



Recommendations to Proposed
Regulatory Amendments Related to the
Child Care and Early Years Act, 2014

Submitted to:
Child Care Modernization
c/o Early Years Division
Ministry of Education
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Submitted via email

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The Ontario Municipal Social Services Association (OMSSA) is pleased to respond to the consultation on the proposed regulatory amendments made under the new *Child Care and Early Years Act (CCEYA), 2014*, which governs child care in Ontario.

In recent years, the government has taken important steps to modernize child care and early years, and to build a system that not only responds to the needs of Ontario's families and children, but also contributes to the strength of the province as an educated and dynamic economic force for the future.

We share the government's vision for the development of a high-quality, accessible, affordable, and inclusive early learning and care system that better supports all children and families in Ontario.

Our comments build on the strong partnership that OMSSA and its members, Consolidated Municipal Service Managers (CMSMs) and District Social Services Administration Boards (DSSABs), have developed with the Ministry of Education (EDU), working together to build this vision for the early years and child care system. We offer our recommendations with the understanding of the important strides the government has made, and in the spirit of partnership, to move forward on the regulatory changes.

The CCEYA is an important cornerstone of Ontario's vision for child care modernization and early years integration. Following are considerations in the regulation development process as provided by OMSSA members. In addition, we are pleased to be participating in the Province's regulation consultation process and will continue to offer advice in our effort to support both the Province's and our sectors efforts to build a strong system of quality and safe services.

Proposed Regulatory Changes

Licensing Clarity

OMSSA recommends that pre-kindergarten programs offered by, or in partnership with, school boards, or by family support programs funded by the EDU, be required to have a license. This would be similar to the regulations in place for child care services not operated or funded by the EDU outside the hours of a typical school day. In addition, all services for the same age group, regardless of the source of funding, should comply with the same rules and regulations.

Further work and discussion with OMSSA and its members is required in the following areas:

- The definitions of the factors to be used in determining the primary purpose of a program;
- The definition of licensed programs;
- Criteria regarding exempt circumstances, for example in direct learning environments;
- Criteria for summer recreation programs;
- Requirements for JK/SK or older age groups attending privately-funded school full time;
- Considerations of providers own children under the age of six during non-school instruction days; and
- Exceptions of children in home child care.

Enforcement

OMSSA supports increased provincial oversight and authority that reflects good and accountable public policy and concern for the safety and wellbeing of children. New and sustainable resources, such as Program Advisors, are critical in supporting the licensed sector and to support any new regulations under the CCEYA, while simultaneously monitoring the unlicensed sector.

To ensure effective and appropriate approaches are implemented, EDU, OMSSA and its members must further determine:

- Appropriate enforcement guidelines for unlicensed provider's duty to disclose;
- Consideration on appropriate administrative penalties and the extent these amounts could be raised as the length of time and frequency of contravention increases;
- The application of administrative penalties and to whom they would apply (i.e. home child care provider as an independent contractor or agency; owner, operator or staff); and
- The compliance processes before a penalty is issued as well as public disclosure of contraventions.

Licensing Standards

Enhancing Quality

The government has made some important strides in furthering the discussion on the benefits and importance of good, safe, quality child care and early years programs. OMSSA and its members are pleased with the government's bold steps to change the conversation and culture regarding supporting Ontario's families and children.

We understand that change takes time. We also believe that an opportunity to move the yard stick forward can occur through guidelines. As you know, clear, enforceable guidelines are critical for the consistency and success of any initiative. Clear guidelines will minimize the possibility of program requirements being interpreted differently across the province. Through development of clear, written guidelines for child care operators and EDU staff we will all benefit.

OMSSA recommends that EDU work with OMSSA, CMSMs and DSSABs on considering how the governments: *How Does Learning Happen?* may be translated into actions and requirements. Initial considerations include:

- Considerations on the implementation of expectations for *How Does Learning Happen?* as a policy statement and whether it will become a mandatory expectation;
- Considerations on the definition of quality versus high quality and how this may translate into evidence; and
- Discussion on the potential for clear and consistent guidelines regarding the implementation of *How Does Learning Happen?*

Updating Health and Safety Standards

The government is aware of the concerns and challenges regarding the requirement of police checks. It is important to state that OMSSA and its members support moving in this direction. Our concern, however, is the logistics of implementing this important requirement. Costs and the backlog and timing that accompany the process of police checks has the very real potential of putting a strangle hold on the system. Until these challenges are considered and addressed we recommend deferring this item until the second phase of regulatory changes. This will provide EDU and CMSMs/DSSABs with the time needed to understand the policy and the financial and operational implications of its implementation.

Current first aid certification for all employees working in licensed child care centres and all regulated home child care providers is important in ensuring the health and safety for children in Ontario.

Similarly to police checks, OMSSA requests that the EDU consider deferring this item until the second phase of regulatory changes so members will have the time to understand the financial and operational implications of its implementation and make proper preparations.

We recommend further discussion and consultation with CMSMs and DSSABs on first aid certification including to distinguish between the employees who work in licensed child care and regularly supervise children, and those who do not (i.e. cooks, custodians, bookkeepers and casual/supply staff, etc.) and would be exempt from the requirement.

The government, like OMSSA and its members, recognizes the importance of physical activity, healthy eating and children's well-being as part of the foundation for a high-quality early learning and child care system. Staff knowledge and skills in these areas will encourage the creation of high quality children's programs and an environment that promotes healthy living. We encourage the government to look into the enhancement of the Act with an item that would encourage staff knowledge and skills in these areas. In addition, we encourage the government to explore how guidance documents, that foster the health promotion of children accessing child care, can be reflected in the CCEYA (i.e. *Nutrition for Healthy Term Infants from Birth to Six months, Canada's Food Guide (2 years and older)*).

In addition to the considerations above, further work and consultation with OMSSA, CMSMs and DSSABs is required on the following:

- Accident/incident reporting requirements (i.e. written or verbal report to parents); and
- The proposed amendment to Regulation 262 under the Day Nurseries Act (DNA) which would require licensed operators to have menus reviewed by a registered dietitian.

Increasing Access to Licensed Before and After School Programs

The government's intention to give child care providers more flexibility and to increase access and affordability for parents through the proposed changes to child-staff ratios and group sizes makes sense. But, like the government, we agree that quality must be a central component driving our shared vision for child care and the early years.

Ratios and group sizes are a critical element of quality child care as well as the safety of children. When adults are caring for fewer children there is more opportunity for interaction, and closer emotional bonds and learning. In circumstances where there are children with extra support needs, child care staff are more easily able to give these children more attention when necessary.

To realize the government's vision for child care, staff qualifications must also be modernized to reflect the importance of the pedagogy and quality the government is pursuing. As both EDU and OMSSA know, this requirement must occur in lock step with appropriate staff qualifications.

Given the importance of providing safe, quality learning environments EDU, OMSSA and its members require further discussion on:

- Space requirements for all school age programs;
- Considerations on hours of the day where staff child ratios can be reduced;
- Mixed ratios in both younger and older age groups; and
- Considerations on licensing regulations for school age recreation programs and camps.

To ensure consistency of quality learning and care, EDU must work with its partners to align requirements for school boards and child care programs. A seamless transition throughout the school day will not only be less disruptive for the child, it will also benefit child care staff, teachers, etc. In addition, the alignment of requirements would facilitate a joint planning process of the early learning system.

Updating Licensed Home Child Care Requirements

OMSSA, like the Ministry, is well aware of the differing realities of families in communities across the province in finding access to safe, quality child care. Like OMSSA, the Ministry is aware that it is critical to work with CMSMs and DSSABs to land on the appropriate balance of licensing requirements to ensure that families have both access and opportunity to find appropriate, safe, quality licensed care.

We encourage the ministry to work with CMSMs and DSSABs to determine licensing requirements that support families while in no way comprise children.

Children with Special Needs

OMSSA knows that the government is committed to a child care system that is inclusive of all Ontario's children and families. OMSSA commends changes that move toward a more inclusive child care system. OMSSA recommends the Ministry work with its members on ratios as proposed in the legislation that describes the number of children with special needs, in relation to licensed capacity. This includes determining:

- Health and safety considerations on the appropriate number of children with extra support needs that can be cared for by a single home child care provider;
- Considerations on the flexibility and viability of programs as relates to the limit of children with special needs; and
- Considerations and further discussion on the benefits for service navigation supports to be in place for children over the age of 13, as they transition out of child care and early years programs.

OMSSA and its members look forward to continuing to work together, as partners, to ensure that this important legislation moves to implementation in a successful and effective way. True success will be when regulations and guidelines support all families and children in accessing safe, quality child care and early years programs and services no matter where they live.