not abide by the safety orders made by the authorities (BERNAMA, 2015b).

Furthermore, the raising cases of child abuse are alarming. An example of a child abuse cases in child care centres has involved an infant who suffered from severe head bleeding which has affected her eyes. The child care provider, was found guilty of shaking the infant so hard and was ordered to pay a compensation of RM40,000 to the parents or in the event of the failure to pay the compensation, she has to serve 12 months of imprisonment. This was dealt under Section 31 (1) (a) of Child Act 2001 where the maximum fine is RM 50,000 or imprisonment of 20 years or both (Zulkifli, 2015).

It is interesting to note that there are three standard elements in Australia's legislations on health and safety, the first promotes the health of the children, the

second on healthy eating and physical activities and the third addresses the protection of a child (Australian Children's Education and Care Quality Authority, 2017a). Basically, Malaysia do regulate on promoting the health of the children, healthy eating and physical activities. However, Malaysia's laws and regulations lack the provision for child protection in its legislation, be it in the Act or in the Regulations.

One of the significant parts that should be highlighted in the health and safety provisions is the child abuse element. This is one of the indicators listed by (Fiene, 2002). Abuse can be in the form of physical abuse or sexual abuse. Physical abuses sometimes result from excessive disciplinary measures put upon the children. That is why there is a need to have provisions on prohibiting excessive discipline measures in child care centres. Furthermore, it is suggested that abuses may be caused by the lack of support provided to the child care providers (Fiene, 2002). Therefore, in strengthening the indicator on health and safety, there is a need to strengthen other indicators including staffing issues which include ratio, group size, and conducive-environments so as to assist them to deliver their job effectively and to be free from any pressures which may cause untoward acts that are harmful to the children. Besides that, there is also a need to legislate on how to deal with abuse cases such as to do the report, liaising with the doctors or nurses and conveying information to the parents. Child care providers need to be aware of their legal responsibilities to report any abuse cases that occur.

Regulation 17 of the Singapore Child Care Centres Regulation 2012 regulates on this by stating:

*'Every licensee shall cause to ensure that the staff shall not administer the following disciplinary measures: (a) any form of corporal punishment, including the following: (i) striking a child, directly or with any physical objects; (ii) shaking, shoving, spanking or other forms of aggressive contact; and (iii) requiring or forcing the child*

*to repeat physical movements; (b) harsh, humiliating, belittling or degrading responses of any kind, including verbal, emotional and physical; (c) deprivation of meals; or (d) isolation and physical restriction of movements’.*

As can be seen in Regulation 17 of the Singapore regulations, there is prohibition of corporal punishment, disciplinary measures, striking directly using hands or any objects, shaking, shoving, spanking or forcing the children to do repetitive physical movements, belittling or harsh responses, depriving meals, and restricting the children’s movements. However, these offences in Singapore have only warranted the issuance of warning letters to warn the offender from repeating the actions.

A heavier penalty is practised by Australia when Section 166 of Education and Care Services National Law 2010 highlights the penalty of offence to use inappropriate discipline is \$10 000 in individual case, or \$50 000 in any other case. The Section states that, *‘The approved provider of an education and care service must ensure that no child being educated and cared for by the service is subjected to (a) any form of corporal punishment; or (b) any discipline that is unreasonable in the circumstances. Penalty: \$10 000, in the case of an individual. \$50 000, in any other case’.*

This is with regard to the approved provider himself should he fail to ensure that the children in his child care centres are protected from being inflicted with inappropriate disciplinary measures. When the offence is subjected to a nominated supervisor, staff member, volunteer, or family day care educator, the penalty is \$10 000. Besides the protection from inappropriate disciplinary measures, there is also a provision in Australia on the protection of children from harm and hazards under

Section 167 whereby the failure to adhere to this shall incur a penalty of \$ 10 0000 in the case of an individual or \$50 000 in any other case. Section 167 states that, *'The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury. Penalty: \$10 000, in the case of an individual. \$50 000, in any other case'*.

Malaysia too has this under Regulation 42 where it states:

*'(1)For the purpose of instilling discipline among the children, an operator, a manager, a supervisor, a child care provider, a registered child care provider or an employee shall not-(a) use harsh language inappropriate to be used in the presence of a child; and (b) take corrective measures on a child which amount to an abuse either emotionally or physically.(2)An operator, a manager, a supervisor, a child care provider, a registered child care provider or an employee who fails to comply with subregulation (1) commits an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both'*.

Thus, the operator, manager, supervisor, child care provider are prohibited from speaking and using harsh language when the children are around. Besides that, in disciplining the children, they shall not take action which will lead to emotional or physical abuse. Violating this regulation shall amount to an offence punishable with a fine not exceeding RM 1,000 or imprisonment not exceeding six months or both. This is what can be seen in a case where the mother provided a cane for the purpose of disciplining her child but it turned out that the child was badly beaten (Dass, 2015). The child minder claimed that she had to beat the child using the cane to discipline her. However, the mother was shocked to see the scars and injuries on several parts of her child's body. She then reported the matter to the police in Johor.

Malaysia already has provision on the limits that a child care provider should be aware of when disciplining a child. However, Malaysia should insert the provision on the obligation of the child care providers to have knowledge on child protection law. Therefore, they are aware that for instance in the event of negligence or abuse, they may be subjected to punishment under Section 31 (1) (a) of Child Act 2001 where the punishment is greater than those provided in CCCA 1984. It is well stated in Regulation 84 of Australia's National Regulations that the provider or an operator of the centre must ensure that his staffs are aware of the child protection law in terms of the gist and the how it applies to them. Regulation 84 states that, *'The approved provider of an education and care service must ensure that the nominated supervisor and staff members at the service who work with children are advised of - (a) the existence and application of the current child protection law; and (b) any obligations that they may have under that law. Penalty: \$1000'*

It is noted in the guide for National Laws and Regulations (Australian Children's Education and Care Quality Authority, 2017a) that this awareness may be instilled through trainings made regularly or in-house seminars, or even training through an online medium.

It would also be better if Malaysia could specify clearly as has been done by Singapore in Regulation 26 on prohibition of employment. Regulation 26 (a) (i) prohibited employment of those who was involved with child abuse or child neglect when it states:

*'The Director may, in his discretion, prohibit the licensee of any child care centre from employing any person as staff of that child care centre if — (a) the person to be employed has been convicted of — (i) any offence under section 5, 6, 7, 11, 12 or 13 of the Children and Young Persons Act (Cap. 38), or any other offence involving child*

*abuse or child neglect; (ii) any offence under Part XI of the Women's Charter (Cap. 353)'.*

Therefore the precautionary steps have been taken before the employment is made in order to prevent more unwanted incidents of abuse and neglect involving children in child care centres.

Therefore, the main elements that should be taken care of are adequate supervision of the children, precautionary steps protecting the children from hazardous items that might cause injuries, the procedures on how to manage incidents and emergencies and ways to respond when there is the risk of abuse of any child in their centres. It is quite alarming when it is found that there is no regulation in Malaysia presenting guidance on how to handle injuries, illness or trauma suffered by the children.

Furthermore, in the application of the standards on 'protection of the children' there should also be laws and regulations on incidents, injury and trauma especially on how the child care providers are required to deal with these matters. There should be specific procedures that are to be followed by the child care providers when the children suffer injuries, illness or trauma. They must keep a record on details of the accidents, or illness, actions that are taken such as medication that is given to the children, details of the witness, and details of any person who is notified. This record must then be signed by the person recording it. This is well written under Regulation 85<sup>10</sup>, 86<sup>11</sup> and 87<sup>12</sup> of the Australia Education and Care Services National Regulations

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<sup>10</sup> Regulation 85 of Australia Education and Care Services National Regulations 2012 requires procedures to be followed in the time of incident, injury, trauma and illness by stating that, '*The incident, injury, trauma and illness policies and procedures of an education and care service required under regulation 168 must include procedures to be followed by nominated supervisors and staff members of, and volunteers at, the service in the event that a child —(a) is injured; or(b) becomes ill; or(c) suffers a trauma*'.

2012. It is interesting to note that this record shall be kept and stored confidentially until the child is 25 years of age (Australian Children's Education and Care Quality Authority, 2017a).

In Singapore too there is a provision under Regulation 21 to immediately report to the Director when there is reasonable cause for suspicion of any child abuse. Regulation 21 states that, *'The licensee of a child care centre who has reasonable cause to suspect any case of child abuse shall immediately report it to the Director'*.

In addition, Regulation 11(4) also regulates the child care provider on the procedures in the event of serious accident, illness or death when it highlights:

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<sup>11</sup> Regulation 86 of Australia Education and Care Services National Regulations 2012 obliges notification to be made to parents as soon as possible in the time of emergency by stating that, *'The approved provider of an education and care service must ensure that a parent of a child being educated and cared for by the service, or if a parent cannot be immediately contacted, an authorised emergency contact for the child is notified as soon as practicable, but not later than 24 hours after the occurrence, if the child is involved in any incident, injury, trauma or illness while the child is being educated and cared for by the education and care service. Penalty: \$2000'*.

<sup>12</sup> Regulation 87 of Australia Education and Care Services National Regulations 2012 explains on the procedures of record keeping of any incident, injury, trauma and illness by highlighting that, *'(1) The approved provider of an education and care service must ensure that an incident, injury, trauma and illness record is kept in accordance with this regulation (2) A family day care educator must keep an incident, injury, trauma and illness record in accordance with this regulation (3) The incident, injury, trauma and illness record must include —(a) details of any incident in relation to a child or injury received by a child or trauma to which a child has been subjected while being educated and cared for by the education and care service or the family day care educator, including —(i) the name and age of the child; and(ii) the circumstances leading to the incident, injury or trauma; and (iii) the time and date the incident occurred, the injury was received or the child was subjected to the trauma; (b) details of any illness which becomes apparent while the child is being educated and cared for by the education and care service or the family day care educator including — (i) the name and age of the child; and (ii) the relevant circumstances surrounding the child becoming ill and any apparent symptoms; and (iii) the time and date of the apparent onset of the illness; (c) details of the action taken by the education and care service or family day care educator in relation to any incident, injury, trauma or illness which a child has suffered while being educated and cared for by the education and care service or family day care educator, including —(i) any medication administered or first aid provided; and (ii) any medical personnel contacted; (d) details of any person who witnessed the incident, injury or trauma; (e) the name of any person — (i) whom the education and care service notified or attempted to notify, of any incident, injury, trauma or illness which a child has suffered while being educated and cared for by the education and care service or family day care educator; and (ii) the time and date of the notifications or attempted notifications; (f) the name and signature of the person making an entry in the record, and the time and date that the entry was made.(4) The information referred to in subregulation (3) must be included in the incident, injury, trauma and illness record as soon as practicable, but not later than 24 hours after the incident, injury or trauma, or the onset of the illness'*.

*'Where a serious accident, illness or death occurs to a child, the licensee shall forthwith — (a) obtain all necessary emergency medical assistance; (b) notify the parents or guardian of the child; (c) maintain proper record of the occurrence; and (d) notify the Director within 24 hours of its occurrence and if a public holiday falls during that period, on the day following the public holiday. (5) When a child dies, the licensee shall cause to immediately notify the police of the death'.*

Emergency medical measures should be taken, parents should be notified, record of the incidents should be well kept, and the Director too should be notified within 24 hours. In the event of death of a child, the child care provider must immediately report the matter to the police.

There should be good procedural steps that lay down the steps to be taken when there is any abuse case. This is for the authorities to tackle the matters accordingly. Uploading this in the social media for instance is not a solution though viral news will get quick attention by the authorities concerned as it will become public interest. As explained by Datin Paduka Chew Mei Fun, Deputy Minister of Family, Women and Community Development, making the news viral in social media will put pressure on the victims and the parents if the cases involved infants (BERNAMA, 2016d).

Furthermore, another Regulation that should be revised by the Malaysian legislative system pertains to medicine and drugs administration. There should be proper regulation on how medicine or drugs are administered to children. The record should have the name, dosage guide, name of the one who administer the medicine or drugs and the time. This is how Singapore regulates this matter under Regulation 13<sup>13</sup>.

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<sup>13</sup> Regulation of Singapore Child Care Centres Regulation 2012 states that, *'(1) Every child care centre shall ensure that — (a) no medicine or drug is to be administered to a child unless otherwise prescribed by a registered medical practitioner, or in accordance with the written instructions of the parent or guardian of the child; (b) all containers of any medicines or drugs to be administered to a child are clearly labelled with the child's name and instructions for administration of the medicines or drugs;*

Australia's regulations detail on medical conditions as well for there is the obligation to have a policy on managing medical conditions. This is with regards to managing children with specific health issues or allergy by planning to minimise risks. This requires good communication between the staff and the parents. These are regulated under Regulation 90 to 91 of Australian Education and Care Services National Regulations. Meanwhile further clarification on administration of medication is set out in Regulation 92 to 96 such as the need for parents' authorisation, and procedures as to the dosage, storage and so on.

Therefore, in enhancing the legal requirements on health and safety, a few important matters need to be given attention. Malaysia should focus on enhancing child protection provision. This includes provisions to prohibit any maltreatments or abuse of children by child care providers. There is a need to ascertain that child care providers and operators are free from any involvement in cases of abuse. Besides that there is the practise by Australia, clearly stipulated in Regulation 84 of Education and Care Services National Regulations 2012, for child care providers to have knowledge on child protection. This provision should be exemplified by Malaysia as knowledge of the laws and punishments may be an effective preventive tool in deterring unwanted incidents against the children. In addition, procedures in handling abuse cases or emergencies should also be scrutinised further so as to provide guidance for the child care provider. Furthermore, provisions on medical and drugs may also be further improved.

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*and (c) all medicines or drugs are to be kept out of reach of children. (2) The licensee shall cause a proper written record to be maintained for administration of medicine or drugs in relation to each child at the child care centre. The record shall include (a) the name of the child; (b) the name of medicine or drugs administered; (c) the dosage of medicine or drugs administered; (d) the name of person who administered the medicine or drugs; (e) the time and date of administration; and (f) the manner of administration'.*

In addition, as factors that predict safety practice are always associated to the child care provider's behaviours, in the way they treat the children. This matter is mentioned in a study on health and safety indicators of quality in child care centres that has been conducted in 2015 (Nabiha, Hayati, & Hejar, 2015). The study aims to examine the factors that predict safety practices in preventing injury in child care centres in Selangor and Putrajaya. The hypothesis is that the socio-demographic of the care providers, behaviours of the children, job aspects of the care providers, all have a significant relationship to the care providers' information on safety in preventing injury in child care centres. Therefore, the child care providers themselves need to equip themselves with information on safety practices.

#### **5.4 Injecting Educational Element in Child Care Centres**

Entering the twenty-first century, the importance of regulating child care is not just limited to protecting the children in order to provide a "safe haven" but it goes beyond that purpose in ensuring that the children's potentials are enhanced through the element of learning and education (Gallagher et al., 1999). Therefore, one of the effective legal requirements that should not be left out in child care and regulations is the regulation on educational programme in child care centres.

Educational programme is sometimes used in different terms such as curriculum or learning standards. Basically, it contains contents and methods on what to teach and how to teach. It covers relations, experiences, activities, events which inculcate good developments in children (Taguma, Litjens, & Makowiecki, 2013). Meanwhile, Section 41 of the United Kingdom Childcare Act 2006 defines educational programmes as 'the matters, skills and processes which are required to be

taught to children of different abilities and maturities. It may also be defined as the “areas of learning and development which must shape activities and experiences for children” (United Kingdom Department for Education, 2017).

Educational programme consists of contents of the activities of the children which are sometimes termed as curriculum. The activities provided for the children is considered as process quality but the aspect that may be regulated is the plan or education programme that legislate the obligation to implement the plan and education program according to the approved curriculum or framework. In a study in 2015 on the association of education programme towards educational process quality, it has been found that, there is moderate association (Slot et al., 2015). It is concluded that this result is in line with previous research that found positive impacts of educational programme towards quality and good outcomes of the children.

It is a need to have proper planning of curriculum as this document aside from assisting in ensuring good impacts for the children's growth and for school preparation (Hanafi, 2015) the curriculum will manoeuvre the operators and child care providers as to what activities that should be carried out with the children, as well as the reasons why these activities are chosen (Debbie & McCormilla, 2012). Therefore, crucial learning will not be missed by the children and there is a continuity of learning and education from the early years in the child care centres to the subsequent stages i.e. pre-school and school age (OECD, 2012b). Furthermore, this is one of the methods for the parents to know the experiences and interactions the children are acquiring in the child care centres. In addition, another importance of planning a curriculum is that it is a method to measure the performance of the child care providers in reflecting for a better planning in future (Debbie & McCormilla, 2012).

Looking at the practise in Korea for instance, it is claimed that one of the most vital elements of quality is to ensure that the children undergo and experience quality activities. Therefore, it has been the focus of the government to develop a standard childcare framework appropriate to the level of the age of the children (Rhee & Duksung, 2007).

Looking at international practices, New Zealand and Nordic countries too have curriculum which arrange the contents from birth or one year to school age. The 'TeWhariki' of New Zealand divides the children into three categories which are infants for children from birth until 18 months, toddlers for children from one to three year old, and young children for children from two and half years to school age. It is interesting to note that, more countries are now moving towards integrating their childcare and preschool curriculum so that there is continuity in the process of learning from early years until school age. Korea with their Nuri Curriculum is integrating the curricula for childcare and preschool while Japan is integrating its National Curriculum of Daycare Centres with the Course of Study for Kindergartens (United Kingdom Department of Education, 2013).

It is further claimed that the importance of an educational programme to be implemented in child care settings should be supported by strong provision on the supplemented factors such as ratio, group size and trainings of the child care providers. This is relevant as it would be useless if the comprehensive well-planned education programme is not understood well by the one who will be responsible to implement the activities. Therefore, an educational programme should come into the picture when other factors such as staffing issues are accordingly regulated and adhered by child care operators and providers. Correspondingly, in the Malaysian

context the provision on ratio is already in existence and the ratio is low and satisfactory. Notably, there is a need to introduce the group size provision and to polish up the provision on trainings of the child care providers, physical environments, and health and safety features.

Thus, in regulating the educational program or curriculum, a country should first strengthen the other significant features such as adult to child ratio, group size, staff's welfare and professionalism, educational equipment and so on (Taguma, Litjens, & Makowiecki, 2012b). This is relevant for the comprehensiveness of the curriculum, frameworks will not be fully utilised or optimised if the child care providers are neither ready nor aware to seek adequate support in implementing the content of the curriculum. Therefore, the effort to introduce the curriculum in the pre-service training is important. However, this effort should be further complimented by the readiness of the child care providers to utilise the curriculum. Moreover, continuous trainings for the child care providers shall be a good avenue to equip the operators and the child care providers with the relevant information and the effective method in implementing the curriculum for the best interest of the children. The introduction of technology for instance should be learned by the child care providers in adapting the curriculum contents to the rapid progress of the digital world today (Taguma et al., 2012b).

For instance, in Australia nationwide training of early childhood educators is under the responsibility of a non-government organisation which is hired on contract basis to guide the educators in the implementation of the Early Years Learning Framework (EYLF) (United Kingdom Department of Education, 2013). It is highlighted that the success of the implementation of the curriculum in Australia is

due to the participation of the stakeholders in drafting the curriculum which indirectly create the sense of belonging. Secondly, pertaining to the linguistic aspect, instead of the use of unfamiliar jargons the language chosen in drafting the curriculum is simple and common which in turn assist the staff and even the parents to better understand the curriculum, and in depth.

In Malaysia, previously, there is no uniformed curriculum to be implemented in child care centres. The content of the basic compulsory course is mainly on the feature of health and safety .Therefore, the aspect of education is left to the child care providers to decide; what type of education they will provide to the children. Nevertheless, PERMATA curriculum has now been approved to be the guideline for the creation of “Kurikulum Asuhan dan Didikan Awal Kanak-Kanak Kebangsaan”. During its pioneer project from 2007 to 2009, the curriculum has been revised a few times and has been developed and acknowledged as the National Curriculum under the Child Care Education and Early Education Policy in 2008 (Bahagian Pendidikan Awal Kanak-Kanak PERMATA, 2013).

However, analysing the legislations of child care in Malaysia, particularly CCCA 1984 and CCCR 2012, there is no specific statutory provision that addresses the educational programme though there is a requirement for the child care providers to attend PERMATA Early Child Care and Education Course which applies the National Early Childhood Care and Education Curriculum.

In addition, with regard to the schedule of activities of the children, there is only a general requirement that has been made by CCCA 1984 under Section 8 (e) where one of the terms and conditions for registration is for the provider to arrange a

suitable schedule for feedings, resting and recreation for the children in the child care centre.

Meanwhile, in CCCR 2012, child care activities are regulated under Part XII. Regulation 38 (1) (a) details that the schedule should include indoor and outdoor activities suitable to the age and development of the children, and routine activities such as feedings, resting, sleeping, bathing and so on. Failure to arrange for this schedule shall constitute an offence punishable with a fine not exceeding RM 1000 or imprisonment not exceeding six months. According to Regulation 40, this schedule must be displayed in a conspicuous place. It is also interesting to note that under Regulation 41 (2), the children should not be forced to be involved in the activities and the outdoor session should not be more than 30 minutes.

Nevertheless, these legislations are merely schedule of activities that mainly involve routine activities. The structural feature which is recommended by the scholars to be regulated is the educational programme which is neither found in CCCA 1984 nor CCCR 2012.

Notably, the curriculum in child care centres which is Kurikulum Asuhan PERMATA is known by child care providers especially by those who have undergone PERMATA Early Child Care and Education Course. However, it is reported that although the implementation of this curriculum has been required since January 2013, not every child care centre is aware of the existence of the curriculum, and to worsen the situation, there are child care centres which implement the curriculum for pre-school or TADIKA 2013 (UNITAR International University, 2017). Furthermore, it is reported that child care providers who are aware of the requirement to use the curriculum fail to do so in their centres. The schedule activity is just for the sake of

registration and has not been implemented in the day to day activities of the children in these child care centres. This situation may be remedied by inserting clearly in the laws and regulations the requirements of the educational programme or the specified curriculum to be implemented in child care centres.

Basically, in Australia there are two national approved learning frameworks. The first is ‘Belonging, Being and Becoming- The Early Years Learning Framework for Australia’, and the second is ‘My Time, Our Place’ which is a framework for school age children (Debbie & McCormilla, 2012). From 1<sup>st</sup>. February 2018, the National Quality Standard of Australia has made several changes which include the approved learning framework. It has now been defined as the “curriculum decision-making contributes to each child’s learning and development outcomes in relation to their identity, connection with community, wellbeing, confidence as learners and effectiveness as communicators” (Australian Children’s Education and Care Quality Authority, 2017b).

Looking at how Australia regulates its educational programme, the legal obligation to implement educational program can be seen in Section 168 of Education and Care Services National Law Act 2010, specifically under the operating an education and care service part. Section 168 states:

*‘The approved provider of an education and care service must ensure that a program is delivered to all children being educated and cared for by the service that—(a) is based on an approved learning framework; and(b) is delivered in a manner that accords with the approved learning framework; and (c) is based on the developmental needs, interests and experiences of each child; and(d) is designed to take into account the individual differences of each child. Penalty: \$4000, in the case of an individual. \$20 000, in any other case’.*

Thus, this Section mentions that the provider or nominated supervisor must ensure that the program is based on an approved learning framework and is to be implemented according to the framework. This programme must also stress on developmental needs of the children, and their interests and experiences. In addition, the differences and uniqueness of each of the children should be considered in drafting and implementing the framework. It is stipulated under this Section that it is an offence not to implement this programme according to the approved learning framework and this is punishable with a fine of \$4,000.

This is further detailed in the Education and Care Services National Regulations 2012, in Part 4.1 on educational programmes and practice encompassing Regulation 73 until Regulation 76. The educational programme must aim to establish certain required outcomes- mainly on a strong identity for the child, connection and contribution of the child to his or her world and a strong sense of wellbeing. Besides that, the program should be able to nurture children to be confident and to be an involved learner, and to be able to communicate effectively. These outcomes may be measured through assessments and evaluations which are documented according to the developmental needs, interests, experiences and participation in the program. Assessment may also be made assessing the progress of the child as against the educational programme outcomes.

There are certain matters that need to be considered by the child care operators in terms of the documentation of the education programme. First, the period of time the children are being cared for and the manners on how the documentation will be used by the child care providers. In addition, the documents must be understandable by the child care providers and the parents. Moreover, the educational program

information and contents must be displayed at the premises to be accessible to the family members and for inspection. Furthermore, the parents will also be provided with the content and operation of the educational programme and on how their children participate in the programme.

In addition, there is the requirement to appoint an educational leader to lead the implementation of the educational programme. The educational leader must have full grasp of the contents of the curriculum which is EYLF for early years as he is responsible to guide other educators in carrying out the curriculum. This is found under regulation 118 (Debbie & McCormilla, 2012).

Meanwhile, in Singapore, in the previous child care regulations, there is no mention of any regulated curriculum or education programme in the regulations. However, under the new act that has been passed by the Parliament in 2017, one of the elements that the Minister may make is the regulations on the types and content of the curriculum that is to be implemented in the centres as mentioned in Section 52. This illustrates that Singapore is reforming its early childhood care and its education has highlighted the importance of education of curriculum, to be regulated in its regulations.

All in all, an appropriate educational programme should also be regulated complimenting the other important features such as ratio, health and safety (Burchinal et al., 2015). The curriculum has been regulated in a few countries through inserting the requirement to have curriculum frameworks in their laws and regulations. A few countries such as New Zealand, Norway, Australia and Sweden have regulated their education programme in child care centres since 1996. It is interesting to note that this is the first time the curriculum has been legislated in their legislations for several

reasons. One of the reasons is the recognition of the importance of early childhood. The need to regulate this feature is one of the ways in raising the status of the sector in the countries' priorities or agenda (Oberhuemer, 2005). It is claimed that, almost all developed countries have curriculum frameworks either as a set of mandatory curricula or as statutory requirements; they have it in sets of guidelines (United Kingdom Department of Education, 2013). Therefore, it is high time for Malaysia to improvise or set regulatory standards on child care centres by giving focus to legislate the requirement to have curriculum frameworks.

On another note, the discussion on educational programme in child care centres is in line with the principles of Islam which places high attention in child education. With increasing knowledge and awareness on the importance of Islamic values to be instilled from the early years of a child, more parents are now seeking for Islamic child care services. It appears that, in choosing private pre-schools, parents tend to choose pre-schools which are religion-based (Mohed, Ismail, Utaberta, Yazid, & Yunos, 2015).

Nowadays, some child care centres opt for an Islamic approach. Besides that, home schooling is also an alternative that is preferred by parents who see that it is hard to find child care centres which are Syariah compliance and at the same time to instil Islamic values in their children. It is heartening to see that some of the parents are able to train their children as early as three years old to memorise the Al-Quran. Therefore, a Syariah compliance child care centre may be an alternative in providing quality childhood education to the children. The curriculum used in pre-schools should inserted Islamic education as to expose the children to Islamic values and knowledge since early childhood (Mohed et al., 2015).

The early intervention programmes for the children, the play materials, equipment, and the environment should be Syariah compliance. Besides that, one of the important features is the value that is instilled in the child care providers. They are the ones who should first be motivated to foster the Syariah spirit in the centre. It is more than just portraying themselves in Islamic appearances. They need to be instilled with Islamic values in their words and actions.

### **5.5 Concluding Remarks**

In conclusion, the existing laws and regulations in Malaysia on physical environment are basically satisfactory in terms of the basic elements of indoor environment. There are certain issues that need to be improved though. The main loophole is seen with regard to outdoor spaces. Children today are exposed to a lot to screening time through various electronic gadgets, thus they should be given good exposure on physical activities especially on outdoor activities. This may encourage good motor skills.

Meanwhile, as far as health and safety elements are concerned, the crucial part to be diligently examined is on the part of child protection. The increasing cases of negligent and abuse cases happening around the country should be the pushing factor to strengthen the child protection element in the Malaysian child care legislative framework. Malaysia should focus on strengthening the provisions in protecting the children especially from any injuries and hazardous items. In addition, the child care providers should also be guided in the regulations on managing any emergencies or untoward incidents. Furthermore, child care providers should also be equipped with the laws of child protection.

Meanwhile, with regard to educational programme, in creating the curriculum, there is a need to take into account the values, cultures and traits of the country concerned. This is the consideration made by New Zealand and South Korea in promoting local values and cultures in the curriculum. Therefore, in adapting the curriculum from other countries, it cannot be simply transplanted without taking into account the local features. Lessons may be learned from other countries' experiences (Economist Intelligence Unit & Lien Foundation, 2012). Besides that, in ensuring that this feature in the education programme is successfully regulated and implemented, other supplementary features such as ratio, group size, staffing issues including good continuous training for professional development need to be strengthened and well regulated.

Section 8 (e) of Malaysia CCCA 1984 may be revised and improved not just to touch on schedule of routine activities but also to include activities according to approved curriculum or framework. Furthermore, the elaboration on educational programme needs to be inserted and further clarified in Regulation 38 (1) (a) to specify the learning outcomes that are expected to be achieved by regulating the education programme in child care centres.

As practised by Australia, there is a need to have a clear law obligating the operators and child care providers to implement programmes that are based on approved learning frameworks. The law should highlight on what features should be focused on suitable to the culture and localities in the country. The importance for the implementation of educational programme for the children may be stressed by making it an offence for any failure to implement the educational programme in their centres.

The regulations furthermore may specify the required outcomes and assessment system in assessing whether the outcomes are achieved or otherwise.

The documents of frameworks too must be easily understandable to the providers, for them not to feel burden in implementing the frameworks yet feel that they are assisted in planning activities for the children as there are systematic guidance available for them.

Thus, it is proposed that legislative effort in improving the quality of Malaysian child care centres need to touch on the legal requirements regarding physical environment, health and safety and adding a new feature of educational programme in Malaysian laws and regulations on child care centres.

