

Early Childhood Centres in the Emirate of Dubai - Licencing Perspective

Nazanin Maghsoudlou - Senior Counsel - Corporate Structuring
n.maghsoudlou@tamimi.com - Dubai International Financial Centre

Shaima Mahmoud
S.Mahmoud2@tamimi.com - 01 Dubai DIFC

Early Childhood Centres in the Emirate of Dubai - What You Need to Know

Any city where population growth is being driven by immigration of workers – and their families – is one where organized care and education of young children becomes increasingly important. Dubai is no exception.

In the Emirate of Dubai, the Executive Council Resolution No. (35) of 2020 (“**ECC Resolution**”) is widely seen as the main piece of legislation regulating early childhood centres (“**ECCs**”).

The ECC Resolution has adopted the period from birth to six (6) years old as the definition of the early childhood stage. It regulates the provision of care and education services in Dubai to children during their early childhood, it seeks to protect the children’s rights to care and education.

Operating as an ECC in Dubai

The shareholders of an ECC can be either a natural or a legal person. Provided that they hold the appropriate licence and permit, a sole proprietorship or any other entity can provide early childhood care and education. The Knowledge and Human Development Authority (“**KHDA**”) is responsible for regulating all private ECCs in Dubai.

The KHDA, as the regulatory body, issues the initial approvals and permits pursuant to the terms and conditions prescribed as per the ECC Resolution. Further, it provides for the requirements, rules, standards and outputs necessary for the provision of high-quality care and education.

A key element of setting up an ECC is obtaining the appropriate permit from the KHDA, which is divided into two main stages. The first one is obtaining the initial approval so that an applicant can proceed with obtaining the relevant licenses and approvals from the concerned government authorities and satisfy the requirements of obtaining the permit (“**Initial Approval**”).

After the Initial Approval, an applicant shall proceed with obtaining the permit, which is the written instrument issued by the KHDA allowing an ECC to conduct its’ business in the Emirate of Dubai (“**Permit**”).

In addition to the Permit, for an ECC to either operate in the UAE ‘mainland’ or in a Free Zone, it is mandatory to obtain a commercial license from the Department of Economic Development (DED) in Dubai (for operating in ‘mainland’) or from the relevant Free Zone authority as the case may be.

An application to the KHDA for obtaining an Initial Approval shall be supported by the documents prescribed by the KHDA. These include an academic plan and curriculum to be implemented.

In addition to providing these documents, an applicant will undertake to; (i) recruit a professional cadre including the manager, the faculty members and the professional staff of the ECC under incorporation; (ii) comply with providing the appropriate premises in accordance with the requirements set out by the KHDA as well as the concerned government authorities. Subject to satisfying the KHDA's requirements, the Initial Approval will be issued for a term of one year.

Subsequently, for purposes of Permit issuance, an applicant must comply with a number of licensing requirements. These requirements include providing all equipment, tools and aids necessary in the course of conducting the business, appointing the professional cadre, providing the appropriate premises, obtaining required approvals from the concerned government authorities, submitting any guarantees adopted by the KHDA to prove the solvency of the ECC under incorporation in addition to satisfying any other conditions stipulated by the KHDA.

Management and operation of ECCs

It is to be noted that besides the professional cadre, an ECC must also contract an operator who shall be responsible for supervising and operating an ECC. An operator must satisfy the requirements set out by the KHDA and his appointment will first be approved by the KHDA.

An ECC is required to appoint its professional cadre as per the terms and conditions prescribed by the KHDA and relevant government authorities.

Moreover, ECC should prepare annual plans for the improvement of its professional cadre. In addition, the KHDA may request an ECC to provide copies of employment contracts of the professional cadre.

In regards to a curriculum to be implemented by an ECC, this shall combine educational courses, childcare methods and other activities which target early childhood development.

An ECC should also follow the curriculum approved by the KHDA. As per article (18) of the ECC Resolution, the KHDA is responsible for approving curricula of ECCs; in doing so, it shall maintain the national and international standards. Moreover, a curriculum must be in line with the national identity of the UAE as well as Islamic Sharia principles.

Amendments to existing ECC Permits

As for existing ECCs which already have proper Permits in place, undertaking changes to certain components of Permits requires the approval of the KHDA. Examples of these components are:

1. name or address or any other details of a Permit
2. owner, operator or manager
3. curriculum
4. fees of care and education
5. adding any facility, closing down any existing facility, or constructing any building
6. taking lease of new premises
7. appointing any member of the professional cadre

In addition, the KHDA constantly carries out audit and inspection to ECCs in Dubai to verify their compliance with the standards established by the ECC Resolution and any amendments thereto.

ECCs are required, at all times, to provide KHDA with accurate, correct and complete reports and data as may be requested from time to time.

Sanctions for violations of the laws governing the ECC in the Emirate of Dubai are varied. They include

warnings and fines up to AED100,000.

Pursuant to article (27) of the ECC Resolution, fines can be imposed on ECCs due to violations of licensing and operation requirements.

Such violations may involve: providing care and education to children below the age of six (6) without first obtaining the Permit from the KHDA; non-compliance with quality assurance standards prescribed by the KHDA; changing certain components of a Permit without first obtaining KHDA's approval; failure to follow the curriculum approved by KHDA; non-compliance with the terms and conditions of a Permit; enrolment of a child without obtaining the prior approval of the KHDA; failure to provide KHDA with the required data and information; providing the KHDA with inaccurate information or statistics; committing violations against public order or moral; or failure to adhere to the traditions of the UAE as well as the values of Islam.

Besides the fines that can be imposed on violating ECCs, the KHDA can adopt certain measures against them. For instance, violating ECCs may result in suspension of (i) all their applications for a period not exceeding six (6) months and (ii) admission of children for upcoming year. Other possible outcome include the cancellation of the Permit and the notification of relevant licensing authority of such violations so that the commercial licence might be cancelled as well.

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Advertising educational services

As per the applicable rules and regulations, all education providers in the UAE must obtain written approval from the relevant regulatory body(ies) before they can advertise their education business in the UAE. Accordingly, ECCs are required to obtain the approval of the KHDA in order to launch any marketing campaign to advertise for its' educational services.

Conclusion

The provision of childcare and education services in the UAE is highly regulated. The legal framework governing ECCs, in particular, is for now fairly straightforward. However, the regulations are subject to change and the implications of non-compliance can be serious.

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For further information, please contact [Nazanin Maghsoudlou](#)