



The New Child Care and Early Years Act: *What Providers and Parents Need to Know*

General

What is the Child Care and Early Years Act?

Together, we have been working hard to ensure child care in Ontario reflects the realities of our modern world. Our overarching goal is to build a child care and early years system that better supports parents and gives children the best possible start in life. Extensive consultation with parents and early years partners was key to developing this modernization plan.

To support our ambitious goals, the *Child Care and Early Years Act, 2014* (CCEYA) will come into effect on August 31, 2015. This legislation will replace the outdated *Day Nurseries Act* (DNA) and establish new rules governing child care in Ontario.

Many of the new provisions will strengthen compliance and health and safety in child care settings, and help parents make informed choices about their options. Many of the provisions that existed under the regulations under the *Day Nurseries Act* are unchanged and will be carried forward under the CCEYA.

Who does the Act apply to?

The Act will apply to:

- Unlicensed child care
- Home child care providers contracted by a licensed agency
- Licensed home child care agencies; and
- Licensed child care centres.

Who is exempt from the Act?

The following are some examples:

- Nannies or babysitters that provide care to children in the children's home
- Care by relatives
- Camps that only care for children aged 4 and over
- Programs with a primary purpose of academic or skill-based recreation
- Private schools that only care for children aged 4 and over.

When do the new rules come in effect?

The new rules will come into effect on August 31, 2015. However, the following two rules for **unlicensed providers** will not apply until January 1, 2016:

1. Providers must count their own children under the age of 6*
2. Providers can only care for a maximum of 2 children under the age of 2*.

The following rule will not apply until August 31, 2017:

- Providers must include 10, 11, and 12 year olds in the total count of children they care for.

* However, these exceptions only apply to children who were already being cared for by the provider on December 4, 2014. For example, if a provider was caring for three 1-year-old children on December 4, 2014, they can continue to care for those children until January 1, 2016.

What happens if someone doesn't follow the rules?

Contraventions of the Act and its regulations could lead to administrative penalties, and/or convictions that could include fines. The Ministry of Education will typically take progressive measures, such as compliance orders, as appropriate, before issuing a penalty. Administrative penalties would increase based on the length of the violation, and previous violations.

For instance, if a provider has more than the permitted number of children in care, the penalty would start at \$2,000 per child per day. In addition to financial penalties, the ministry will post on their website when a child care provider has been issued a compliance order, administrative penalty, protection order and/or restraining order.

Where can I get more information on the new rules?

- Child Care and Early Years Act, 2014
- Ontario regulations made under the Child Care and Early Years Act, 2014:
 - ◆ O. Reg. 137/15: General
 - ◆ O. Reg. 138/15: Funding, Cost Sharing and Financial Assistance
- The Minister's Policy Statement on Programming and Pedagogy

Home-based Child Care

How many children can a home child care provider care for?

A licensed home child care provider can care for a maximum of 6 children under the age of 13.

An unlicensed child care provider can care for a maximum of 5 children under the age of 13.

Does a provider have to count their own children?

Yes. Both licensed home child care providers and unlicensed providers must count their own children under the age of 6.

Are there age restrictions for the children a home child care provider can care for?

Yes. Both licensed and unlicensed child care providers must:

- Count their own children under the age of 6
- Care for a maximum of only 2 children under the age of 2 (including their own children).

Is it true that a home child care provider can only care for 3 children under the age of 3?

No. Both licensed home child care providers and unlicensed providers must:

- Count their own children under the age of 6
- Care for a maximum of only 2 children under the age of 2 (including their own children).

Can a home child care provider care for more children if another adult is present?

No. The maximum number of children applies regardless of the number of adults in the home.

Do the rules apply any time of day, or can a home child care provider care for more children outside of regular school hours?

The rules apply at any time of day.

If a home child care provider has a child in Full-Day Kindergarten, do they count toward the maximum number of children they can care for?

If a provider's own 4 or 5 year old child is attending publicly-funded Full-Day Kindergarten or grade one, they only need to count them during summer vacation. The provider's own child does not need to be included in their count during the school year (including March break and PA days), as long as:

- Care is only being provided between 6 a.m. and 7 p.m.
- The provider cares for a maximum of one child younger than 2 years old; and
- The provider has not been convicted of an offence under the DNA or CCEYA.

If an unlicensed home child care provider is caring for five children and their child aged 6 or older is home sick from school, would they be over the maximum number of children?

No. Licensed and unlicensed home child care providers must only include their own children under the age of six in their total count.

What other new requirements will take effect?

An unlicensed provider must inform parents that they are unlicensed in writing (either hard-copy or electronic). A provider must keep proof of their disclosure for two years. The disclosure must say: "This child care program is not licensed by the Government of Ontario."

All providers, both licensed and unlicensed, are required to provide receipts for payment of services upon request.

With specific exceptions, all providers, both licensed and unlicensed, are required to allow parental access to the premises and their child.

An unlicensed provider cannot operate in more than one location.

Licensing Standards

What are the ratios for licensed child care centres?

Licensed child care centres are required to meet the minimum standards set out in the following ratios.

The majority of the ratios for licensed child care centres remain unchanged. Only the ratios for 4-5 year olds and 9-12 year olds have been changed and operators may choose to use the former ratios or the new ones.

Licensed child care centres can choose to have more staff than is required, but may not have less:

Age Grouping	Ratio of staff to children	Maximum number of children in group
Infants (younger than 18 months)	3 to 10	10
Toddlers (18 months or older but younger than 30 months)	1 to 5	15
Preschool (30 months or older but younger than 6 years)	1 to 8	16
Kindergarten (44 months or older but younger than 68 months)	1 to 13	26
Primary/junior school age (68 months or older but younger than 13 years)	1 to 15	30
Junior school age (9 years or older but younger than 13 years)	1 to 20	20

The square footage requirements for licensed child care centres have been aligned to support the new kindergarten and school-age ratios to 2.58 square metres per child.

What new health and safety regulations are required under the new Act?

Many provisions were carried forward from the DNA and remain unchanged.

All staff, volunteers, and students at licensed child care centres and agencies require criminal reference checks. This includes vulnerable sector screening, which must be updated every five years. Offence declarations must be provided every year that Vulnerable Sector Checks are not required.

All child care supervisors, employees, and home child care providers must have a valid standard first aid certification including infant and child cardiopulmonary resuscitation (CPR).

All parents must be notified when any accident or incident occurs that could affect the health, safety, or well-being of their child, and be provided with a copy of the report.

All meals, snacks and beverages must meet the recommendations set out in the Health Canada documents “Canada’s Food Guide”, “Canada’s Food Guide – First Nations, Inuit and Métis” or “Nutrition for Healthy Term Infants”, as the case may be.

Is there a deadline for employees to get their first aid certification?

Many employees and home child care providers already have their first aid certification. It is expected that when the CCEYA is proclaimed, employees and home child care providers would have valid certification in standard first aid, including infant and child CPR.

When do employees or home child care providers have to complete their Vulnerable Sector Checks?

Many employees and home child care providers already have a Vulnerable Sector Check. Employees and home child care providers with Vulnerable Sector Checks older than five years must apply to obtain a new one within 30 days after the legislation comes into force.

Can a new employee start work before they have their Vulnerable Sector Check?

New employees and home child care providers must obtain a Vulnerable Sector Check before they begin employment and/or provide care to children.

In certain circumstances, new employees and home child care providers can begin working with children before they receive their Vulnerable Sector Check, as long as they apply for it as soon as possible and the length of time it takes to receive it justifies the delay.

Employers and agencies are required to ensure additional measures are in place to protect children until the Vulnerable Sector Check is obtained.

What are the new program requirements for licensed providers?

Every licensed provider must have a program statement that is consistent with the Minister of Education’s Policy Statement that sets out *How Does Learning Happen?* (HDLH) as the framework to guide programming and pedagogy. HDLH

reflects the province's view of children as competent, capable, curious and rich in potential. It is grounded in current research in early child development and provides a positive framework to support children and families.

To read the Minister of Education's Policy Statement go to: <http://www.edu.gov.on.ca/childcare/programCCEYA.pdf>.

How will parents know their child care is licensed?

Under the new legislation, all licensed child care centres, home child care agencies, and homes contracted with a home child care agency will receive and display decals to identify them as licensed by the government of Ontario. Decals will be mailed to centres in fall, 2015.

How will the new Act affect child care centres in schools?

A child care centre located in a school, serving children age 4 and up, will be considered part of the school. This means the building and accommodation standards and requirements that apply to the school will also apply to the child care centre. Separate requirements such as zoning, building code, playground regulations and window glass will no longer be required for these centres.

Are there any changes to staff qualifications?

Staff qualifications remain unchanged for licensed child care centres.

A home visitor, who is employed by licensed home child care agencies to visit and monitor homes providing licensed home child care, must now be a Registered Early Childhood Educator (RECE), or otherwise have director approval.

Anyone who possesses an Early Childhood Educator (ECE) qualification, and is working within the scope of practice (planning, delivering and assessing inclusive play-based programs for children), must register with the College of ECEs.

Further Resources

- *How Does Learning Happen? Ontario's Pedagogy for the Early Years:*
<http://www.edu.gov.on.ca/childcare/HowLearningHappens.pdf>
 - ◆ An Introduction to *How Does Learning Happen?* for Educators:
<http://www.edu.gov.on.ca/childcare/EducatorsEn.pdf>
 - ◆ An Introduction to *How Does Learning Happen?* for Leaders:
<http://www.edu.gov.on.ca/childcare/LeadersEn.pdf>
 - ◆ An Introduction to *How Does Learning Happen?* for Home Child Care Providers: <http://www.edu.gov.on.ca/childcare/HomeChildCareEn.pdf>
- *Think Feel Act: Lessons from Research about Young Children:*
<https://www.edu.gov.on.ca/childcare/ResearchBriefs.pdf>
 - ◆ Think Feel Act Videos: <http://www.edu.gov.on.ca/childcare/research.html>
- ECE Qualifications Upgrade Program: As of July 1, 2015 this program will be expanded to allow unlicensed home child care providers to apply for funding. Funding will be prioritized for individuals working under a Director Approval.
http://www.ecegrants.on.ca/English/home_en.html
- The College of Early Childhood Educators: www.college-ece.ca