



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

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

Introduction

Good progress has been made over several years in the government's commitment to modernize early years and child care in Ontario. Legislative and regulatory reform and most recently, the introduction of the *Ontario Early Years Child and Family Centres (OEYFCs)*, are solid approaches and critical tools to increasing support and resources for Ontario's families and children. For OMSSA and its members, this progress has been anticipated and welcomed. The *Child Care and Early Years Act (CCEYA)* also introduced a fundamental shift for Consolidated Municipal Services Managers (CMSMs) and District Social Services Administration Boards (DSSABs) with their confirmation as service system managers for early years and child care.

It is from this perspective, and as critical partners in the modernization and transformation of early years and child care, that OMSSA offers the following feedback. We need to continue to work together to get things right, in short, to ensure that good policy ideas in the end are implementable. This means, that CMSMs and DSSABs in all aspects of their roles and responsibilities have the capacity and resources to enable regulations and the expectations therein. We understand the opportunity at hand to move Ontario forward as a real leader in early years and child care and how this will benefit all Ontarians. But we must ensure against unanticipated risks and liabilities to municipal governments and DSSABs as we as we do so.

We look forward to continuing a collaborative and strong partnership in our mutual efforts of serving Ontario's families and children.

Recommendations on Proposed Regulatory Changes

A. Service System Management and Funding

A1. Service System Management

To evolve the service system manager role, OMSSA, CMSMs, DSSABs and the Ministry must work together to define the scope and requirements of this role. Developing a framework that is flexible enough to support all CMSMs and DSSABs in their roles of planning, managing and funding local and responsive child care and early years programming will be needed. This framework and operationalizing the role will require tools and resources.

This includes clarity on the indicators and information that will be requested from service system managers going forward and that this information is communicated in a manner to support CMSMs and DSSABs the time needed to appropriately and effectively plan.

As the designated child care and early years' service system managers responsible for planning and managing local services, CMSMs and DSSABs work in partnership with a number of stakeholders in their communities, including school boards. Provincial leadership on establishing the most efficient and effective relationship that recognizes the role and authority of municipalities and DSSABs is imperative.

While service plans can be developed in collaboration in certain areas where input is required, these plans should only be approved by municipal councils or the Boards of DSSABs.

Finally, consideration should be given to extending the requirement for new plans beyond 2017 as there will be new planning involved when the child and family centres are transferred to service manager administration in December 2017. In addition, as currently not all CMSMs and DSSABs develop service plans in consultation with community partners, this change in business will mean added cost to administration. Support and time must be provided to transition CMSMs and DSSABs into this area of responsibility.

A2. Funding Related Provisions

It is OMSSA's understanding that the Ministry intends to set maximum cost sharing amounts that will support the Province in providing 100% cost sharing provision in programs, this will be important. OMSSA is also appreciative that with the transfer of child and family centres to CMSMs and DSSABs, this will not be accompanied by cost-sharing provisions.

OMSSA recognizes the significant contributions made by Ministry in provision to the early years and child care system in recent years and the continued commitment to ensure that no new costs will be devolved to CMSMs and DSSABs.

We also welcome the opportunity, as the new federal funding is considered in policy and program development, that OMSSA and its members have an opportunity to participate in the discussions and processes within the provincial context.

B. Licensed Clarity

B1. Authorized Recreation and Skill Building Programs

As the early years and child care system evolves, the importance of understanding the longer term vision cannot be understated. Considerations on how to support a growing system with new subsidies will be important as well as who does what.

Concerns exist with the potential for increased risk and liability because of the need for greater monitoring and the potential for an increased role related to compliance. CMSMs and DSSABs request more information regarding the proposed changes in this area that would allow service managers to authorize recreation and skill building programs that only care for children six years of age and up.

Whatever the way forward it will be important that the regulations should be simplified to ease administration and provide true clarity and that CMSMs and DSSABs do not find themselves in unfunded or mandated roles.

If this proposal goes forward, OMSSA and CMSMs and DSSABs must work with the Province to establish guidelines in the areas of monitoring, quality assurance, role development, minimum requirements, and establishing an effective working relationship with municipal Parks and Recreation departments.

Guidelines developed in partnership with CMSMs and DSSABs will ensure that they have sufficient capacity to acquire this new role and are clear on what it entails. It would also minimize inconsistencies across the province in regards to the process and structure of authorization.

Further, we request that the Province ensures that this new responsibility will have no financial implications and be a cost to CMSMs and DSSABs.

Finally, OMSSA is aware of concerns regarding the potential for unintended consequence in that some recreation programs will become unviable and face increased costs associated with licensing. We urge the Ministry to work with Parks and Recreation Ontario to ensure that new regulations not lead to a decrease of authorized recreation programs in communities and thereby increasing demand for licensed child care and before and after school care programs adding pressure to waiting lists.

Recreation programs play a vital role in the community including providing before and after school care programs. They also serve a demographic of the population who often cannot afford licensed child care but prefer a more structured and regulated alternative to unlicensed care. These disparate but complimentary aspects of a broader system of support for families and children must be considered.

C. Enforcement

C1. Administrative Penalties

OMSSA is supportive of increased oversight and authority that reflects good and accountable public policy and concern for the safety and wellbeing of children.

OMSSA and its members request further information on the administrative penalty process, such as clarification regarding who is fined and who issues the administrative penalty.

We recommend that consideration be given to a tiered penalty approach where fines for administrative penalties are lower than serious health and safety concerns. We request that OMSSA, CMSMs and DSSABs are consulted on the development of this tiered penalty approach and that criteria is clearly outlined in order to ensure consistency across the province.

D. Tiered Licensing

Tiered licensing is aligned with the government's vision of a responsive, high-quality, accessible, and inclusive early learning and child care system. We support this proposed change and ask that further information be provided on the renewed Program Advisor role, specifically around tiered licensing and licensing renewal.

E. Licensing Standards

E1. Home Child Care.

OMSSA does caution against the removal of the cap and replacement with the 'one per agency' requirement. There are concerns that in the north and rural areas that this may not be sufficient due to travel times across geographic distances. This may reduce the frequency of visits potentially compromising the health, safety and well-being of children. Frequent inspections are also needed to ensure quality of programs.

There is strong support amongst OMSSA members to maintain the cap at 25 in order to align with the Province's pedagogical focus on quality. Any changes the province contemplates should ensure that all licensing standards and health and safety requirements continue to be met.

E2.i. Age Groupings, Ratios, Maximum Group Size, Qualifications and Family Groupings (Child Care Centres)

OMSSA recognizes the fundamental objective of the provincial government is to increase access to licensed, quality, safe child care for Ontario families and children. OMSSA and its members share this objective. However, achieving this objective through policy gymnastics in the absence of increased investments will be difficult.

Immediately anticipated are increased capital costs in the short term due to the need for new room and space reconfigurations. Some reconfigurations may not even be feasible in existing buildings as well as the potential impact to quality, health and safety and well-being of children with the decreased ratios.

Age Grouping and Maximum Group Size

It is recommended that the infant and toddler categories be given more flexibility by permitting an overlap of age ranges, for example, operators having the choice of infant programming for 0-12 or 0-18 months. This would allow providers to determine their age groups and group sizes depending on their local service needs.

The proposed changes reduce the maximum number of children for the infant and toddler categories (10 to 9 and 15 to 12, respectively). While supporting the Province's vision of quality, this change will create a loss of childcare spaces in an already underserved system and will impact the revenue of child care operators. The loss of revenue may be passed along to the families, increasing their fees.

It is suggested that further consideration be given to the proposed changes regarding the maximum number of children for the infant and toddler categories and that OMSSA, CMSMs and DSSABs are engaged in further consultations on this item.

Staffing Qualifications

OMSSA is supportive of the proposed changes to increase the minimum number of qualified staff as it is in-line with the Province's commitment to a high quality child care and early year's system. However, we also recognize that this change could have serious implications for child care providers. Increased supports must be put in place to ensure the following:

- Existing unqualified staff maintain qualifications and designations;
- Programs do not become inaccessible due to affordability, driving parents away from licensed child care; and
- Communities are able to secure qualified staff for programs and services, recognizing that hiring and maintaining qualified staff in rural and northern areas can be especially challenging.

We recommend that the Province work with OMSSA, CMSMs and DSSABs to ensure that the proposed changes regarding the minimum number of qualified staff will not have negative implications on the system.

On a go forward, sharing data, such as the number of new graduates and school population projections, would be one way that could assist with community planning.

E2.iii. Reduced Ratios

OMSSA, CMSMs and DSSABs are concerned that reduced ratios will have serious financial impacts on child care operators who are unable to support this staffing model. Reduced ratios will result in longer shifts for existing staff and the need for new staff. This, in turn, will lead to increased fees for families and will impact the viability of child care programming.

Due to the aforementioned implications of reduced ratios, it is recommended that further consideration be given to supports that would alleviate any negative implications on the system that are a result of reduced ratios.

E2.iv. Age Grouping Changes: Impacts to Other Regulations

OMSSA, CMSMs and DSSABs have major concerns regarding meeting the requirements for the proposed changes to infant or toddler programs licensed before January 1, 2017. More information on how spaces can be adapted to meet these requirements is required. The Province must also consider the capital costs to fulfill these requirements, which would be prohibitive to CMSMs and DSSABs and that they are not required to fulfill these costs.

We request that the 2020 date for implementation be removed, that existing programs are “grandfathered” and that there be no expectation that programs in the planning stage and/or under development will be altered.

G. Before-and-after-school programs for children age 6-12 years (BASP 6-12): Extended Day and Third Party Programs

G3. Programming Requirements

In order to give flexibility to local programs to allow them to transition in a way that is most effective for evening programming and the children and families they serve, OMSSA recommends that before- and after-school programs and authorized recreation providers be required to provide a minimum of 30 minutes of time dedicated to physical activity, as opposed to 60 minutes.

Conclusion:

OMSSA and its member commend the Ministry of Education on its work to date and appreciates the opportunity to share the preceding recommendations and contributing to the foundation of Ontario’s child care modernization and early year’s integration. We look forward to continue working together, as partners, to build a high-quality, accessible, affordable, and inclusive early learning and care system that better supports all children and families in Ontario.