

Child Care and Early Years Act, 2014

March 1, 2018

Amendments to Ontario Regulation 137/15

Early Years and Child Care Division
Ministry of Education

Agenda

Effective March 1, 2018:

Regulatory amendments aimed at:

- Reducing administrative burden for licensees, child care staff, home child care providers and families by removing unnecessary or duplicative requirements that do not have an impact on children's health or safety; and,
- Revising the ministry's planned approach to age groupings and ratios in licensed child care centres.

Effective July 1, 2018:

Regulatory amendments aimed at:

- Additional changes to reduce administrative burden for child care licensees, child care staff, home child care and families;
- Build on the ministry's progressive enforcement model;
- Clarify requirements for authorized recreational and skill building program providers;
- Align funding regulations with current funding policy and practices; and,
- Make technical amendments, including language updates.

Agenda

Regulatory Amendments effective March 1, 2018:

- Reducing administrative burden in the following areas:
 - Emergency Contact Information for Parents
 - Financial Records
 - Implementation and Review of Policies, Procedures and Individualized Plans
 - Serious Occurrences, Records Retention
 - Federal Legislation for Cribs, Cradles, Playpens
 - Allergens, Posting Requirements
 - Storage of Poisonous or Hazardous Substances in Child Care Centres
- Revising the ministry's planned approach for age groupings and ratios.

Emergency Contact Information for Parents

(Subsection 70(1), O. Reg. 137/15)

Emergency Contact Information for Parents

As of March 1, 2018, subsection 70(1) has been amended:

Ontario Regulation 137/15

70. Every licensee shall ensure that the following information is up to date and readily accessible in the event of an emergency to each staff member of each child care centre or home child care agency it operates and to each home child care provider at a premises where the licensee oversees the provision of home child care:

1. ~~The home and work addresses and telephone numbers~~ of a parent of each child receiving child care at the child care centre or home child care premises, and a telephone number of a person to be contacted if a parent cannot be reached.
2. Any special medical or additional information provided by a parent of each child receiving child care at the child care centre or home child care premises that could be helpful in an emergency.

Emergency Contact Information for Parents

What's changed?

- Licensees are no longer required to collect parents' work and home addresses, as part of each child's emergency information.

What's the same?

- Licensees are still required to collect the telephone numbers of a parent of each child receiving care, and a telephone number of a person to be contacted if a parent cannot be reached, as part of each child's emergency information.

Rationale for change:

- The collection of parent's or other persons (i.e. emergency contact) addresses is already required as part of children's enrolment records under subsection 72(1)3 & 4, O. Reg. 137/15.
- Licensees have advised the ministry that the collection of home and work addresses under this section is an unnecessary administrative burden.

QUESTIONS



Financial Records

(Section 76, O. Reg. 137/15)

Financial Records

As of March 1, 2018, section 76 has been revoked from the general regulation and moved in to the ministry's regulation which governs funding, cost sharing and financial assistance (O. Reg. 138/15).

Ontario Regulation 137/15

~~76. (1) Every licensee shall keep financial records for each child care centre or home child care agency it operates and shall keep such financial records for at least six years from the time of their making.~~

~~(2) The financial records referred to in subsection (1) shall show at least the assets, liabilities, income, expenses and accumulated surplus and deficit, of the child care centre or home child care agency.~~

Financial Records

What's changed?

- The requirement for licensees to maintain financial records has been removed from O. Reg. 137/15 (General), and added to O. Reg. 138/15 (Funding, Cost Sharing and Financial Assistance)

Rationale for change:

- This requirement does not have a direct impact on children's health and safety. However, it is still important to the ministry's funding regulation.
- Service system managers may require financial information from licensees with whom they have a purchase of service agreement.
- Licenses will still be required to retain this documentation, but it will not be assessed as a licensing standard, and will not be part of the ministry's licensing checklist.

QUESTIONS



**Implementation and Review of Policies,
Procedures and Individualized Plans**
(Subsection 6.1(2)-6.1(6), O. Reg. 137/15)

Implementation and Review of Policies, Procedures and Individualized Plans

The following requirement has not changed:

Ontario Regulation 137/15

6.1 (1) Every licensee shall ensure that the policies, procedures and individualized plans it is required to have under this Regulation are **implemented** at each child care centre it operates and at each premises where it oversees the provision of home child care.

Implementation and Review of Policies, Procedures and Individualized Plans

As of March 1, 2018, subsections 6.1(2)-6.1(6) are **revoked** from regulation:

Ontario Regulation 137/15

~~6.1 (2) Every licensee shall review the policies, procedures and individualized plans at least annually and ensure they are current.~~

~~(3) Every licensee of a child care centre shall ensure that the policies, procedures and individualized plans are reviewed as follows at the child care centre:~~

~~1. With employees, before they begin their employment.~~

~~2. With volunteers or students who will be interacting with children at the child care centre, before they begin to volunteer or before they begin their educational placement.~~

~~3. With each person described in paragraph 1 or 2, at least annually after the first review and at any other time when changes are made to a policy, procedure or individualized plan.~~

Implementation and Review of Policies, Procedures and Individualized Plans

~~(4) Every licensee of a home child care agency shall ensure that the policies, procedures and individualized plans are reviewed as follows at every premises where it oversees the provision of home child care:~~

- ~~1. With each home child care provider at each premises, before any child is placed at that premises.~~
- ~~2. With volunteers or students who will be interacting with children at the premises, before they begin to volunteer or before they begin their educational placement.~~
- ~~3. With persons who are ordinarily residents of the premises or regularly at the premises, before they begin interacting with the children.~~
- ~~4. With home child care visitors, before they begin their employment.~~
- ~~5. With each person described in paragraph 1, 2, 3 or 4, at least annually after the first review and at any other time when changes are made to a policy, procedure or individualized plan.~~

Implementation and Review of Policies, Procedures and Individualized Plans

~~(5) Every licensee of a home child care agency shall ensure that the policies and procedures are reviewed by persons who work at the home child care agency before they begin their employment, at least annually after the first review and at any other time when changes are made to a policy or procedure.~~

~~(6) Every licensee shall ensure that a record is kept with the date of each review conducted under subsection (2), (3), (4) or (5) and that each record is signed by each person who conducted or participated in the review, or in the case of a review made by a licensee that is a corporation, by an officer or employee of the corporation who had knowledge of the review.~~

Implementation and Review of Policies, Procedures and Individualized Plans

What's changed?

- Licensees are no longer required to ensure that policies, procedures and individualized plans are reviewed annually and when changes are made with all individuals named under the previous regulatory requirement, and a record of this review is no longer required to be retained and signed off by each individual who conducted/participated in the review.

What's the same?

- Licensees are still responsible for ensuring that all required policies, procedures and individualized plans are implemented in child care centres and home child care.
- The Ministry of Education will continue to monitor the implementation of policies, procedures and individualized plans by interview and observation of compliance with the policies, procedures and individualized plans during inspections.

Implementation and Review of Policies, Procedures and Individualized Plans

Rationale for change:

- The requirement caused unnecessary administrative burden because sign-off by an individual does not guarantee that the individual has read/understood the documentation.
- The requirement raised privacy concerns from programs due to sensitive and personal information contained in individualized plans.

QUESTIONS



Implementation/Review of Policies, Procedures and Individualized Plans

(Subsection 6.1(7), O. Reg. 137/15)

Implementation and Review of Policies, Procedures and Individualized Plans

As of March 1, 2018, subsection 6.1(7) has been amended:

Ontario Regulation 137/15

6.1(7) Every licensee of a child care centre or home child care agency shall have ~~a written process~~ **written policies and procedures** that set out,

- (a) how compliance with the policies, procedures and individualized plans will be monitored on an ongoing basis, recorded and addressed; and,
- (b) how contraventions of the policies, procedures and individualized plans will be monitored on an ongoing basis, recorded and addressed.

Implementation and Review of Policies, Procedures and Individualized Plans

What's changed?

- The regulation language has been changed from “written process” to “written policies and procedures”.

Rationale for change:

- By amending “process” to “policies and procedures”, the regulatory requirement is subject to the requirement in subsection 6.1(1), to implement all policies, procedures and individualized plans.

QUESTIONS



Serious Occurrences, Records Retention

(Subsection 38(1)(d), O. Reg. 137/15)

Serious Occurrences and Records Retention

As of March 1, 2018, subsection 38(1)(d) has been amended:

Ontario Regulation 137/15

38. (1) Every licensee shall ensure that,

(d) ~~the report and the summary of the report is~~ **are each** kept in accordance with section 82.

82. Where a licensee is required under this Regulation to make or keep a record, report or other document, it shall keep the record, report or other document in a secure location for at least three years from the date it is made, unless otherwise specified.

Serious Occurrences and Records Retention

What's changed?

- Licensees are no longer required to keep and retain paper versions of serious occurrence reports.

What's the same?

- Licensees are still required to keep a summary of the serious occurrence report (also called a “serious occurrence notification form”) for at least three years, because this is not already retained in Child Care and Licensing System (CCLS).

Rationale for change:

- The serious occurrence report is already retained in CCLS which all licensees and ministry licensing staff have access to.

QUESTIONS



**Federal Legislation for Cradles, Cribs and
Playpens in Child Care Centres and Home
Child Care**
(Subsection 19(2)4 & 27(3)(1), O. Reg. 137/15)

Federal Legislation for Cradles, Cribs and Playpens

As of March 1, 2018, subsection 19(2)4 & 27(3)1 has been amended:

Ontario Regulation 137/15

19. (2) Every licensee shall ensure that the following equipment and furnishings are provided in each child care centre it operates:

(4) A cradle or crib that ~~complies with the standards for cradles and cribs in the regulations made under the *Canada Consumer Product Safety Act* for~~ each child who,

- i. is younger than 18 months and ~~receives child care in a Schedule 1 child care centre, or~~
- ii. is younger than 12 months and is in a ~~licensed infant/toddler or a family age group.~~

Federal Legislation for Cradles, Cribs and Playpens

Ontario Regulation 137/15

27.(3) Every licensee shall ensure that the following equipment and furnishings are provided in each premises where the licensee oversees the provision of home child care:

1. For each infant who receives home child care at the premises, a cradle or crib or playpen that ~~complies with the standards for cradles, cribs and playpens in the regulations made under the *Canada Consumer Product Safety Act*~~, and bedding.

Federal Legislation for Cradles, Cribs and Playpens

What's changed?

- Licensees are no longer required to ensure that cribs, cradles or playpens comply with the standards set out in the *Canada Consumer Product Safety Act* (CPSA).

What's the same?

- Licensees must ensure that cribs, cradles and playpens are maintained in a safe and clean condition and kept in a good state of repair, as required under subsection 19(3) and 27(4), O. Reg. 137/15.

Rationale for change:

- The CPSA standards are intended to govern the manufacture and sale of cribs, cradles and playpens, not use by the end user (e.g. licensee, home child care provider).

QUESTIONS



Allergens & Posting Requirements

(Subsection 43(3), O. Reg. 137/15)

Allergens & Posting Requirements

As of March 1, 2018, subsection 43(3) has been amended:

Ontario Regulation 137/15

43. (3) Every licensee of a child care centre shall ensure that, in each child care centre it operates, a list setting out the names of the children receiving child care in the child care centre who have ~~food~~ allergies or other food restrictions, and their respective **allergens** or restrictions is ~~posted,~~

(a) is posted in each cooking and serving area;

(b) is posted in each play area or play room; and

(c) is available and accessible in any other area in which children may be present

Allergens & Posting Requirements

What's changed?

- Requirements relating to allergies have expanded to include non-food allergy causing agents (e.g. latex).
- Allergy lists are no longer required to be posted in any other area in which children may be present. Instead, allergy lists must be made available and accessible in any other area in which children may be present.

What's the same?

- Licensees are still required to post allergies/restrictions in each cooking and service area, and in each play activity area or play activity room.

Allergens & Posting Requirements

Rationale for change:

- Making allergy lists available and accessible is more practical given that some areas are not conducive to “posting” the list of food allergies/restrictions (e.g. playgrounds, shared spaces with schools, and washrooms).
- Proposed change acknowledges that information can be made available and accessible in different ways, such as through a mobile device.
- The amended language captures allergens beyond food which may be present in a child care centre (e.g. latex)

QUESTIONS



Storage of Poisonous or Hazardous Substances in Child Care Centres

(Subsection 15(1)5 & 15(2), O. Reg.137/15)

Storage of Poisonous or Hazardous Substances

As of March 1, 2018, subsections 15(1)5 & 15(2) has been amended:

Ontario Regulation 137/15

15. (1) Every licensee shall ensure that each child care centre it operates includes space designated for each of the following:

5. Storage for medical supplies, cleaning materials and equipment and other **poisonous** or hazardous substances.

(2) Every licensee shall ensure that the spaces in each child care centre it operates that are referred to in paragraphs 5 and 6 of subsection(1), and **the items kept in those spaces,** are inaccessible to children.

Storage of Poisonous or Hazardous Substances

What's changed?

- This amendment adds “poisonous” as a substance that must be inaccessible to children.
- Wording adjusted to clarify that other poisonous or hazardous substances must be inaccessible to children, not just the spaces where poisonous or hazardous substances are kept.

Rationale for change:

- Wording in the regulation does not clearly reflect the policy intent, which is that licensees must ensure that poisonous and hazardous substances themselves are *inaccessible* to children, rather than just the spaces in which poisonous or hazardous substances are stored.

QUESTIONS



Age Groupings and Ratios in Child Care Centres (Subsection 8(1), O.Reg.137/15)

Age Groupings and Ratios

As of March 1, 2018, Schedule 2 and its related amendments have been revoked from Ontario Regulation 137/15.

Rationale for change:

- In light of continued concerns from stakeholders, Schedule 2 and its related regulations have been revoked from O. Reg. 137/15.
- There will be no change to the other existing Schedules for age groupings, ratios and staff qualifications set out in O. Reg. 137/15 under the CCEYA, including Schedule 4 (family age groups) which came into effect September 1, 2017.

QUESTIONS

