










# Child Care Centre Licensing Manual





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## Introduction

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### Purpose and Organization

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The Child Care Centre Licensing Manual (the Manual) provides information about the legislative and regulatory requirements for licensed child care centres as set out under [Child Care and Early Years Act, 2014 \(CCEYA\)](#) and [Ontario Regulation 137/15](#) (hereafter O. Reg. 137/15 or the Regulation).

The Manual has been written to:

- support centres in meeting licensing requirements by describing the intent of the regulations and how compliance can be demonstrated;
- help centres achieve and maintain compliance as well as improve program quality by suggesting best practices and providing additional information;
- connect centres with other resources, where applicable, to deepen knowledge and inform best practices.

The Manual has been designed for use in conjunction with the CCEYA and its regulations. References made to sections, subsections or clauses refer to O. Reg. 137/15, unless otherwise specified. Sections of the Manual have been arranged in the order that they appear in O. Reg. 137/15 and include the intent of the provision and compliance indicators. In this way, applicants and licensees can easily access information as they prepare for licensing.

**“Special Instructions”** provide information to support licensees in understanding, interpreting and complying with the licensing requirement.

**“Recommendations”**, where applicable, are included to assist licensees in considering additional ways in which the child care centre can meet compliance and enhance their program quality.

The [Early Years Portal](#) also contains a wealth of information to help licensees, staff and parents understand the requirements under the CCEYA and its regulations.

If you have further questions or require clarification, please contact your Ministry of Education program advisor directly or contact the Licensed Child Care Unit at [information.met@ontario.ca](mailto:information.met@ontario.ca).

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## Compliance Indicators

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Compliance indicators are used by Ministry of Education program advisors when they assess compliance with licensing requirements and complete the checklist. These compliance indicators have been included in this Manual to help licensees prepare for licensing inspections.

The compliance indicators fall into three categories:

- Observation – information collected during **physical observation** by the program advisor while conducting an in-person site visit
- Documentation – information collected by **reviewing written documents** (e.g., reviewing policies and procedures, reviewing files and records)
- Interview – information collected by **speaking with licensees and staff**

Multiple compliance indicators may be used to determine compliance with a single licensing requirement.

If compliance indicators are linked with “**And**”, all must be fulfilled to achieve compliance.

For example, licensees are required to develop and make available a parent handbook that includes specific information set out in regulation. Confirmation of compliance for this requirement involves reviewing documentation (the parent handbook). These compliance indicators are linked with “And” to signify that all requirements listed must be included in the parent handbook.

If compliance indicators are linked with “**Or**”, any one indicator may be fulfilled to achieve compliance.

For example, licensees are required to ensure that all children spend at least two hours outside each day. The compliance indicators for this requirement involve observation "Or" interview.

If the program advisor sees all children playing outside for two hours, they have confirmed compliance with the requirement. If unable to observe all children playing outside for two hours, the program advisor will ask questions of the supervisor or program staff and in order to confirm that children go outside for two hours every day, weather permitting.



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## **How Changes are Made to the Manual**

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The Manual will be updated over time as our knowledge of what is best for children expands and to respond to feedback from Ontario's child care community. The Manual will also be revised as regulations are updated under the CCEYA and the most current version will be posted on the Early Years Portal.

This Manual is current as of September 2016.

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## **About Child Care in Ontario**

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### **Ontario's Vision for the Early Years**

Child care plays a key role in promoting healthy child development, well-being and learning, particularly during the early years of a child's life.

The government's vision for the early years is to ensure that Ontario's children and families are well supported by a system of responsive, high-quality, accessible, and increasingly integrated early years programs and services that contribute to healthy child development today and a stronger future tomorrow.

The child care system in Ontario consists of a range of services for families, including licensed child care centres, licensed home child care (offered by home child care providers associated with licensed home child care agencies) and unlicensed child care.

### **Legislative Framework**

The Child Care and Early Years Act, 2014 (the CCEYA) and its first phase of regulations came into effect on August 31, 2015. This legislation replaced the Day Nurseries Act and established new rules governing child care in Ontario.

The CCEYA applies to:

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

### **Unlicensed Child Care**

An unlicensed child care provider can care for a maximum of five children under the age of 13 years, including their own children under the age of six years. For additional rules

that apply to unlicensed providers, please refer to the CCEYA and O. Reg. 137/15 and/or refer to the ministry's infographic:

[Home Child Care and Unlicensed Child Care: How Many Children Are Allowed?](#)

Anyone who cares for more than five children under the age of 13 years requires a licence under the CCEYA, with several exemptions including:

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

Additional exemptions are set out under section 4 of the CCEYA and sections 3 and 3.1 under the General Regulation. The Ministry of Education responds to written inquiries about whether a licence is required. No telephone responses are available.

Written inquiries must include detailed information about the prospective program, including times of operation, ages and number of children served, purpose of the program/service and typical program or schedule of activities.

Inquiries can be sent by email to [information.met@ontario.ca](mailto:information.met@ontario.ca) or by mail to:

Child Care Quality Assurance and Licensing Branch

77 Wellesley Street West, Box 980

Toronto ON M7A 1N3

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## Licensed Child Care

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There are two types of licensed child care programs in Ontario: child care centres which includes school-based child care and child care offered through home child care agencies.

Information on all licensed child care programs in Ontario can be found on the Ministry of Education's [Licensed Child Care Website](#).

This Manual focuses on the licensing process and requirements for child care centres. These programs may include nursery schools, full day child care and before- and/or after-school programs.

Home child care agencies contract with individual providers who use their own homes to provide care to children. The agency screens, approves and monitors the providers. Agencies also work with families to find the right provider for their child. More information on home child care agencies can be found in the Home Child Care Agency Licensing Manual on the [Early Years Portal](#).

Licensed child care programs may be issued one of two types of child care licences: regular or provisional.

A **regular licence** may be issued or renewed when the licensee has met all licensing requirements when last inspected. A regular licence may be issued for a maximum period of two years.

A **provisional licence** may be issued or renewed when licensing requirements have not been met and the licensee requires time to meet requirements. The maximum term that a provisional licence can be issued for is one year. If the licence is provisional, the Ministry will courier a licence printed on yellow paper to serve as a visual cue to families.

Copies of a letter indicating that a provisional licence has been issued and a summary of the licensing requirements that were not met (non-compliances) are sent to the centre for distribution to parents.

All licences must be posted in a conspicuous place at the child care centre.

Child care licences under the CCEYA are issued by a “director” who is an employee of the Ministry of Education, appointed by the Minister. The director is the individual responsible for licensing decisions. He/she reviews all documents required for licensing and approve and signs the licence.

Directors may include conditions on either regular or provisional licences. These are requirements prescribed by the Ministry of Education that are additional to the requirements of the CCEYA and its regulations. They may reflect circumstances specific to the operation, such as half day or 10 month service. They may also be put in place to minimize the recurrence of a non-compliance, such as incomplete staff medical records.

Directors have the authority to refuse to issue or renew a licence. The grounds under which a director may exercise this authority are set out in section 23 of the CCEYA.

Directors also have the authority to issue a protection order and suspend the licence if there is imminent threat to the health, safety or welfare of any children. The grounds under which a director may exercise this authority are set out in section 37 of the Act.

Applicants and licensees have a legislated right to a hearing by the Licence Appeal Tribunal when their application for a licence or a renewal is denied, and in other situations relating to the licence. Please see Appendix A for more information on the right to appeal, or visit the [Licence Appeal Tribunal website](#).



## **Tiered Licensing**

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As part of the transformation of Ontario's child care system, the ministry is implementing a new modernized approach to licensing child care centres called tiered licensing.

The new tiered licensing approach allows the ministry to maintain its oversight of children's health, safety, and well-being. The approach will enable the ministry to focus resources on working with child care centres that need more support to achieve and maintain compliance and allow for more time during inspections for program discussions.

The new tiered licensing process will be available to child care centres that have been licensed for three years or more. Eligible child care centres will be assigned to Tier 1, Tier 2, or Tier 3 based on their compliance history over the last three years. A centre's tier will determine the type of inspection the ministry will conduct, as well as the duration of the licence that may be issued.

Tiered licensing, and the maximum two year licence duration, will not apply to child care centres that have been licensed for less than three years. After three years, the child care centre would be placed into the appropriate tier at their next licence renewal inspection, according to their compliance history.

Tiered licensing will not apply to licensed home child care agencies.

For those programs not eligible for tiered licensing, the current licensing process will remain in place.

More information about tiered licensing is available online at [Tiered Licensing Fact Sheet](#).

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## **Roles and Responsibilities in Licensed Child Care**

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The role of the licensee: see Manual Section 1

### **The role of the Ministry of Education**

Ontario's Ministry of Education issues child care licences under the CCEYA and is responsible for enforcement of that legislation. At least once a year, Ministry of Education program advisors conduct inspections of all licensed child care centres and home child care agencies to:

- determine if licensing requirements are being met;
- renew licences;
- monitor licensees who are having difficulty meeting licensing requirements; and
- support applicants and licensees to achieve and maintain compliance and improve program quality.

Ministry staff also investigate complaints received by the public about licensed child care programs.

### **The role of Consolidated Municipal Service Managers and District Social Services Administration Boards**

The child care system is managed at the municipal level by 47 Consolidated Municipal Service Managers (CMSMs) and District Social Services Administration Boards (DSSABs). Each service system manager has responsibility for planning and managing a broad range of child care services, including fee subsidy, wage subsidy, and special needs resourcing at the local level.

The Ministry may share information about serious occurrences and the issuance of licences with CMSMs and DSSABs. It is important to note that municipalities are subject to the [Municipal Freedom of Information and Protection of Privacy Act](#)

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## **How to Apply for a Child Care Centre Licence**

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An individual, corporation or First Nation can apply for a licence to operate a child care centre. Licences cannot be issued to unincorporated partnerships.

Prospective licensees must apply using the Ministry of Education's online Child Care Licensing System (CCLS) and submit the required fee payment. After an application has been submitted and the fee payment processed, a Ministry of Education program advisor will be assigned to the file.

The Registration Guide for New Applicants provides step-by-step instructions on how to register and the Reference Guide for Applicants/Licensees provides step-by-step instructions for using CCLS. In addition, once registered in CCLS, applicants can view an orientation video that describes the application process and provides information about licensing requirements.

It is important to note that **it may take six to 12 months for a licence to be issued**. The length of time required to achieve a child care centre licence depends on a number of factors, including the extent of any renovations required, purchasing equipment, hiring a supervisor and staff, development of policies and obtaining all municipal approvals.

To be issued a licence, applicants must demonstrate compliance with the licensing requirements set out under the CCEYA and its regulations. To demonstrate this compliance, applicants must submit a variety of supporting documentation in CCLS.

It is the applicant's responsibility to determine whether the selected location will meet municipal zoning, building, fire and health requirements. Written verification must be submitted through CCLS confirming that these requirements have been met prior to a licence being issued.

Detailed floor and site plans must also be submitted. These plans must include room measurements, window measurements (actual glass area), location of fixed cabinets (counters and storage areas) and, where applicable, fenced outdoor playground space dimensions, among other requirements. See Manual Subsection 3.3 for more information.

The following required policies, procedures and processes are to be submitted in CCLS and reviewed by the assigned program advisor:

- Playground Safety Policy
- Anaphylactic Policy
- Sanitary Practices Policy
- Sleep Supervision Policy
- Serious Occurrence Policy
- Medication Policy
- Supervision of Volunteers and Students Policy
- Program Statement Implementation Policy

- Staff Training and Development Policy
- Criminal Reference Check/Vulnerable Sector Check Policy
- Fire Safety/Evacuation Procedures
- Process for Monitoring Compliance and Contraventions

Detailed information on the requirements related to the above mentioned supporting documents is contained in this Manual.

Click [here](#) to access CCLS through the Early Years Portal and click on the “Continue” link to begin the enrolment process.

## Glossary of Terms and Definitions

**Child:** A person who is younger than 13 years old.

**Child Care and Early Years Act, 2014 (the CCEYA):** The legislation that regulates child care in Ontario.

**Child with Special Needs:** A child whose cognitive, physical, social, emotional or communicative needs, or whose needs relating to overall development, are of such a nature that additional supports are required for the child.

**Director:** An employee of the Ministry appointed by the Minister as a director for the purposes of the CCEYA. Directors also supervise program advisors.



**Fixed Play Structure:** An outdoor play structure that is anchored to the ground.

**Home Child Care Provider:** The person in charge of the children in a location where home child care is provided.

**Individualized Plan:** A written plan that sets out how the licensee will support a child with an anaphylactic allergy or a child with special needs that is developed in consultation with parents and other professionals.

**Infant:** For the purposes of interpreting the age groupings under Schedule 1 of O. Reg. 137/15, a child who is younger than 18 months of age.

**Inspector:** An employee of the ministry appointed by the Minister. Inspector's powers and duties include the ability to enter and inspect a child care centre, a premise where home child care is provided, and a premise where a home child care agency is located and examine records. Program advisors and enforcement staff have been designated as inspectors.

**Junior School Age Child:** For the purposes of interpreting the age groupings under Schedule 1 of O. Reg. 137/15, a child who is 9 years or older, but younger than 13 years of age.

**Kindergarten Child:** For the purposes of interpreting the age groupings under Schedule 1 of O. Reg. 137/15, a child who is 44 months of age or older, but younger than 68 months of age.

**Licence:** A document issued by the Ministry of Education to a licensee providing the authority to operate a specific child care program. A licence can be regular or provisional and may have conditions.



**Licence Appeal Tribunal:** A legal tribunal that hears appeals from decisions concerning licensing activities under the CCEYA.

**Licensed Capacity:** The maximum number of children, including the number in each age category, allowed to be receiving child care in the child care centre at one time as set out in the licence of the child care centre.

**Licensee:** An individual, corporation, or First Nation that holds a licence issued under the Child Care and Early Years Act, 2014.

**Mixed Age Grouping:** A licensed age grouping that includes children who are younger than the age range specified in Schedule 1 for that age category (e.g., including some children who are younger than 18 months in a toddler group).

**Parent:** A person having lawful custody of a child or a person who has demonstrated a settled intention to treat a child as a child of his or her family (all references to parent include legal guardians, but will only be referred to as “parent” in this Manual).

**Preschool Child:** For the purposes of interpreting the age groupings under Schedule 1 of O. Reg. 137/15, a child who is 30 months or older, but younger than 6 years of age.

**Primary/Junior School Age Child:** For the purposes of interpreting the age groupings under Schedule 1 of O. Reg. 137/15, a child who is 68 months of age or older, but younger than 13 years of age.

**Program Advisor:** An employee of the Ministry of Education who is authorized under the CCEYA to inspect licensed child care programs. Program advisors support licensees and applicants to achieve and maintain compliance with licensing requirements and respond to complaints and serious occurrences reported about and by child care programs. Program advisors have been designated inspectors under the Act.



**Qualified Employee:**

**For any licensed age group** - An employee who is a member in good standing of the College of Early Childhood Educators (CECE), or otherwise approved by a director.

**For a licensed junior school age group or a licensed primary/junior school age group that includes only children who are junior school age** – In addition to a member in good standing with CECE or otherwise approved by a director, an employee who has a diploma or degree in child and youth care or

recreation and leisure services; or a member in good standing with the Ontario College of Teachers, is also a qualified employee for this age group.

**Relative:** With respect to a child, a person who is the child's parent, sibling, grandparent, great-uncle, great-aunt, uncle, aunt, cousin, whether by blood, through a spousal relationship or through adoption.

**Resource Teacher:** A person who supports program staff/providers and parents in working with children with special needs who attend licensed child care.

**Service System Manager:** A CMSM or DSSAB designated as a service system manager under the CCEYA.

**Supervisor:** A person who plans and directs the program of a child care centre, is in charge of the children, oversees staff, and is responsible to the licensee. This person must meet required qualifications.

**Toddler:** For the purposes of interpreting the age groupings under Schedule 1 of O. Reg. 137/15, a child who is 18 months or older, but younger than 30 months of age.



## Section 1- Licensee Responsible

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### Subsection 1.1– Licensee Responsible

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#### Ontario Regulation 137/15

- 6(1) Subject to subsections (2) and (3), every licensee shall be responsible for the operation and management of each child care centre or home child care agency it operates, including the program, financial and personnel administration of each such child care centre or home child care agency.
- (2) A licensee may appoint a person who shall be responsible to the licensee for the day-to-day operation and management of each child care centre or home child care agency in accordance with subsection (1).
- (3) Where a licensee or a person appointed under subsection (2) is absent, the powers and duties of the licensee or the person appointed under subsection (2) shall be exercised and performed by such person as the licensee designates.
- (4) Every licensee of a child care centre shall employ a supervisor, who shall be a person described in section 53, who shall plan and direct the program of the child care centre, be in charge of the children, oversee the staff and who shall be responsible to the licensee.
- (5) Omitted – refers to home child care.

#### Intent

This section requires daily accountability for the operation of a program under the Child Care and Early Years Act, 2014 and also allows for management flexibility in determining which person in the organization is responsible to the licensee for the day-to-day operation and management of the child care centre.

Licensees and their designates are required to achieve and maintain compliance with the requirements set out under the CCEYA at all times.

#### Special Instructions

All supervisors must be approved by a Ministry director. See Manual Subsection 7.1 for information on supervisor qualifications and the process for requesting director approval.

## Compliance Indicators

1. The licensee or staff verbally confirm that a person has been appointed to be responsible for the day-to-day operation and management of the child care centre;

Or

Where a licensee or the person appointed under subsection (2) is absent,

There is written evidence that a designated individual is available to carry out the functions of the licensee or the person appointed under subsection 6(2); or either of the following:

- a) A designated individual is observed to be available to carry out the functions of the licensee or the person appointed under subsection 6(2); or
  - b) Staff verbally confirm that a designated individual is available to carry out the functions of the licensee or the person appointed under subsection 6(2).
2. A supervisor is employed by the licensee.

And

The supervisor is observed to be carrying out the day-to-day program management and oversight of children and staff;



## Subsection 1.2– Implementation and Review of Policies, Procedures and Individualized Plans

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### 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.
- (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.

(4) Omitted – refers to home child care.

(5) Omitted – refers to home child care.

(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.

### **Intent**

This provision requires that licensees, employees, volunteers, and students review policies and procedures that support the delivery of the program, so that they are more aware of their roles and responsibilities and are better equipped to provide for the health, safety, and well-being of children receiving care.

### **Special Instructions**

This provision applies to all policies, procedures and individualized plans under the Regulation. Reference to this requirement can be found throughout the manual as required.

Licensees are required to develop the following policies and procedures to support the delivery of their program:

- Playground Safety Policy (if applicable)
- Anaphylactic Policy
- Sanitary Practices Policy
- Sleep Supervision Policy
- Serious Occurrence Policy
- Medication Policy

- Supervision of Volunteers and Students Policy
- Program Statement Implementation Policy
- Staff Training and Development Policy
- Criminal Reference Check/Vulnerable Sector Check Policy
- Fire Safety/Evacuation Procedures

### **Compliance Indicators**

1. The policies, procedures and individualized plans are observed to be implemented at the child care centre.

And/Or

Staff verbally confirm that they follow the policies, procedures and individualized plans at the child care centre.

2. The date on the records of review indicates that the policies, procedures and individualized plans have been reviewed at least annually by the licensee.

And

The licensee or designate verbally confirms that the policy is current.

3. The date on the records of review indicates that the policies, procedures and individualized plans have been reviewed by all staff before they began their employment.
4. The date on the records of review indicates that the policies, procedures and individualized plans have been reviewed by all volunteers and students before they began to volunteer or began their educational placement.
5. The date on the records of review indicates that the policies, procedures and individualized plans have been reviewed by all staff, volunteers and students annually thereafter.

And

The date on the records of review indicates that the policies, procedures and individualized plans have been reviewed by all staff, volunteers and students whenever changes were made.

6. There is a record kept with the date of each review conducted of the policies, procedures and individualized plans.

And

Each record is signed by person who conducted (e.g., licensee; supervisor) and participated (e.g., employees, students, volunteers) in the review.

### **Recommendations**

It is recommended that the licensee develop an ongoing tracking tool or chart to demonstrate that all staff, volunteers and students have completed the required reviews of each policy, procedure and individualized plan and have signed and dated the reviews.



## **Subsection 1.3– Written Process for Monitoring Compliance and Contraventions**

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### **Ontario Regulation 137/15**

6.1(7) Every licensee of a child care centre or home child care agency shall have a written process that sets 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.

(8) Every licensee shall ensure that records of compliance or contraventions are kept in accordance with section 82.

### **Intent**

This provision sets out a process for policies, procedures and individualized plans to be monitored on an ongoing basis.

This provision also requires that both compliance and contraventions to the policies, procedures and individualized plans are recorded and addressed with the employees, students and volunteers.

### **Special Instructions**

This provision applies to all policies, procedures and individualized plans under the Regulation.

As of August 29, 2016 the required policies and procedures are: Playground Safety Policy (if applicable), Anaphylactic Policy, Sanitary Practices Policy, Sleep Supervision Policy, Serious Occurrence Policy, Medication Policy, Supervision of Volunteers and Students Policy, Program Statement Implementation Policy, Staff Training and

Development Policy, Criminal Reference Check/Vulnerable Sector Check Policy and Fire Safety/Evacuation Procedures.

This provision also applies to children's individualized plans. An individualized plan is a written plan that indicates how the child care centre will support a child with an anaphylactic allergy or a child with special needs that is developed in consultation with parents and other professionals.

### **Compliance Indicators**

1. There is a written process that explains how compliance and contraventions with respect to policies, procedures and individualized plans under the Regulation are monitored on an ongoing basis, recorded and addressed.
2. Records of compliance or contraventions are observed to be stored in a secure location for at least three years from the date of creation;

Or

The licensee confirms that the records of compliance or contraventions are stored in a secure location for at least three years from the date of creation.

### **Recommendations**

In developing a written process that sets out how compliance and contraventions will be monitored, recorded and addressed, licensees should consider:

- How ongoing monitoring be conducted and by whom
- What template will be used to record compliances or contraventions
- Procedures set out with respect to dealing with contraventions
- How often recorded observations should be reviewed with each employee, student or volunteer
- Whether all policies, procedures and individualized plans will have the same monitoring process

It is recommended that licensees create a template to document detailed observations that demonstrate how the individual was compliant with the legislated policies and procedures and individualized plans. It is also recommended that licensees include a space to document any contraventions, and actions taken by the licensee and/or individual.





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## **Subsection 1.4– Duty to Provide Receipt for Payment**

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### **Child Care and Early Years Act, 2014**

- 15 Upon request, any licensee or child care provider shall provide a receipt for payment to a person who pays the licensee or child care provider for child care, and the receipt shall be provided free of charge and in accordance with the regulations.

#### **Intent**

This provision provides a person who pays the licensee for child care to have documentation of the payment and supports greater accountability and transparency.

#### **Compliance Indicators**

1. The licensee verbally confirms that upon request, the original receipt for payment is provided to a person who pays the licensee.

And

2. The licensee verbally confirms that a copy of the original receipt for payment is provided free of charge.

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## Section 2- Ratios and Group Size

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### Subsection 2.1– Age Categories

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#### Ontario Regulation 137/15

-  7(1) In this Part, a reference to a child by an age category name set out in Column 1 of Schedule 1, such as “infant”, “toddler” and so on, means a child whose age is within the age range set out in Column 2 of Schedule 1 for that age category.
- (2) Where this Regulation sets out different rules based on a child’s age or the age category of a licensed age group, the following applies in respect of children in a group in which mixed-age grouping is used, pursuant to section 8:
1. If a rule is stated as applying to a licensed age group in a specific age category, or to a child in that licensed age group, the rule applies to each child in the group as if each child’s age fell within the age category of the licensed age group.
  2. If a rule is stated as applying to a child of a specific age, the rule applies to each child in the group according to his or her actual age.

#### Intent

Subsection 7(1) links the age category names from Schedule 1, Column 1 to Column 2 of Schedule 1, which sets out the age range of each age category. This sets out that when a child is referenced by an age category name set out in Column 1 of Schedule 1, such as “infant” or “toddler” it will mean the child’s age is within the age range set out in Column 2 of Schedule 1.

Subsection 7(2) helps interpret the rest of the Regulation and provides clarity around when the rules apply to an entire group of children (e.g., toddler group) and when the rules apply to specific children based on their age (e.g., every child younger than 12 months of age).

This distinction is important when children are part of a mixed-age grouping and may be younger or older than the age category (e.g., a 17 month old child enrolled in a toddler group with approval to use mixed-age grouping).

#### Special Instructions

**Where a requirement is set out according to an age category** (e.g., stating that it applies to infant, toddler or preschool groups), the requirement applies to all children

enrolled in that category, including younger children enrolled in an older group as part of mixed age grouping.

An example of where paragraph 7(2)1 would apply according to the child's age group instead of the child's actual age is found in paragraphs 19(2)4-5.

The Regulation requires a cradle or crib for **each child in a licensed infant group**, and a cot for each child in a licensed toddler group. This rule means that if mixed-age grouping has been granted and there are children under the age of 18 months enrolled as part of a toddler group, they are counted as toddlers and are provided with cots, rather than with cribs.

**Where a requirement is set out according to a child's age** (e.g., stating that it applies to children under 12 months), the requirement applies to all children of that age, including where a child is enrolled in an older group as part of mixed age grouping.

An example of where paragraph 7(2)2 would apply according to the child's actual age instead of the child's age group is subsection 33.1(1).


The Regulation requires that each child **who is younger than 12 months who receives child care at a child care centre it operates** or at a premises where it oversees the provision of home child care is placed for sleep in a manner consistent with the recommendations set out in the document entitled "Joint Statement on Safe Sleep: Preventing Sudden Infant Deaths in Canada", published by the Public Health Agency of Canada, as amended from time to time, unless the child's physician recommends otherwise in writing. This requirement applies to all children 12 months and younger, even if they are enrolled in an older group as part of a mixed age grouping.

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## **Subsection 2.2– Ratios and Maximum Group Size**

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### **Ontario Regulation 137/15**

- 8(1) Every licensee shall ensure that in each child care centre it operates,
- (a) the children are placed in groups according to the age categories set out Schedule 1 or 2;
  - (b) every licensed age group includes only children whose age falls within the age category of the group, subject to subsection (2); and
  -  (c) for every licensed age group, the requirements set out in Schedule 1 or 2 that are applicable for the age group respecting,

- (i) the ratio of employees to children,
- (ii) the maximum number of children in the group, and
- (iii) the proportion of employees that must be qualified employees, are satisfied, whether children are on the premises or during activities off the premises, unless otherwise approved by a director.

Schedule 1

Requirements re Schedule 1 Child Care Centres

Item	Name of age category	Age range of age category	Ratio of employees to children	Max # of children in group	Proportion of employees that must be qualified employees
1	Infant	Younger than 18 months	3:10	10	1/3
2	Toddler	18 months or older but younger than 30 months	1:5	15	1/3
3	Preschool	30 months or older but younger than 6 years	1:8	 24	2/3
4	Kindergarten	44 months or older but younger than 7 years	1:13	26	1/2
5	Primary/Junior School Age	68 months or older but younger than 13 years	1:15	30	1/2
6	Junior School Age	9 years or older but younger than 13 years	1:20	20	1/1

## Schedule 2

### Requirements re Child Care Centres for Children with Special Needs

Item	Age range of age category	Ratio of employees to children	Max # of children in group	Proportion of employees that must be qualified employees
1	2 years or older but younger than 6 years	1:4	4	1/1
2	6 years or older but younger than 13 years	1:3	3	1/1

#### Intent

Children are grouped by age so that broad developmental similarities in interest, skills and attention may be considered in program planning, physical space and equipment.

The number of program staff required is the minimum number needed to supervise and care for the children and provide programming which fosters learning and healthy development. Activities off the premises are not exempted from the ratios because when children are in unfamiliar and stimulating surroundings, behaviour becomes less predictable and careful supervision is a necessity.

Parameters around ratios and maximum group size ensure that there is appropriate adult supervision and care for the number of children in the room.

Each category is named to allow for consistent language when speaking about the different age groups.

For information on the flexibility provided through the use of mixed-age grouping, see Manual Subsection 2.3.

#### Special Instructions

For every age category, a separate play activity room is required for each group. This means that the maximum group size identified in Schedule 1 is also the maximum number of children permitted in one play activity room.

## Cooperative child care programs

Duty parents in a cooperative child care program who are taking the place of an employee are counted in ratio. Duty parents are responsible for the care and supervision of all children in the group and must meet all requirements applicable to employees of a child care centre.

## Compliance Indicators

1. Where director approval for mixed age grouping has **not** been granted, it is observed that the licensee has placed children based on age category, group size and ratios set out in the licence.

Or

The licensee or staff verbally confirm that age category, group size and ratios set out in the licence are maintained at all times, including during activities that take place off the premises (e.g. during field trips).

2. Proportion of qualified employees is observed as follows:

At least one person who is qualified or otherwise approved by the Ministry director is employed for each age group;

And

At least two people who are qualified or otherwise approved by the Ministry director is employed for each preschool group with 17 or more children enrolled;

Or

The staffing schedule confirms that there is at least one person who is qualified or otherwise approved by the Ministry director is employed for each age group and at least two people who are qualified or otherwise approved by the Ministry director is employed for each preschool group with 17 or more children enrolled.

3. In a cooperative child care program, the licence indicates that director approval is given for two duty parents to take the place of a staff member, provided that the duty parents meet all applicable licensing requirements.

*For Schedule 2 child care centres for children with special needs:*

1. Where Director approval for mixed age grouping has **not** been granted, children are observed to be in age category, group size and ratios set out in their licence.

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## Subsection 2.3– Mixed Age Grouping

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### Ontario Regulation 137/15

- 8(2) A director may give approval for a child care centre to use mixed-age grouping for any licensed age group set out in Schedule 1.
- 8(3) Despite clause (1) (c), where a director has approved the use of mixed-age grouping for a licensed age group, the requirements applicable to the group in the following situations respecting the matters mentioned in subclauses (1) (c) (i), (ii) and (iii) shall be determined as follows:
1. If a licensed toddler or preschool group,
    - i. includes no more than 20 per cent children from a younger age category, the requirements set out in Schedule 1 for toddlers or preschool children apply, and
    - ii. includes more than 20 per cent children from a younger age category, the requirements set out in Schedule 1 for the youngest child in the group apply.
  2. If, in a licensed kindergarten group, no more than 25 per cent of the children are three years old, or if the child care is provided on or after the first day of school in a calendar year, will attain the age of three in that year, and all other children are kindergarten children, then the requirements set out in Schedule 1 for kindergarten children apply.
  3. If, in a licensed primary/junior school age group, no more than 25 per cent of the children are kindergarten children, and all other children are primary/junior school age children, the requirements set out in Schedule 1 for primary/junior school age children apply.
  4. If, in a licensed junior school age group, no more than 25 per cent of the children are 7 years or older but younger than nine years, and all other children are junior school age children, the requirements set out in Schedule 1 for junior school age children apply.
  5. If a licensed kindergarten, primary/junior school age or junior school age group includes more than 25 per cent children from a younger age category, the requirements set out in Schedule 1 for the youngest child in the group apply.

## **Intent**

Children are grouped by age so that broad similarities in interest, ability and attention span may be considered in program planning, physical space and equipment.

However, the use of mixed age grouping allows for the exercise of other options.

Mixed age approval may be granted by a Ministry director to allow children from one age group to transition into the next older age group in a way that is responsive to the developmental progression of each child and to provide flexibility with regard to enrolment.

Subsection 8(2) allows mixed age grouping to be used in more than one room in each age category.

## **Special Instructions**

In toddler and preschool age groups, a licensee who has been granted approval for the use of mixed age grouping can include no more than 20 per cent younger children in a licensed age group, based on licensed capacity for that group.

When the number of younger children in a group exceeds 20 per cent of the licensed capacity of that group, more adult support is necessary, so use of the ratios, maximum group size and proportion of qualified employees for the youngest child in the group is required.

In the three older age categories (kindergarten, primary/junior school age and junior school age), a licensee who has been granted approval for the use of mixed age grouping can include no more than 25 per cent younger children in a licensed age group, based on licensed capacity for the group.

When the number of younger children in these older groups exceeds 25 per cent of the licensed capacity of that group, more adult support is necessary, so use of ratios, maximum group size and proportion of qualified employees for the youngest child in the group is required.

Licensees are responsible for ensuring that the needs of all children in the group are met, regardless of how many younger children are included.

## **Compliance Indicators**

1. Where 20 per cent or less of the total capacity a toddler or preschool group is from a younger age category, the ratio, maximum group size and proportion of qualified employees for the licensed age group are observed.



Or

Where more than 20 per cent of a toddler or preschool group is from a younger age category, the ratio, maximum group size and proportion of qualified employees for the youngest child in the group are observed.

2. Where a kindergarten group includes no more than 25 per cent of children who are between 2.8 years of age (if care is provided after first day of school in a calendar year) and 44 months and all children are younger than 7 years of age, the ratio, maximum group size and proportion of qualified employees for the licensed age group are observed.

Or

Where more than 25 per cent of a kindergarten group is from a younger age category, the ratio, maximum group size and proportion of qualified employees for the youngest child in the group are observed.

3. Where a primary/junior school age group includes no more than 25 per cent of children who are between 44 months and 7 years of age and all children are younger than 13 years of age, the ratio, maximum group size and proportion of qualified employees for the licensed age group are observed.

Or

Where more than 25 per cent of a primary/junior school age group is from a younger age category, the ratio, maximum group size and proportion of qualified employees for the youngest child in the group are observed.

4. Where a junior school age group includes no more than 25 per cent of children who are between 7 years of age and 9 years of age and all children are younger than 13 years of age, the ratio, maximum group size and proportion of qualified employees for the licensed age group are observed.

Or

Where more than 25 per cent of a junior school age group is from a younger age category, the ratio, maximum group size and proportion of qualified employees for the youngest child in the group are observed.

### **Mixed Age Grouping by Age Category**

This chart shows the maximum number of children from the younger age category that can be included while still maintaining the ratio, maximum group size and proportion of qualified employees for the older age category.

Name of age category	Maximum Group Size	Maximum number of children from younger age category
Infant	n/a	n/a
Toddler	15	3
Preschool	24	5
Kindergarten	26	7
Primary/Junior School Age	30	8
Junior School Age	20	5

The number of younger children permitted in a group is calculated based on a percentage of licensed capacity. If the licence capacity for a room is less than the maximum group size set out in Schedule 1, the following calculation is used to determine the number of younger children allowed in a mixed age group:

For example, where a toddler room is licensed for 13 children, the calculation is

$$13 \times 0.2 = 2.6$$

If the calculation results in a number that is .5 or higher, the number is rounded up (e.g., 2.6 is rounded up to 3). If the calculation results in a number that is .4 or lower, the number is rounded down (e.g., 3.2 is rounded down to 3).

### Recommendations

Licensees should contemplate the developmental needs and abilities of a child when considering placement in an older age group as part of mixed age grouping. Discussion with parents should occur and parental approval should be obtained before transitioning the child to the older group.

Licensees should take steps to support the transition of the younger child to an older age group to be sure that the placement in the group is appropriate for the child.

Factors to consider in protecting the child's physical and emotional well-being when transitioning to a new age group may include:

- Whether the play materials and environment are safe for the child in the age group, e.g., no potential choking hazards;
- How a child's individual physical needs for diapering, meals or rest time will be accommodated;
- The emotional response to changes, e.g., allowing for a gradual transition to reduce stress and allow the child to become comfortable with different educators, children and environment.


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## Subsection 2.4– Reduced Ratios

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### Ontario Regulation 137/15

8(4) Despite subsections (1) and (3), the ratio of employees to children for a licensed age group may be reduced to less than that required under those subsections, in accordance with the following:

1. The reduced ratio shall not be less than two-thirds of the required ratio.
2. The reduced ratio shall not apply in respect of a licensed infant group.
-  3. The reduced ratio shall not apply during outdoor play periods.
4. The reduced ratio shall be in effect only during the periods of arrival and departure of children and during the rest period.

### Intent

In most programs, children arrive and depart at different times and attendance may fluctuate greatly during these time periods. This provision allows for flexibility in staffing requirements during arrival and departure.

As children are not active during rest period, a reduced staff-child ratio can also be scheduled for staff to have a meal break while children are adequately supervised.

In the case of children under 18 months, physical safety considerations in the event of an emergency prohibit any reduction in ratios (e.g., emergency evacuation, lockdown, etc.).

## Special Instructions

For programs that operate for six hours or more a day, the period of arrival is not to exceed two hours after the opening of the child care centre and the period of departure is not to exceed two hours before the child care centre closes.

For programs that operate for less than six hours a day (e.g., before- and/or after-school or half-day nursery programs) the period of arrival is not to exceed 30 minutes after the opening of the child care centre and the period of departure is not to exceed 30 minutes before the child care centre closes.

The rest period is not to exceed two hours in length. To operate using reduced ratios this must be a period where the children are not engaged in active play (e.g., sleeping or engaged in quiet, inactive play).

Licensees are responsible for ensuring that the appropriate numbers of adults are on site, available and accessible to each classroom operating at a reduced ratio. See Manual Subsection 2.6 for more information on minimum number of adults on premises.

### How are reduced ratios calculated?

Put the staff to child ratio in a fraction, and multiply it by  $\frac{2}{3}$ .

For example, a preschool group, the staff to child ratio is 1:8. As a fraction, this becomes  $\frac{1}{8}$ :  $\frac{1}{8} \times \frac{2}{3} = \frac{2}{24} = \frac{1}{12}$ .

This means that during periods of arrival, departure, and during the rest period, one staff is required for up to 12 preschool children, and a second staff will be required as soon as 13 preschool children or more are present.

### Reduced Ratios

Licensed infant groups must always maintain full staff-child ratios as required by Schedule 1 (3:10).

<b>Name of age category</b>	<b>Number of Children in Room</b>	<b>Number of Staff Required</b>
Toddler	1-8	1
	9-15	2
Preschool	1-12	1
	13-24	2
Kindergarten	1-20	1
	21-26	2
Primary/Junior School Age	1-23	1
	24-30	2
<i>Junior School Age<sup>1</sup></i>	<i>20</i>	<i>1</i>

1 Reduced ratios are not possible for Junior School Age groups as the maximum group size set out in Schedule 1 only requires one staff per group.

### **Compliance Indicators**

1. Reduced ratios are not observed to be less than two-thirds of the required ratio.
2. Reduced ratios are not observed to be used for infant groups.
3. Reduced ratios are not observed to be used during outdoor play periods.
4. For programs that operate for six hours or more, during periods of arrival (i.e., first two hours), departure (i.e., last two hours) and the rest period (i.e., up to two hours):
  - toddler ratios are no less than 1:8;
  - preschool ratios are no less than 1:12;

- kindergarten ratios are no less than 1:20;
- primary/junior school age ratios are no less than 1:23.

Or

For programs that operate for less than six hours, during periods of arrival (i.e., first 30 minutes of a morning program) and departure (i.e., last 30 minutes of an afternoon program):

- toddler ratios are no less than 1:8;
- preschool ratios are no less than 1:12;
- kindergarten ratios are no less than 1:20;
- primary/junior school age ratios are no less than 1:23.

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## **Subsection 2.5– Supervisors Counted as Part of Ratios**

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### **Ontario Regulation 137/15**

- 8(5) The rules respecting when a supervisor of a child care centre may be counted for the purposes of meeting the ratios required under this section are as follows:
1. If fewer than five full-time employees are required to meet the ratios, the supervisor may be counted as a full-time employee.
  2. If five or six full-time employees are required to meet the ratios, a full-time supervisor may be counted as a full-time employee for up to half the time a full-time employee is required to be on staff.
  3. If seven or more full-time employees are required to meet the ratios, the supervisor shall not be counted as an employee.

### **Intent**

The administrative duties of a supervisor increase significantly as enrolment increases.

In a larger child care centre and in child care centres with infants, toddlers and children with special needs, it is not reasonable to expect the supervisor to be an effective member of the program staff in a licensed age group, while also performing required administrative duties.

This provision requires that the amount of time a supervisor is counted in ratio for a licensed age group is limited to a half-day or not at all, depending on enrolment, so that

he/she may focus on being an effective team member and not be distracted by administrative matters.

### **Compliance Indicators**

1. Where the program requires fewer than five full-time employees to meet the required ratios (based on the current enrolment), the supervisor may be counted in staff-child ratios for up to the full day.

Or

Where the program requires five or six full-time employees to meet the required ratios (based on the current enrolment), the supervisor may be counted in staff-child ratios for no more than half the day.

Or

When the program requires seven or more full-time employees to meet the required ratios (based on the current enrolment), the supervisor is not counted in staff-child ratios at any time.

### **Recommendations**

Whenever possible, the supervisor should arrange his/her shifts to be available to parents during times of arrival and departure to discuss any questions or concerns.

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## **Subsection 2.6– Minimum Number of Adults on the Premises**

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### **Ontario Regulation 137/15**

- 8(6) Every licensee shall ensure that, at each child care centre it operates,
- (a) where fewer than six children who are not in a licensed infant group receive child care, there is at least one adult in attendance;
  - (b) where six or more children who are not in a licensed infant group receive child care, there are at least two adults in attendance;
  - (c) where fewer than four children in a licensed infant group receive child care, there is at least one adult in attendance; and
  - (d) where four or more children in a licensed infant group receive child care, there are at least two adults in attendance.

## **Intent**

This section designates the number of children that a single employee might reasonably be expected to supervise or evacuate without assistance in the event of an emergency and requires that a certain number of adults be on site based on the number of children in care.

## **Special Instructions**

This must be met even when reduced ratios are being used. Even if only one adult is required to maintain the reduced ratio, an additional adult must be on site and readily available in case of emergency.

Two adults must be on site (at the premises) when there are four or more infants or six or more children present.

For example, where two adults are required to be on site, but only one adult is required to maintain ratio (e.g., 3 infants in attendance), one of the adults must be a program staff, while the second person may be a support staff person (e.g., a cook). The second person in this case is not required to be in the play activity room until a fourth infant arrives at the centre.

## **Compliance Indicators**

1. Where there are five or fewer children aged 18 months or older present (i.e., toddlers or older), there is at least one adult on the premises.

Or

Where there are six or more children aged 18 months or older present (i.e., toddlers or older), there are at least two adults on the premises.

2. Where there are three or less children under 18 months present (i.e., infants), there is at least one adult on the premises.

Or

Where there are four or more children under 18 months present (i.e., infants), there are at least two adults on the premises.

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## **Subsection 2.7– Resource Teachers**

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### **Ontario Regulation 137/15**

- 10(1) A licensee of an integrated child care centre or home child care agency may employ a resource teacher to plan and implement individual and small group



experiences for children with special needs who receive child care in the child care centre or at a premises where the licensee oversees the provision of home child care, and in respect of whom funds are provided under the Act. O. Reg. 126/16, s. 11 (1).

- (2) A resource teacher shall not be included when calculating the number of employees required to meet the ratio under section 8.

### **Intent**

Specialized and/or individualized support for children with special needs may be offered in addition to regular programming to provide one on one support or small group experiences. A resource teacher's primary responsibility is support for children with special needs and the resource teacher cannot be included in overall staff/child ratios.

### **Special Instructions**

See Manual Subsection 7.3 for information on qualifications for resource teachers.

### **Compliance Indicators**

1. Resource teachers are not observed to be counted in staff:child ratios.

And/Or

2. Staff verbally confirm that resource teachers are not counted in staff:child ratios.

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## **Subsection 2.8– Supervision by an Adult**

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### **Ontario Regulation 137/15**

- 11 Every licensee shall ensure that every child who receives child care at a child care centre it operates or at a premises where it oversees the provision of home child care is supervised by an adult at all times, whether the child is on or off the premises.

### **Intent**

This provision protects the safety and well-being of children by requiring that they be supervised by an adult at all times while receiving child care.

### **Special Instructions**

An adult is an individual who is 18 years of age or older.

For infant sleep supervision please refer to Manual Subsection 4.13.

## Transitions

To provide continuity of supervision when a young child is sent in from outdoors, a staff person inside the child care centre must be made aware that a child will be entering the building and meet them at the door.

## Compliance Indicators

1. All children are observed to be supervised by an adult at all times.

And

2. Staff who work with kindergarten and school age children describe the supervision strategies for these groups (e.g. washroom routines).

## Recommendations

### Supervision of school age children

*How Does Learning Happen* sets out that children should be viewed as capable and competent individuals. There may be situations where the licensee considers a flexible interpretation of “supervised at all times” supervision for school age children, particularly where there is an opportunity for the child to be responsible within a reasonable set of parameters.

An example may be where two school age children use a “buddy system” to go to the washroom together without direct adult supervision. This may align with the expectations for independence and self-regulation that are in place during the school day. Licensees should consider the individual child’s competencies and the conduciveness of the physical environment when making decisions that can appropriately support the school age child’s independence.



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## Subsection 2.9– Supervision of Volunteers and Students

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### Ontario Regulation 137/15

- 11.1 (1) Every licensee shall ensure that every volunteer or student at a child care centre it operates or at a premises where it oversees the provision of home child care is supervised by an employee or home child care provider at all times and is not permitted to be alone with any child who receives child care at the child care centre or home child care premises.
- (2) Every licensee shall ensure that there are written policies and procedures regarding volunteers and students that set out, at a minimum,

- (a) the requirement described in subsection (1);
- (b) the roles and responsibilities of the licensee and supervising employees;  
and
- (c) the roles and responsibilities of volunteers and students.

### **Intent**

Volunteers and students play an important role in supporting staff in the daily operation of licensed child care programs.

This provision requires an employee always to be present with children to meet ratio requirements and respond in case of an emergency. It also requires that policies and procedures confirm the respective roles and responsibilities of staff, students and volunteers.

### **Special Instructions**

Volunteers and students are not permitted to be alone with a child and cannot be counted in staff-child ratios in licensed child care centres at any time.

Information about the requirement regarding the supervision of volunteers and students and the policies and procedures required must be included in the Parent Handbook. Please see Manual Subsection 6.1 for more information.

Duty parents in a cooperative child care program, who are taking the place of an employee, are not considered volunteers.

The supervision of volunteers and student policy must be reviewed with staff, volunteers and students, implemented and monitored for compliance and contraventions in accordance with subsection 6.1. See Manual Subsection 1.2 for these requirements.

### **Compliance Indicators**

1. It is observed that volunteers and/or students are supervised by an employee at all times;

And

No volunteers and/or students are left alone with children;

And

Staff verbally confirm that no volunteer or student is left unsupervised with children.

2. There is a supervision policy and procedures for volunteers and students that includes the following:
  - a) every volunteer and student is supervised by an employee at all times;
  - b) no volunteer or student is permitted to be alone with any child;
  - c) roles and responsibilities for the licensees and supervising employees;
  - d) roles and responsibilities of volunteers and students.

### **Recommendations**

When developing policies and procedures, licensees should consider:

- Who will supervise volunteers and students within the setting
- Which staff member or staff position will be designated to orient and mentor the volunteer or student
- How staff, volunteers, and students are made aware of who is responsible for the implementation of the policy and supervision of volunteers and/or students

## **Section 3- Building, Equipment and Playground**

### **Subsection 3.1– Child Care Centres in Schools**

#### **Child Care and Early Years Act, 2014**

Certain child care centres in schools: building requirements, etc.

75(1) For the purposes of any standard or requirement in any Act, regulation or municipal by-law relating to the safety of buildings or other accommodations, a child care centre, or part of a child care centre, that is located in a school and is described in subsection (2) is deemed to be a part of the school that is used to provide instruction to pupils and, as such, the same standards or requirements that apply to the school apply to the child care centre.

Application, age of children

- (2) Subsection (1) applies to a child care centre or a part of a child care centre that provides child care only for children who,
- (a) are four years old or older; or
  - (b) if the child care is provided on or after September 1 in a calendar year, will attain the age of four in that year.

Conflict

- (3) In the event of a conflict between subsection (1) and another Act, regulation or municipal by-law, subsection (1) prevails.

#### **Ontario Regulation 137/15**

Child Care Centres in Schools

12 Clauses 13 (1) (d), (e) and (f), subsection 14 (2) and sections 15, 20, 21, 22 and 24 do not apply to a child care centre, or part of a child care centre, if the centre or part is located in a school and is licensed to provide child care only for children in licensed kindergarten, primary/junior or junior school age groups.

**Intent**

These provisions provides a more seamless day for children in before- and/or after-school care in schools and help clarify the building and accommodation rules that apply to these programs.

For the purposes of building and accommodation requirements, before- and/or after-school programs located in schools are considered to be part of the school. These programs are not required to demonstrate compliance with child care specific building and accommodation requirements because the building is already subject to school specific requirements and the school requirements are deemed sufficient for these programs.

The specific exemptions for these programs are listed in section 12 of O. Reg. 137/15:

- Clause 13 (1) (d), (e) and (f) – requirement to demonstrate compliance with zoning, Building Code and Fire Code
- Subsection 14 (2) – requirement to include designated spaces from section 15 on the floor plan
- Section 15 – designated spaces required in each child care centre
- Section 20 – requirement that rooms be on the first or second storey
- Section 21 – minimum window glass requirement
- Section 22 – minimum artificial illumination requirement
- Section 24 – outdoor play requirement

### **Special Instructions**

Licensees are responsible for the safety of children while attending the before- and/or after-school program.

If the licensee or child care centre staff notice unsafe outdoor play structures or have concerns with the safety of the building, they must take steps to address the issue. The school and/or school board should be contacted immediately so that action can be taken to remedy any safety concerns and make necessary repairs.

If unsafe outdoor play structures cannot be repaired immediately, licensees should take steps to ensure children are offered other outdoor play experiences and not permitted to use unsafe equipment.

If children are observed to be using unsafe equipment, the licensee will be cited for non-compliance with ss. 19(3) of O. Reg 137/15 and the licensee will be required to demonstrate that steps have been taken to address the issue.

If program advisors have any additional safety concerns with building and accommodation requirements, they may make referrals to local authorities, such as the fire department, or follow up with the school board's Early Years Lead.

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### **Subsection 3.2– Compliance with Local By-Laws**

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#### **Ontario Regulation 137/15**

- 13(1) Every person who applies for a licence to operate a child care centre under section 20 of the Act shall at the time of application file with a director evidence that the premises to be used as a child care centre complies with,
- (a) the laws affecting the health of inhabitants of the municipality or of the reserve of a First Nation, as the case may be;
  - (b) any rule, regulation, direction or order of the local board of health and any direction or order of the local medical officer of health that may affect the provision of child care;
  - (c) any by-law of the municipality or any by-law of the council of the First Nation on the reserve, as the case may be, and any other law for the protection of persons from fire hazards;
  - (d) any building by-law passed by the municipality pursuant to the Planning Act or any predecessor of that Act and any by-law of the council of the First Nation on the reserve to regulate the construction, repair or use of buildings;
  - (e) the requirements of Ontario Regulation 332/12 (Building Code) made under the Building Code Act, 1992, where applicable;
  - (f) the requirements of Ontario Regulation 213/07 (Fire Code) made under the Fire Protection and Prevention Act, 1997, where applicable; and
  - (g) the requirements of the Safe Drinking Water Act, 2002, where applicable.
- (2) Every licensee who applies for the renewal or revision of a licence to operate a child care centre shall file any evidence that the director may require that the premises used as a child care centre complies with the matters listed in subsection (1).

#### **Intent**

For the safety of children attending the child care centre, the licensee must provide evidence that the child care centre complies with the requirements of the local

authorities that relate to health and safety, fire protection and building and zoning before a licence is issued.

When applying for a revision to their licence, or at time of renewal, licensees will be required to provide evidence of the required municipal approval if requested by a Ministry director.

## **Special Instructions**

### **New Applications and Revision Requests**

As local by-laws vary among municipalities and First Nations, applicants or licensees will need to contact their local municipal offices for processes and information on any other by-laws which may be applicable (e.g., parking).

Clauses 13(1)(d), (e), and (f) do not apply to child care programs located in schools that serve children kindergarten age and older.

See Manual Subsection 3.1 for more information.

### **Compliance Indicators**

1. At time of application or revision, the licensee has uploaded to CCLS official documentation that confirms that the child care centre complies with all of the items listed in section 13(1), where applicable.

Or

If the child care centre is located in a school and providing care for children in kindergarten or school age groups, the licensee has uploaded to CCLS official documentation that confirms that the child care centre complies with items (a), (b), (c) and (g) listed in section 13(1).

Or

There is evidence of verbal/email confirmation from the municipality or First Nation with respect to the applicable items listed in section 13(1).

2. There is written evidence that the child care centre complies with all applicable items listed in section 13(1) when required by the director at the time of renewal or revision.



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## **Subsection 3.3– Floor and Site Plan Approval**

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### **Ontario Regulation 137/15**

- 14(1) Where a person proposes that a new building be erected or an existing building be used, altered or renovated for use as a child care centre or that alterations or renovations be made to premises used as a child care centre, the person shall not commence the erection, use, alteration or renovation until plans are approved by a director, except where the plans are approved by the Minister under section 22 of Ontario Regulation 138/15 (Funding, Cost Sharing and Financial Assistance) made under the Act.
- (2) The plans referred to in subsection (1) shall include space designated for each item listed in subsections 15 (1) and (3).

### **Intent**

This provision allows the Ministry to approve floor and site plans for new child care centres and renovations to existing child care centres. This approval is based on whether the floor plans reflect adequate interior and exterior space, as well as required storage and designated areas.

### **Special Instructions**

To support the floor plan development and approval process, applicants or licensees complete the “CCEYA Floor Plan Approval Template” provided by their program advisor to confirm that their floor plan includes all required information – see Appendix B.

Floor and site plans are to be uploaded in the CCLS. A combined floor and site plan is also acceptable if it includes all relevant details.

Site plans for centres operating six hours or more per day must include designated space for outdoor play per subsection 15(3).

Subsection 14(2) does not apply to child care programs located in schools that serve children kindergarten age and older.

See Manual Subsection 3.4 for information on required designated spaces.

See Manual Subsection 3.14 - 3.18 for information on outdoor play space requirements.

## Compliance Indicators

1. Floor plan approval in principle has been issued for renovations/alterations and/or new construction in accordance with the applicable requirements prior to work being started.

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## Subsection 3.4– Designated Space

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### 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:
1. Washing, dressing and toileting.
  2. Storage for toys, indoor play materials and equipment.
  3. Storage for food.
  4. Storage of required records.
  5. Storage for medical supplies, cleaning materials and equipment and other hazardous substances.
  6. Heating and electrical equipment.
- (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) are inaccessible to children.
- (3) A licensee that operates a child care centre that has a program that runs for six hours or more in a day shall ensure that in addition to the spaces referred to in subsection (1) the child care centre has space designated for each of the following:
1. Eating and resting.
  2. The preparation of food, if meals are prepared on the premises.
  3. Storage for beds and linen.
  4. A staff rest area.
  5. Storage for outdoor play equipment.
  6. Office area.

## 7. Outdoor play.

### **Intent**

These provisions identify those areas that are required in the provision of child care and therefore to be reflected in floor plans for new applications and revision requests, where applicable.

### **Special Instructions**

Medical supplies, cleaning materials and other hazardous substances that pose a risk to the health, safety and well-being of children must be inaccessible to children.

Section 15 does not apply to child care programs located in schools that serve children kindergarten age and older.

See Manual Subsection 3.1 for more information.

### **Compliance Indicators**

1. For new applications and revision requests, there is space for the designated areas listed in 15(1).

And

Medical supplies, cleaning materials, equipment, hazardous substances and heating and electrical equipment are inaccessible to children.

2. For new applications and revision requests where a program runs for more than six hours in a day, there is space for the designated areas listed in 15(3).

### **Recommendations**

The licensee may consult the Planning and Design Guidelines for Child Care Centres by clicking [here](#) for additional information and suggested practices.

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## **Subsection 3.5– Play Activity Space**

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### **Ontario Regulation 137/15**

- 16(1) Subject to subsections (2) and (3), every licensee of a child care centre shall ensure that each child care centre it operates has play activity space of at least,
- (a) 2.8 square metres of unobstructed floor space for each child in a licensed infant, toddler or preschool group, based on the licensed capacity; and

(b) 2.58 square metres of unobstructed floor space for each child in a licensed kindergarten, primary/junior school age or junior school age group, based on the licensed capacity.

(2) A director may approve a smaller amount of space than required under clause (1) (b) for a child care centre located in a school, provided that the room or area to be used by a licensed age group is used by the school for children who are the same age as the age category of the licensed age group.

### **Intent**

This section requires that children have adequate space to engage in indoor activity free of obstacles that would impede play.

Subsection 16 (2) provides the Ministry director with authority to approve a room in a publicly funded school that does not meet the space requirements for kindergarten or school age groups as long as the room is used by the same age group during the school day. The purpose and use of this approval is to encourage a seamless day where children stay in the same classroom.

### **Special Instructions**

For the purposes of floor space measurement, obstructed space includes fixed items within the play activity room such as counters, sinks, built in storage shelves and children's cubbies. These items cannot be moved and the areas cannot be used for children's play. The space for these items is excluded from the calculation of total floor space.

Moveable equipment and furnishings in the play activity space that are used for children's play (e.g., easels, tables, chairs, sensory bins) are not considered obstructions when determining the total floor space.

Note: If an area within the room has been designated for the permanent storage of stacked cots or resting mats, this area is excluded from the measurement of the total floor space.

Director Approval for Smaller Amount of Space:

Before- and/or after-school programs that want flexibility to move rooms as required must obtain director approval under subsection 16(2) of O. Reg 137/15.

This approval is subject to compliance with the following:

Shared space confirmation must be kept on file and made available to Ministry staff when requested.

The shared space confirmation must include information on all rooms available for use by the child care program, regardless of whether they are currently using the rooms or not. It must also include the primary use of each room during the school day and be signed by the child care centre's supervisor and a representative of the school board (e.g., principal).

### **Compliance Indicators**

1. For new applications and revision requests, on site measurements for infant, toddler and preschool groups confirm that the unobstructed floor space meets the requirement for each age group and licensed capacity.
2. For new applications and revision requests, measurements provided by the applicant or licensee for kindergarten and school age groups in schools confirm that the unobstructed floor space meets the requirement for each age group and licensed capacity.

Or

For kindergarten and school-age age groups in schools where rooms are less than 2.58 square metres per child:

Director approval pursuant to subsection 16(2) is listed on the licence.

And

A current shared space confirmation that lists all rooms available for use by the child care program is on site.

And

The rooms in use are set out in the shared space confirmation and the rooms/areas are used by the school for children who are the same age as the age category of the licensed age group.

3. Space/rooms are being used by the correct licensed age group, either in accordance with the shared space confirmation or the licensed rooms.

### **Recommendations**

Refer to the Planning and Design Guidelines for Child Care Centres by clicking [here](#) for guidance in the planning and design of child care centres.

It is recommended that the overall space of the child care centre be between 7.4 and 9.3 m<sup>2</sup> (80-100 sq. ft.) per child.

A combination of rooms/spaces may be used for primary/junior and junior age groups (e.g., adjacent classrooms), provided that a staff member is present in each room and children are supervised at all times.

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### **Subsection 3.6– Play Activity Space Requirements – Children with Special Needs**

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#### **Ontario Regulation 137/15**

16(3) In the case of a child care centre for children with special needs,

- (a) the play activity space referred to in subsection (1) shall be at least five square metres of unobstructed floor space for each child based on the licensed capacity.
- (b) at least one room shall be provided for every group of up to 12 children, with no room containing more than 12 children.

#### **Intent**

This section requires that there is adequate space for children with special needs to engage in indoor activity free of obstacles that would impede play and allows for wheelchairs or other aids where necessary.

The requirement for a separate room for every 12 children provides for smaller groups of children to help prevent the negative effects of crowding when too many children and adults are in one play environment. In addition, this provision supports more effective supervision by staff.

#### **Compliance Indicators**

1. For new applications and revision requests, on-site measurements confirm that the unobstructed floor space meets the requirement for each child based on the licensed capacity.

And

There is one room for every group of up to 12 children, based on the licensed capacity.

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### **Subsection 3.7– Play Activity Rooms by Age Group**

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#### **Ontario Regulation 137/15**

17(1) Every licensee of a child care centre, except a child care centre for children with special needs, shall ensure that in each child care centre it operates,

- (a) each licensed infant group has a separate play activity room and a separate sleeping area that is separated from any play activity area;
- (b) each licensed toddler group has a separate play activity room;
- (c) each licensed preschool group has a separate play activity room; and
- (d) each licensed kindergarten, primary/junior school age or junior school age group has a separate play activity area, unless otherwise approved by a director.

(2) revoked.

### **Intent**

These provisions require that each group of children has its own space and will help prevent the negative effects of crowding when too many children and adults are in one play environment.

Children are grouped by age so that broad developmental similarities in interest, skills and attention may be considered in program planning, physical space and equipment. This provision supports more effective supervision by staff and the delivery of interactive and responsive programming.

As younger children sleep more often and for a greater length of time than older children, the requirement for a separate sleep room for infants provide a safe and peaceful sleeping environment for these groups.

The Ministry director has the authority to approve an arrangement other than a single play activity room for kindergarten and school age groups (see clause 17(1)(d)). Alternative arrangements could involve the use of two adjacent classrooms, instead of one large room, or the use of one space on Monday, Wednesday and Friday and a different space on Tuesday and Thursday.

### **Compliance Indicators**

1. There is a separate play activity room/space for each licensed age group.
2. Where a child care centre is licensed for infants, there is a separate sleeping area for each licensed infant group.
3. There is a separate play activity room/space for each licensed toddler, preschool, kindergarten, primary/junior school age or junior school age group;

Or

Director approval has been granted for an alternate arrangement.

### **Recommendations**

All rooms/areas should be designed for ease of supervision. Rooms with a good exterior view and natural light are desirable for all age groups.

Play activity rooms for infants and toddlers should be adjacent to diaper-changing areas and accessible to the cloakroom area.

Whenever possible, school-age programs should include some exclusive-use space.

If a group of more than 16 children aged 6 to 10 years is located in one space, it is recommended that the room be set up to provide separate activity areas (e.g., stations). This setup promotes a small group activity environment and a sense of order.

In a primary/junior school age group of 16 to 30 children, two separate rooms or one clearly divided room could be utilized and the children divided by age into two groups, with one staff person responsible for each group.

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## **Subsection 3.8– Resource Room**

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### **Ontario Regulation 137/15**

- 18 Every licensee of an integrated child care centre that provides child care for children with special needs shall ensure that each such child care centre it operates has one room or area set aside as a resource area for individual and small group experiences.

### **Intent**

Resource teachers often provide specialized and/or individualized support for children with special needs. This provision requires that a separate area is available for individual and small group experiences supported by resource teachers and other staff.

### **Compliance Indicators**

1. There is a room/area for individual/small group experiences.

Or

Staff verbally confirm that the centre has provided a room/area for individual/small group experiences.



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## Subsection 3.9– Play Materials

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### Ontario Regulation 137/15

19(1) Every licensee shall ensure that play materials in each child care centre it operates are,

- (a) provided in numbers that are adequate to serve the licensed capacity of the child care centre;
- (b) of sufficient variety to allow for rotation of the play materials in active use;
- (c) available and accessible to the children throughout the day;
- (d) of such type and design to allow the children to make choices and to encourage exploration, play and inquiry; and
- (e) appropriate to support the learning and development of each child.

(3) Every licensee shall ensure that the play materials, equipment and furnishings in each child care centre it operates are maintained in a safe and clean condition and kept in a good state of repair, and that there is adequate storage available for the play materials.

### Intent

This intent is to provide all children with the opportunity to engage in exploration, play and inquiry using materials that spark their curiosity and promote learning and development in all areas (social, emotional, cognitive, communicative and physical).

### Compliance Indicators

1. There are enough play materials to serve the licensed capacity.
2. The play materials are available and accessible to children throughout the day (e.g., stored on shelves that children can reach).
3. There are alternate play materials available on site for rotation.
4. The play materials are of a nature that they: provide for choice; support exploration, play and inquiry; and align with the program statement (e.g., different options are available, open-ended toys are present, children are observed using toys from different areas, such as cars with blocks).
5. There is evidence of adaptations to toys/equipment/materials to meet each child's developmental needs (e.g., left handed scissors, chubby markers, etc.).

6. The licensee, designate or staff explain how the play materials are adequate to serve the licensed capacity.
7. The licensee, designate or staff explain how the play materials are rotated to meet the children's needs and interests.
8. The licensee, designate or staff describe how the nature of the play materials support the implementation of the program statement.

### **Recommendations**

When making choices about which play materials to include in each room and in the playground, consider the following questions:

How can an understanding of the environment as a “third teacher”, as outlined in "How Does Learning Happen?", be a factor in considering the types of materials children should have access to? For more information on How Does Learning Happen?, see Manual Section 6.

Which play materials offer opportunities for complex thinking and creativity?

What type of materials engage children, draw them in? How can natural materials be integrated into the program? How are children able to make choices about the materials and how they can be used?

How do the play materials challenge children to take manageable risks that will foster a sense of competence and mastery?

What opportunities do the materials provide for children to interact, negotiate and collaborate with each other?

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## **Subsection 3.10– Equipment and Furnishings**

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### **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:

1. A table or counter space for every group of up to 10 children in a licensed infant group, based on the licensed capacity, that is adjacent to a sink and suitable for dressing or changing the diaper of one child at a time.
2. A table or counter space for every group of up to 15 children in a licensed toddler group, based on the licensed capacity, that is adjacent to a sink and suitable for dressing or changing the diaper of one child at a time.

3. Bedding for use during rest periods for each child who receives child care for six hours or more.
4. For each child in a licensed infant group who receives child care, a cradle or crib that complies with the standards for cradles and cribs in the regulations made under the Canada Consumer Product Safety Act.
5. For each child in a licensed toddler group who receives child care for six hours or more, a cot.
6. For each child in a licensed preschool group who receives child care for six hours or more, a cot, unless otherwise approved by a director.

(3) Every licensee shall ensure that the play materials, equipment and furnishings in each child care centre it operates are maintained in a safe and clean condition and kept in a good state of repair, and that there is adequate storage available for the play materials.

### **Intent**

The intent is to require that the furniture for dressing, diaper changing and rest periods is sufficient and suitable for the number of children in care. The provision for bedding is intended to require that each child rests comfortably and that bedding is not shared between children.

### **Special Instructions**

Director approval within this subsection refers to the approval of resting mats to accommodate children with special needs or children who have short “rest” periods or quiet time. In general, the use of mats as an alternate sleep equipment arrangement should only be considered when children do not actually sleep, parental permission has been granted and the mat can be placed on a carpeted floor.

Licensees must follow any direction provided by the local public health unit related to laundry schedules and sanitation of cots, mats and bedding. See Manual Subsection 4.2 for more information on sanitary practices.

### **Compliance Indicators**

1. There is a table or counter space next to a sink for every group of 10 infants.
2. There is a table or counter space next to a sink for every group of 15 toddlers.

3. There is a cradle or crib for every child in a licensed infant group that complies with the standards for cradles and cribs in the regulations made under the Canada Consumer Product Safety Act.
4. For each child who receives care for six hours or more, bedding is provided during rest periods.
5. There is a cot for each child who receives care for six hours or more in a toddler group.
6. There is a cot for each child who receives care for six hours or more in a preschool group.

Or

The alternate sleep equipment arrangements for the preschool group approved by the director are being followed.

Or

Staff verbally confirm that the alternate sleep equipment arrangements approved by the director for the preschool group are being followed

7. The play materials, equipment, and furnishing are free of hazards that could potentially endanger the health and safety of children.
8. There is adequate storage for play materials.

### **Recommendations**

When arranging cots for rest time, they should be placed at least 46 cm (18 in.) apart and with an aisle of at least 92 cm (36 in. wide) to help ensure all children and staff can safely evacuate in case of emergency.

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## **Subsection 3.11– Location of Rooms**

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### **Ontario Regulation 137/15**

- 20 Every licensee shall ensure that each room in each child care centre it operates that is for the use of licensed infant, toddler, preschool or kindergarten groups or for the use of children with special needs is on or below the second storey, unless otherwise approved by a director.

## **Intent**

The intent is to provide for the safety of the children and staff in the event of an emergency requiring evacuation.

## **Special Instructions**

If requesting director approval to place infant, toddler, preschool or kindergarten groups on the third storey or higher, licensees will be required to provide detailed plans for safe evacuation that have been approved by the local Fire Services. Licensees may also need to provide transition plans if the outdoor play space is located on a different level.

Section 20 does not apply to child care programs located in schools that serve children kindergarten age and older.

See Manual Subsection 3.1.

## **Compliance Indicators**

1. Rooms used by infant, toddler, preschool or kindergarten groups or children with special needs are on or below the second storey.

Or

The alternate arrangements approved by a director are being followed.

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## **Subsection 3.12– Window Glass and Light Illumination**

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### **Ontario Regulation 137/15**

- 21(1) Section 10 of Regulation 262 of the Revised Regulations of Ontario, 1990 (General), made under the Day Nurseries Act, as it read on the day before that Act was repealed, applies to every licensee of a child care centre that was licensed for the first time under the Day Nurseries Act after December 31, 1983 and that has a program that runs for six hours or more each day.
  - (2) Every licensee, other than a licensee to which subsection (1) applies, that has a program that runs for six hours or more each day shall ensure that the window glass area in each child care centre it operates complies with the requirements of Ontario Regulation 332/12 (Building Code) made under the Building Code Act, 1992.
- 22 Every licensee shall ensure that artificial illumination in each play activity room of each child care centre it operates is at the level of at least 55 dekalux.

## **Intent**

This provision requires that children in full-day child care programs are in rooms and spaces where they are exposed daily to natural light and where the artificial illumination is appropriate for the types of activities conducted in a child care centre.

Natural light from windows is preferable to artificial illumination, as it supports healthy development and learning in children by providing a variety of sights and sounds.

Programs that were licensed prior to December 31, 1983 were exempted from the window space requirement under the Day Nurseries Act and this exemption has been maintained.

## **Special Instructions**

Sections 21 and 22 do not apply to child care programs located in schools that serve children kindergarten age and older.

See Manual Subsection 3.1.

## **Compliance Indicators**

1. Windows measure at least 10 per cent of the unobstructed floor area of the play activity rooms.
2. The artificial illumination in each play activity room is at the level of at least 55 dekalux.

## **Recommendations**

Programs that operate for less than six hours per day are permitted to have less than the 10 percent window space requirement; however, on days when the program runs for more than six hours (e.g., school holidays, summer) use of auxiliary space with the appropriate window allowance should be used whenever possible.

An abundance of natural light is preferable to artificial lighting as it provides for a variety of perceptual experiences that support healthy development. Windows at children's eye-level are also encouraged as they provide perceptual experiences involving sight, sound, and smell, which may serve as learning activities for children and a focus for conversation.

Lighting levels may be reduced during rest time to promote quiet, inactive periods or napping, however some degree of illumination must be maintained to ensure staff can effectively supervise all children and, for infants, monitor their sleep.

Cords from blinds and curtains must not pose a choking hazard and should be kept out of children's reach.

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### **Subsection 3.13– Temperature**

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#### **Ontario Regulation 137/15**

23 Every licensee shall ensure that the temperature in each child care centre it operates is maintained at a level of at least 20 degrees Celsius.

#### **Intent**

This section safeguards the health and well-being of children and staff by requiring that the child care centre is warm enough.

#### **Compliance Indicators**

1. The temperature of the child care centre is at least 20 degrees Celsius (68 degrees Fahrenheit).

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### **Subsection 3.14– Outdoor Play Space Size Requirements**

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#### **Ontario Regulation 137/15**

24(1) Every licensee shall ensure that each child care centre it operates that has a program that runs for six hours or more in a day has an outdoor play space that is at least equivalent to 5.6 square metres for each child based on the licensed capacity, unless otherwise approved by a director.

#### **Intent**

In recognition of the importance of outdoor play and natural environments to children's healthy development, well-being and learning, this provision requires that the space available for active outdoor play is sufficient to accommodate the licensed capacity of the child care centre.

#### **Special Instructions**

Full staff to child ratios must be met on the playground at all times in accordance with subsection 8(4)3. If outdoor play is scheduled during arrival or departure time, it is important to note that a 2/3 staff to child ratio may not be used.

Licensees are not required to install fixed play structures; however, if they choose to do so, these structures must meet the safety requirements set out in subsection 24(4).

### Rotation Plans:

Some child care centres do not have enough outdoor play space to accommodate the entire licensed capacity. In these situations, director approval may be granted for a smaller outdoor play space if the licensee is able to provide a rotation plan. Rotation plans allow different groups of children to use the playground at different times and help the licensee demonstrate how they will meet the requirement for two hours of outdoor play while not exceeding the capacity of the playground.

During playground rotations, there must be enough daylight to supervise children. The number of daylight hours varies throughout the year and there are fewer daylight hours during the fall and winter months. The following link can assist with determining suitable times for outdoor play – link to the [Sunrise/Sunset Calculator](#)

Alternately, sufficient outdoor lighting should be provided to supervise children if playground rotations run late into the afternoon in fall and winter.

Where rotation plans are required by the director, the licensee will develop plans that reflect temperature and lighting changes throughout the year. A regular schedule for assessing the effectiveness of the playground rotation plan must also be implemented.

Subsection 24 (1) does not apply to child care programs located in schools that serve children kindergarten age and older.

See Manual Subsection 3.1.

### Compliance Indicators

1. Where a child care centre provides care for six hours or more, the playground has 5.6 square metres (approximately 60 square feet) per child in accordance with the licensed capacity.

Or

Director approval has been granted for a playground that has less than 5.6 square metres per child in accordance with the licensed capacity.

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## Subsection 3.15– Maximum Capacity of Outdoor Play Space

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### Ontario Regulation 137/15

- 24(2) Where the licensed capacity of a child care centre is greater than 64 children, the outdoor play space referred to in subsection (1) may be divided into two or more areas by a fence to allow all the children to use the play space at one time, if each fenced-in area is not used for more than 64 children at one time.



## **Intent**

This provision sets a maximum capacity to help prevent overcrowding in the outdoor play space and to allow staff to supervise children in a manageable outdoor area.

## **Special Instructions**

Subsection 24 (2) does not apply to child care programs located in schools that serve children kindergarten age and older.

See Manual Subsection 3.1.

## **Compliance Indicators**

1. No more than 64 children are in one fenced section of the playground at one time.

Or

Staff confirm that no more than 64 children are permitted in one fenced section of the playground at one time.

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## **Subsection 3.16– Outdoor Play Space Location and Fencing**

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### **Ontario Regulation 137/15**

- 24(3) Every licensee shall ensure that the outdoor play space at each child care centre it operates,
- (a) is at ground level and adjacent to the premises, unless otherwise approved by a director;
  - (b) if used by licensed infant, toddler or preschool groups, is fenced to a minimum height of 1.2 metres and the fence is furnished with one or more gates that are securely closed at all times;
  - (c) if used by a licensed kindergarten group, is fenced to a minimum height of 1.2 metres and the fence is furnished with one or more gates that are securely closed at all times, unless otherwise approved by the director; and
  - (d) is designed so that the staff can maintain constant supervision of the children.

## **Intent**

These provisions are intended to help provide for the safety of children using the outdoor play space. Playgrounds adjacent to the building facilitate access to first-aid, telephones, washroom facilities, shelter and flexible indoor-outdoor programming.

Fencing assists staff with supervision and ensures that young children do not wander into unrecognized hazards, such as parking lots or roads. Secure fencing also prevents unwanted individuals from wandering into the play space.

Director discretion is provided to allow outdoor play space without fences for older children.

## **Special Instructions**

Outdoor play space is required for programs that operate for more than six hours in a day. However, if a half-day or before- and/or after-school program chooses to have outdoor play space, they must meet all licensing requirements for the space.

Director approval for alternate arrangements may be exercised on a site by site basis. Alternate arrangement could include roof top playgrounds, outdoor play space that is not directly adjacent to the child care centre or, in the case of kindergarten groups, outdoor play space without a fence.

Considerations for rooftop playgrounds may include:

- age of children using play space
- type and height of fencing (height required for ground level playgrounds is not sufficient for rooftop playgrounds)
- use of fixed play structures, including their distance from the fence
- confirmation of structural integrity of the roof/building if fixed play structures are planned
- additional provisions for protection from environmental factors that may be more severe at rooftop level, including wind, sun, shade, snow and air quality
- adequacy of enhanced supervision plans, including whether staff-child ratios need to be altered so that more staff are present
- emergency procedures, including number of primary and secondary exits, posted, detailed, evacuation procedures, a communication system (phones, intercom) and availability of first aid supplies

- proximity to washroom facilities

Considerations for non-adjacent outdoor play spaces may include:

- location of available outdoor play space and distance from building
- transition and supervision plan

Considerations for fence exemptions may include:

- a perimeter fence around the site
- traffic patterns and proximity to roads and parking areas
- adequacy of a detailed supervision plan for the outdoor play space
- exclusive or shared use of the play space during hours of operation
- mixed age approval

Subsection 24 (3) does not apply to child care programs located in schools that serve children kindergarten age and older.

See Manual Subsection 3.1.

### **Compliance Indicators**

1. The outdoor play space is at ground level, adjacent to the premises;

Or

located per the director approval.

2. A fence of 1.2 metres (4 feet) high and with one or more gates that are securely closed surrounds the outdoor play space.

Or

The outdoor play space for the kindergarten group is as per the director approval.

3. For new applications and revision requests, the playground plan is designed to allow staff to maintain constant supervision.



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## **Subsection 3.17– Outdoor Play Space Meets Canadian Standards Association**

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### **Ontario Regulation 137/15**

24 (4) Every licensee shall ensure that, at each child care centre it operates, any outdoor play space, fixed play structure or surfacing under those structures that is constructed or renovated on or after August 29, 2016 meets the requirements set out in the Canadian Standards Association standard CAN/CSA-Z614-14, “Children’s playspaces and equipment”, as amended from time to time. O. Reg. 126/16, s. 18 (2).

### **Intent**

This provision requires that outdoor play spaces, fixed structures and surfacing meet Canadian Standards Association standards (the Standard) to support safety and reduce injuries on child care centre playgrounds.

### **Special Instructions**

New playgrounds with fixed structures:

A comprehensive inspection of the play structure and protective surfacing must be performed prior to first use to confirm compliance with the requirements set out in the CSA standard CAN/CSA-Z614-14. The person inspecting the playground must have the necessary training and equipment in order to accurately assess the technical requirements set out in the CSA standard.

See Manual Subsection 3.18 for information about certified playground safety inspectors.

Section 24(4) does not apply to child care programs located in publicly funded schools that serve children kindergarten age and older.

See Manual Subsection 3.1, Child Care Centres in Schools for more information.

### **Compliance Indicators**

1. There is written verification of compliance that the outdoor play space, fixed play structure and/or surfacing meets the CSA Standard.

Or

There is written plan approved by the director that addresses the issues or problems identified in a playground inspection,

And

The plan outlines alternate outdoor play activities and indicates that the fixed play structure is not used by the children.

### **Recommendations**

The Canadian Standards Association (CSA) is a non-profit, voluntary association engaged in standards development and certification activities. The standard in Ontario for licensed child care centre playgrounds is CAN/CSA Z614-14 - Children's playspaces and equipment. This standard specifies design and maintenance criteria to reduce the risk of injury.

For more information about the CSA Standard or to obtain a copy, visit the CSA Group website at [CSA Group](#) or contact 1-800-463-6727.



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## **Subsection 3.18– Playground Safety Policy**

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### **Ontario Regulation 137/15**

24(5) Every licensee shall ensure that at each child care centre it operates,

- (a) a playground safety policy is developed that reflects the Canadian Standards Association standard mentioned in subsection (4) and indicates the roles and responsibilities of employees regarding safety on playgrounds;
- (b) daily, monthly and annual inspections of the outdoor place space, fixed play structures and surfacing are conducted in accordance with the requirements set out in the Canadian Standards Association standard mentioned in subsection (4);
- (c) a plan is developed on how issues or problems identified in a playground inspection will be addressed; and
- (d) a playground repair log is maintained.

## **Intent**

The intent of this provision is to provide safe play spaces and help minimize risk of injury to children. The policy sets out the expectations of employees for safety and supervision of children on playgrounds.

## **Special Instructions**

The playground safety policy must be reviewed with staff, volunteers and students, implemented and monitored for compliance and contraventions in accordance with subsection 6.1. See Manual Subsection 1.2 for these requirements.

The playground safety policy must specify:

- The requirements for the staff's supervision of children on playgrounds.
- Staff to child ratios cannot be reduced on playground.
- The designated person or position responsible for completing the daily, monthly and annual inspections, action plan and repair log.
- The requirements to be followed for a playground rotation schedule to prevent exceeding the playground capacity at any time (if applicable).

### **1) Daily Visual Inspection:**

The CSA standard requires that a daily visual inspection be carried out by the licensee or staff to identify defects, emerging problems and check the entire playground for:

- Hazardous debris or litter;
- Damage caused by vandalism, including operation of gates;
- Strings and ropes of any kind and removing them.

### **2) Detailed Monthly Inspection:**

The CSA Standard requires that a detailed inspection shall be carried out every month and the results and actions taken entered in a permanent record that can be examined.

These inspections must include, but are not limited to:

- Checking for any damage and wear, (i.e. broken or missing components to equipment, anything tied to or added on to the equipment, or other features caused by vandalism or wear);

- Checking for any broken or missing handrails, guardrails, stairs or ladder rungs, etc.;
- Checking for damaged fences, gates and retaining walls.

When defects are observed, the defects must be documented, immediately reported within the organization and repaired as soon as possible.

The monthly inspection should include seasonal considerations to assess the playground site and equipment in preparation for summer or winter use.

Any checklist may be used for general maintenance inspections (i.e., daily and monthly). Hazards or deficiencies should be identified on the checklist. Items that require repair or replacement must be noted in a playground repair log. Every effort should be made to immediately address any defect. If the defect cannot be immediately addressed, all reasonable steps should be taken to restrict children's access to damaged equipment.

### **Annual Comprehensive Inspection and Written Report - Playgrounds with Fixed Play Structures:**

The CSA standard requires that every year a comprehensive inspection and a written report shall be completed by the licensee or a designate. The annual inspection involves a comprehensive analysis of play space maintenance, potential defects and faults; and includes details regarding maintenance and repair considerations.

The inspection must include an assessment of the technical requirements set out in the standard for playground structures and the results of protective surfacing testing and any actions taken.

Once a comprehensive annual inspection report is completed, the licensee must document a plan of action, including timeframes, based on the information contained in the report.

The person inspecting the playground must have the necessary training and equipment in order to accurately assess the requirements set out in the Canadian Standards Association standard CAN/CSA-Z614-14. If there are deficiencies in an annual comprehensive written report, the licensee may be required to have the playground inspected by a Certified Playground Safety Inspector.

### **Certified Playground Safety Inspector**

When annual inspections are conducted by a Certified Playground Safety Inspector, the licensee should confirm the following criteria are met:

1. Hold current certification by the Canadian Playground Safety Institute, as a Certified Playground Safety Inspector;
2. Be a third party inspector and declare non-conflict of interest including declaration of non-affiliation with playground equipment and protective surface manufacturers, suppliers and/or other contractors involved in the retrofit, upgrade or repair of the playground equipment and protective surfaces; and
3. Have proof of current Professional Errors and Omissions insurance coverage.

A list of certified playground inspectors is available at [the Canadian Certified Playground Inspectors Directory](#).

### **Approval of playground repairs or renovations:**

In accordance with subsection 14(1) and 15(3), any alterations or renovations made to the playground premises shall not occur until plans are approved by a director, except where the plans are approved by the Minister under section 22 of Ontario Regulation 138/15 (Funding, Cost Sharing and Financial Assistance) made under the Act. A copy of the annual inspection report must be submitted to the Ministry together with the request for approval of repairs/renovations.

Should a licensee wish to make alterations or renovations to the outdoor play space, the program advisor can provide information about the regional approval process.

### **Annual Inspections – Playgrounds without Fixed Play Structures:**

An annual inspection of outdoor play spaces that do not have fixed play structures may be completed by the licensee or designate. Where the program advisor notices hazardous equipment or site issues, the licensee is required to take action on immediate concerns.

See Manual Section 1 for requirements for the implementation, review and monitoring of all policies, procedures and individualized plans.

### **Compliance Indicators**

1. There is a playground safety policy that reflects the requirements set out in the Canadian Standards Association standard CAN/CSA-Z614-14, “Children’s playspaces and equipment”, and outlines the roles and responsibilities of the employees regarding safety on playgrounds.
2. There is written evidence that daily inspections are conducted to identify defects or emerging problems;



And

There is written evidence that monthly inspections are conducted with the results and actions taken recorded;

And

There is a comprehensive annual written report that includes results of any protective surfacing testing;

And

If deficiencies are identified, there is a written plan that demonstrates how issues or problems identified in a playground inspection will be addressed;

And

There is written evidence that a playground repair log is maintained.

### **Recommendations**

Should repairs to a playground take time, all reasonable steps shall be taken to bar access to the defective equipment. Cordoning off the defective area must be done in a safe manner. Warning or danger signs alone are not acceptable. Ropes or plastic tape cannot be used. Removal of the defective equipment may, in some cases, be the only solution. If some areas of the playground remain in use by children of the child care centre, the entire playground must be supervised at all times.

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## **Section 4- Health and Medical Supervision**

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### **Subsection 4.1– Recommendations of the Medical Officer of Health**

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#### **Ontario Regulation 137/15**

- 32(1) Every licensee shall ensure that any recommendation or instruction of a medical officer of health with respect to any matter that may affect the health or well-being of a child receiving child care at a child care centre the licensee operates is carried out by the staff of the child care centre.
- (2) Every licensee shall ensure that, where a report is made by the local medical officer of health or any person designated by the local medical officer of health or the local fire department with respect to a child care centre operated by the licensee or a premises where it oversees the provision of home child care, one copy of the report is kept on the premises of the child care centre or home child care agency and another copy is sent immediately to a program adviser.
- (3) Every licensee shall ensure that in respect of each child care centre it operates and each premises where it oversees the provision of home child care, a record is kept of all inspections made by any person referred to in subsection (2) and any inspector or program adviser, and that in the case of a child care centre any recommendations are recorded in the daily written record referred to in subsection 37 (1).

#### **Intent**

The intent of this provision is to protect the health, safety and well-being of children by requiring that child care centres follow any recommendations and instructions made by the local medical officer of health/public health unit.

This provision also mandates that records of inspection by other authorities (health and fire) are kept on file and made available to the Ministry of Education.

#### **Special Instructions**

Licensees are to follow any and all recommendations or instructions set out in a written report by a public health inspector following an inspection of the child care centre.

#### **Compliance Indicators**

1. Recommendations or instructions provided to the centre in a written report from the local medical officer of health have been carried out, if applicable.

2. Any recommendations from a local medical officer of health, the fire department, a program advisor and/or any inspector are recorded in the daily written record.
3. Where a report has been made by the local medical officer of health or the local fire department,

The report is kept on the premises.

And

Copies of the reports were sent to the program advisor within 2 business days.

Or

Where there are no reports made by the local medical officer of health or the local fire department,

The licensee confirms that no reports have been made by the local medical officer of health or the local fire department.

### **Recommendations**

Licensees can find contact information for public health units here: [Health Services in Your Community - Public Health Units](#)

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## **Subsection 4.2– Sanitary Practices**

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### **Ontario Regulation 137/15**

- 33 Every licensee shall ensure that there are policies and procedures with respect to sanitary practices in each child care centre it operates and in each premises where it oversees the provision of home child care.

### **Intent**

Many infectious diseases and illnesses can be prevented through appropriate hygiene, sanitation, and infection prevention/control practices. This provision helps protect the health, safety and well-being of children, as well as staff, volunteers, students etc. by requiring licensees to develop and follow policies and procedures for cleanliness and sanitation.

### **Special Instructions**

The policies and procedures relating to sanitary practices must be reviewed with staff, volunteers and students, and must be implemented in the child care centre in accordance with subsection 6.1. See Manual Subsection 1.2 for these requirements.

## Compliance Indicators

1. There are policies and procedures with respect to sanitary practices in the child care centre.

And

These policies and procedures include any direction provided by the local public health unit.

## Recommendations

In Ontario, the Minister of Health and Long-Term Care publishes Public Health Standards (OPHS) and Protocols in accordance with the Health Protection and Promotion Act. These establish the minimum requirements for public health programs and services delivered by Ontario's 36 public health units. Several of the OPHSs and Protocol apply to licensed child care centres. They can be found on the [Ministry of Health and Long-Term Care's website](#).

Public health units provide direction to child care centres on sanitary practices and the steps that should be taken to minimize transmission of illness and infectious diseases, in accordance with the current version of [Infection Prevention and Control in Child Care Centres, 2016](#). Note that the current version, last updated in May 2016, refers to information and best practices related to infection prevention and control in child care settings found in [Well-Beings: A Guide to Health in Child Care](#), published by the Canadian Pediatric Society.

With regards to use of wading/kiddie pools and 'water tables', the following minimum practices are recommended:

For wading pools:

- Wading pools are filled with fresh water and sanitized/disinfected after each use.
- Children who are not fully toilet trained should wear diapers designed for swimming.
- Wading pools are stored in such a way that they don't collect rain water (to prevent mosquitoes etc).
- Children should be within arm's reach of a staff person.

For water/sensory tables:

- The water tables are filled with fresh water and sanitized at the end of each day the water table is in use.
- Children with cuts, sores etc. on their hands should not be permitted to use a communal water/sensory table.
- Cups and other open vessels should not be used so that children are discouraged from drinking water in the sensory table.

When developing sanitary practices and associated procedures, including for wading pools and water/sensory tables, licensees are encouraged to consult with their local public health unit for more information. Contact information for public health units is available here:

[Health Services in Your Community - Public Health Units](#)

[Health Canada](#)

[Health Canada – First Nations and Inuit Health](#)

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## **Subsection 4.3– First Aid Kit and Manual**

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### **Ontario Regulation 137/15**

- 34 Every licensee shall ensure that there is a first-aid kit and first-aid manual that is readily available for first-aid treatment in each child care centre it operates and in each premises where it oversees the provision of home child care.

#### **Intent**

Every child care provider will deal with an emergency requiring first aid treatment at some time. Even in settings that seem safe, accidents and injuries can happen. Children may receive minor injuries as they engage in active exploration and play, learn about their environment and develop fine and gross motor control.

It is critical to be prepared at all times to respond quickly and effectively when an emergency does occur. A well-stocked and accessible first-aid kit supports staff in providing the necessary care for minor injuries as quickly as possible while waiting for emergency medical help, if required.

#### **Compliance Indicators**

1. There is a first-aid kit and manual on the premises.

And

Staff verbally confirm that the first-aid kit and manual are readily available to them by promptly identifying the location of the first-aid kit and manual.

### **Recommendations**

When planning first aid kits, licensees should consider the lay out of the child care centre and ease of access to first aid supplies for program staff. It is recommended that each room, as well as the outdoor play space, have frequently used first aid supplies that can be accessed quickly and effectively should an accident occur.

The Workplace Safety and Insurance Board has different requirements for the content of first aid kits based on the size of the workplace.

Licensees should check the [Workplace Safety and Insurance Board website](#) for information on the minimum first aid kit requirements for their workplace, in accordance with Regulation 1101 under the *Workplace Safety and Insurance Act, 1997*. When determining the amount of first aid supplies required, it is important that licensees take into account the number of children in care, as well as the number of employees.

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## **Subsection 4.4– Immunization of Children**

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### **Ontario Regulation 137/15**

- 35(1) Every licensee shall ensure that before a child who is not in attendance at a school or private school, within the meaning of the Education Act, is admitted to a child care centre it operates or to a premises where it oversees the provision of home child care, and from time to time thereafter, the child is immunized as recommended by the local medical officer of health.
- (2) Subsection (1) does not apply where a parent of the child objects to the immunization on the ground that the immunization conflicts with the sincerely held convictions of the parent's religion or conscience or a legally qualified medical practitioner gives medical reasons to the licensee as to why the child should not be immunized.
- (3) Objections and medical reasons under subsection (2) shall be submitted in a form approved by the Minister.
- (4) An exemption under subsection (2) that was made before August 29, 2016 shall expire on September 1, 2017 unless a new objection or medical reasons are submitted in a form approved by the Minister before that date.

## Intent

Preventive health care includes immunization as deemed appropriate by the local public health authority, subject to duly recorded religious or conscience or medical objection.

## Special Instructions

In accordance with Section 72 of O. Reg. 137/15, immunization records and/or records of parental objection must be kept as part of children's files.

Effective August 29, 2016, parents of children who object to immunization due to religious/conscience or medical reasons must complete a standardized ministry approved form. Licensees must retain these forms in children's records and have these forms available for review by ministry staff at all times. Ministry approved forms for religious/conscience objections must be completed by a "commissioner for taking affidavits" (i.e. notarized).

Medical exemptions forms must be completed by a doctor or nurse practitioner.

Links to ministry approved forms for religious/conscience objection or medical exemption can be found below:

- [Statement of Conscience or Religious Belief](#)
- [Statement of Medical Exemption](#)

Written objections to immunization obtained by the licensee prior to August 29, 2016 will be considered compliant; however a new objection/exemption form must be completed on a form approved by the Minister and notarized before September 1, 2017 for the licensee to maintain compliance.

For any children enrolled on or after August 29, 2016, objections or medical exemptions must be documented using the standardized ministry forms.

If there are any exemption/objection documents that should have been in place prior to August 29, 2016 and are missing, they are to be replaced using the new, standardized ministry approved forms.

Licensees are not required to keep immunization records or records of parental objections for children who attend a publicly-funded school or private school (with the meaning of the Education Act) as the school is required to maintain these records.

See Manual Subsection 10.2 for more information on children's immunization records.

## Compliance Indicators

### 1. Objections/Exemptions to Immunization Obtained Prior to August 29, 2016

Children identified as not having been immunized have a written objection in their records from either:

- a) their parent(s) on grounds that the immunization conflicts with the sincerely held convictions of the parent's religion or conscience; or
- b) a legally qualified medical practitioner who has provided medical reasons.

Or

### 2. Objections/Exemptions to immunization obtained as of August 29, 2016 or after

Children identified as not having been immunized have a completed and where applicable notarized ministry approved form in their records of either:

- a) The Statement of Conscience or Religious Belief form; or
- b) The Statement of Medical Exemption form.

## Recommendations

Licensees may visit the following Ministry of Health and Long-Term Care link for additional information:

- [Ontario's Routine Immunization Schedule](#)

Commissioners for taking affidavits can be located by searching the internet or looking in a local business directory. The Ministry of Attorney General's website has some information which may help in the search.

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## Subsection 4.5– Daily Observation of Children

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### Ontario Regulation 137/15

36(1) Every licensee shall ensure that a daily observation is made of each child receiving child care in each child care centre it operates and in each premises where it oversees the provision of home child care before the child begins to associate with other children in order to detect possible symptoms of ill health.

### Intent

An important step in preventing the spread of disease or infection is early detection so that children who may be ill can be separated from other children.



## Compliance Indicators

1. Staff are seen to observe children in order to detect symptoms of ill health as they enter the child care centre and before the children interact with other children

Or

Staff verbally confirm that children are observed daily in order to detect symptoms of ill health as they enter the child care centre and before the children interact with other children.

## Recommendations

[Ontario Regulation 559/91](#) made under the *Health Protection and Promotion Act*, specifies which communicable diseases must be reported to the local Medical Officer of Health. Licensees should check with their local public health unit to determine when and how these diseases, or suspected occurrences of these diseases, should be reported.

In addition to looking for and documenting symptoms of ill health such as fever, rash or gastrointestinal symptoms, the ministry recommends that child care centre staff be mindful of any sudden or gradual changes to a child's behaviour, sleeping or eating patterns, or signs that a child has lost some previously acquired skill(s) (e.g., stopped being able feed him/herself, stopped using language). Child care centre staff are strongly advised to communicate any such changes to parents immediately, as atypical behaviour could be a sign of something more serious.

Licensees should encourage parents to share information about their child's restless night, lack of appetite or other atypical behaviour. This information should be recorded in the daily written record and children who have demonstrated atypical behaviour should be monitored more closely for potential signs of ill health.

If a staff member suspects that a child is, or may be, in need of protection, they must report this to the local children's aid society in accordance with section 72 of the *Child and Family Services Act*.

The person who has the reasonable grounds to suspect that a child is, or may be, in need of protection must make the report directly to a children's aid society. The person must not rely on anyone else to report on his or her behalf.

See [Reporting Child Abuse and Neglect: It's Your Duty](#) for more information.

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## Subsection 4.6– Arrangements for Ill Children

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### Ontario Regulation 137/15

- 36(2) Every licensee shall ensure that where a child receiving child care at a child care centre it operates or at a premises where it oversees the provision of home child care appears to be ill, the child is separated from other children and the symptoms of the illness noted in the child's records.
- (3) Where a child is separated from other children because of a suspected illness, the licensee shall ensure that,
- (a) a parent of the child takes the child home; or
  - (b) where it is not possible for a parent of the child to take the child home or where it appears that the child requires immediate medical attention, the child is examined by a legally qualified medical practitioner or a nurse registered with the College of Nurses of Ontario.

### Intent

These provisions are intended to protect the interests of the sick child, and to prevent the spread of infection.

### Compliance Indicators

1. Symptoms of ill health identified during the daily observation are recorded in the child's records, including any information about symptoms provided by parents.
2. Children with symptoms of illness are observed to be separated from other children.

Or

Staff verbally confirm that children with symptoms of illness are separated from other children.

3. Where a child is observed to have symptoms of illness, the child is taken home.

Or

Staff verbally confirm that children with observed symptoms of illness are taken home.

4. Where it appears that a child requires immediate medical attention, or the child's parent(s) cannot take the child home, arrangements are made to have the child examined by a legally qualified medical practitioner or registered nurse.

Or

Staff verbally confirm that arrangements have been made to have children with symptoms of illness and who require immediate medical attention to be examined by a legally qualified medical practitioner or registered nurse.

### **Recommendations**

Each child care centre should obtain and post information (available from the local public health authority) on the symptoms, incubation periods and isolation periods of various diseases. Staff should be familiar with this information and pay close attention to any changes in children's behaviour, daily routine or demeanor.

Staff should pay particular attention to:

- elevated temperatures, flushing, pallor or listlessness;
- an acute cold, nasal discharge or coughing;
- vomiting or diarrhea;
- red or discharging eyes or ears;
- undiagnosed skin rashes or infections; and
- unusual irritability, fussiness and restlessness.

Staff should be especially vigilant with younger children whose language skills are emerging and children with special needs as such children may have difficulty communicating that they are not feeling well.

Policies and procedures for the temporary care of moderately ill children may be developed by the licensee with assistance from the public health unit. Parents should be made aware of any policies that allow moderately ill children to participate in the program, particularly for licensed infant rooms, as young children are more susceptible to illness than older children.

Licensees should also develop policies and procedures related to when ill children will not be permitted to attend child care. These policies and procedures should be developed in consultation with the local public health unit and should include information on when parents will be notified of atypical behaviour or signs of ill health as well as information on when parents will be asked to pick up their children.

Staff should communicate with parents at the first sign of ill health, particularly with younger children (infants and toddlers) who have developed a fever, even if the threshold for asking that the child be taken home has not yet been met. Parents then have the choice to pick up their child if they are concerned.

When a child has been exposed to a communicable disease such as measles (i.e., another child attending the centre is ill), licensees should notify parents as soon as possible and strongly encourage parents to contact their physician. Both staff and parents should observe all children who were exposed to the communicable disease for any signs and symptoms during the incubation period.

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## **Subsection 4.7– Accident Reporting**

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### **Ontario Regulation 137/15**

36(4) Every licensee shall ensure that when a child receiving child care at a child care centre it operates or at a premises where it oversees the provision of home child care is injured,

(a) an accident report is made describing the circumstances of the injury and any first aid administered; and

(b) a copy of the report is provided to a parent of the child.

### **Intent**

The intent is to require child care centres to keep a record of accidents and injuries and notify parents when their child receives an injury.

### **Special Instructions**

Any time an accident report is completed, it must be noted in the daily written record or on an accident log.

Licensees must be able to demonstrate that parents have been provided with either a hard copy or e-copy of the accident report.

### **Compliance Indicators**

1. There is an accident report on the premises for any child that was injured while receiving care.

And

The accident report describes the circumstances of injuries and any first aid administered, where applicable.

And

There is evidence (e.g., a parent signature on the form, email verification) that a copy of any accident report has been provided to the child's parents.

### **Recommendations**

Accident reports should be signed by a staff member and a parent and, at a minimum, contain the following information:

- Child's Name
- Staff Name
- Date and Time of Accident
- Location of Accident
- Description of Accident
- Nature of Injury
- Staff response and First Aid
- Copy of form provided to parent (e.g., hard copy, email, etc.)

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## **Subsection 4.8- Daily Written Record**

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### **Ontario Regulation 137/15**

37(1) Every licensee of a child care centre or home child care agency shall ensure that a daily written record is maintained that includes a summary of any incident affecting the health, safety or well-being of,

- (a) any child receiving child care at a child care centre operated by the licensee;
- (b) any staff at a child care centre operated by the licensee;
- (c) any child receiving child care at a premises where the licensee oversees the provision of home child care; or
- (d) any person providing child care at a premises where the licensee oversees the provision of home child care.

(2) If an incident described in clause (1) (a) or (c) occurs, the licensee shall ensure that a parent of the child is notified.

## **Intent**

This provision requires that each child care centre keeps a record of significant events that affect the health, safety or well-being of staff and children. Where a program operates over a time span requiring shift work, for example, a before- and/or after-school program with different morning and evening staff, this record can be especially important as it serves as a communication tool between staff who are working different shifts.

## **Special Instructions**

The daily written record must contain a dated entry for each day the program operates. If there is nothing to report for that day, the entry can reflect that the day was uneventful. If daily written records are kept in each room, licensees must ensure that each book is completed daily.

## **Compliance Indicators**

1. There is a daily written record.

And

The daily written record contains a summary of any incident affecting the health, safety or well-being of children and staff (e.g., accident reports, ill children, etc.).

2. There is written evidence that parents are notified when there is an incident that affects the health, safety or well-being of their child (e.g., in accident reports, in the child's records, or in the daily written record).

Or

The licensee or staff confirm that parents are notified when there is an incident that affects the health, safety or well-being of their child.

## **Recommendations**

Licensees may choose to have a single daily written record for the entire child care centre, or an individual daily written record for each group.

The daily written record should reflect when an accident report was completed, as well as when a child was observed to be ill and parents were contacted.

The daily written record should contain descriptive material similar in nature and scope to the following examples:

Wednesday April 15, 2015

The playground was unavailable for use today because of replacement of a fence on the north side. Children were taken out in small groups to observe machines for digging and the use of concrete to set posts.

J.B. ate very little at lunch and his temperature when he woke up from his nap was 101.7°F. Called mom and she picked him up at 2:45pm.

Thursday April 16, 2015

J.B.'s mom called to let us know he still isn't feeling well and is going to stay with grandma today.

Friday April 17, 2015

J.B.'s mom called to tell us that J.B. has chickenpox. He is staying home today, but might be back on Monday. Other parents will be notified this afternoon that children may have had contact with chickenpox.

S.H. tripped going up ramp. Scrapes on hands and knees. Accident report completed.



## **Subsection 4.9– Serious Occurrences**

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### **Ontario Regulation 137/15**

#### **1 Definitions**

“serious occurrence” means,

- (a) the death of a child who received child care at a home child care premises or child care centre, whether it occurs on or off the premises,
- (b) abuse, neglect or an allegation of abuse or neglect of a child while receiving child care at a home child care premises or child care centre,
- (c) a life-threatening injury to or a life-threatening illness of a child who receives child care at a home child care premises or child care centre,
- (d) an incident where a child who is receiving child care at a home child care premises or child care centre goes missing or is temporarily unsupervised, or
- (e) an unplanned disruption of the normal operations of a home child care premises or child care centre that poses a risk to the health, safety or well-

being of children receiving child care at the home child care premises or child care centre

38(1) Every licensee shall ensure that,

- (a) there are written policies and procedures with respect to serious occurrences in each child care centre operated by the licensee and each premises where it oversees the provision of home child care, that address at a minimum, how to identify, respond to and report a serious occurrence;
- (b) a report is provided to a program adviser of any serious occurrence in any child care centre operated by the licensee or any premises where it oversees the provision of home child care within 24 hours of the licensee or supervisor becoming aware of the occurrence;
- (c) a summary of the report provided under clause (b) and of any action taken as a result is posted for at least 10 business days in a conspicuous place at the child care centre or home child care premises; and
- (d) the report and the summary of the report are each kept in accordance with section 82.

(2) Every licensee of a child care centre or home child care agency shall,

- (a) conduct an annual analysis of all serious occurrences that occurred in the previous year at each child care centre operated by the licensee and at each premises where the licensee oversees the provision of home child care; and
- (b) keep records of the actions taken in response to the analysis. O. Reg. 126/16, s. 25 (3).

### **Intent**

This provision requires that there is a plan to deal with any serious incidents that may affect the health, safety and well-being of children and staff and that these serious incidents are reported, tracked and followed up on.

### **Special Instructions**

The serious occurrence policy must include:

- information on how to identify a serious occurrence (list of categories);



- information on how to respond to a serious occurrence (for example, immediate medical attention), who to notify (for example, fire and police services, child protection agency, etc.);
- information on how to report a serious occurrence (e.g., all serious occurrences must be reported to the ministry through CCLS within 24 hours of the licensee or supervisor becoming aware of the occurrence).

The serious occurrence policy must be reviewed with staff, volunteers and students, implemented and monitored for compliance and contraventions in accordance with subsection 6.1. See Manual Subection 1.2 for these requirements.

Licensees, designates or supervisors are required to promptly notify their program advisor through CCLS. If licensees, designates or supervisors cannot access CCLS, they must still notify their program advisor via telephone or email within 24 hours of becoming aware of the occurrence and complete a serious occurrence report in CCLS as soon as the system becomes available.

The serious occurrence categories in CCLS are:

1. Death of a Child
2. Allegation of Abuse and/or Neglect
3. Life-threatening Injury or Illness
  - a. Injury
  - b. Illness
4. Missing or Unsupervised Child(ren)
  - a. Child was found
  - b. Child is still missing
5. Unplanned Disruption of Normal Operations
  - a. Fire
  - b. Flood
  - c. Gas Leak
  - d. Detection of Carbon Monoxide
  - e. Outbreak
  - f. Lockdown
  - g. Other Emergency Relocation or Temporary Closure

## Duty to Report

Some serious occurrences, most notably an allegation of abuse or neglect, will give rise to a duty of report that a child may be in need of protection. If a licensee or staff member suspects that a child is, or may be, in need of protection, they must report this to the local children's aid society in accordance with section 72 of the *Child and Family Services Act*.

The person who has the reasonable grounds to suspect that a child is, or may be, in need of protection **must make the report directly to a children's aid society**. The person must not rely on anyone else to report on his or her behalf.

A report to a children's aid society must be made for all situations where a child is, or may be, in need of protection, no matter where the alleged abuse or neglect took place.

However, licensees are only required to notify the program advisor of a serious occurrence if the alleged abuse or neglect occurred while the child was receiving care at the child care centre.

It is also important to note that registered early childhood educators (RECEs) are expected to be accountable for their actions as early childhood educators and to abide by the College of Early Childhood Educators' [Code of Ethics and Standards of Practice](#) as well as all applicable legislation, regulations, by-laws and policies that are relevant to their professional practice.

The *Early Childhood Educators Act, 2007* and the Professional Misconduct Regulation state that it is an act of professional misconduct to "[contravene] a law, if the contravention has caused or may cause a child who is under the member's professional supervision to be put at or remain at risk."

RECEs should familiarize themselves with reporting requirements under the *Child and Family Services Act*, and abide by them as the failure to do so is contrary to the law and may constitute professional misconduct.

For more information on the *Child and Family Services Act* and the duty to report, see [Reporting Child Abuse and Neglect: It's Your Duty](#).

For more information about the responsibilities of an RECE, please visit the [College of Early Childhood Educators website](#).

## Employer's Mandatory Reporting Obligations

In 2015 changes to the *Early Childhood Educators Act, 2007* (ECEA) came into effect. Included in these changes are new requirements for **employers** to submit mandatory reports to the College of Early Childhood Educators. In addition, the legislative changes

specify required time lines for reporting and set out information the College must provide to employers in response to any reports that are received. For more information, please visit the Ontario e-laws website to view the [ECEA](#) and visit the [College of Early Childhood Educators website](#).

### **Serious Occurrence Notification Form**

Licensees are required to complete and post a summary of each serious occurrence in a place that is visible and accessible to parents within 24 hours of becoming aware of the occurrence for a minimum of 10 business days, **including any allegation of abuse or neglect**.

The summary must not include any identifying information and shall be updated as new information is obtained.

### **Serious Occurrence Annual Analysis**

Licensees are required to conduct an annual analysis of all serious occurrences that occurred in the previous year. The annual analysis is to be used as a method of identifying issues, trends and actions taken. The analysis and record of actions taken in response to the analysis must be kept on file at the child care centre. In addition to ongoing reviews and follow-up to serious occurrences, licensing ministry staff will review the serious occurrence annual analysis during licence renewal inspections.

### **Compliance Indicators**

1. There are written serious occurrence policies and procedures that address at a minimum, how to identify, respond to and report a serious occurrence.
2. A review of CCLS confirms that all serious occurrences were reported within 24 hours of the licensee or supervisor becoming aware of the incident.

Or

There is evidence that the program advisor was notified of the serious occurrence within 24 hours of the licensee or supervisor becoming aware of the incident.

3. There is an annual analysis and record of actions taken in response to the analysis on file.
4. Serious occurrence notification forms are kept for at least three years (or for two years if the incident took place while the *Day Nurseries Act* was in force).

5. If a serious occurrence was reported and/or updated within the last ten business days, a notification form is posted in a conspicuous place at the child care centre (including any allegation of abuse or neglect).

Or

Where a serious occurrence was reported and/or updated more than 10 business days ago, the licensee or supervisor confirms that notification form(s) were posted in a conspicuous place at the centre for 10 business days.

### **Recommendations**

It is recommended that licensees develop a protocol for staff to respond to a situation where a child has gone missing while receiving care at a child care centre or home child care.

These guidelines should take into consideration the age of the child who is missing, and can include steps to:

- Alert all staff
- Immediately search the child care premises, including outdoor areas (e.g. playground)
- Have a staff member who is not searching the premises immediately alert the child's parents (in case parents have additional information about child's whereabouts)
- Advise the police by telephone

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## **Subsection 4.10– Anaphylactic Policy**

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### **Ontario Regulation 137/15**

39(1) Every licensee shall ensure that each child care centre it operates and each premises where it oversees the provision of home child care or in-home services has an anaphylactic policy that includes the following:

1. A strategy to reduce the risk of exposure to anaphylactic causative agents.
2. A communication plan for the dissemination of information on life-threatening allergies, including anaphylactic allergies.
3. Development of an individualized plan for each child with an anaphylactic allergy who,

- i. receives child care at a child care centre the licensee operates, or
    - ii. is enrolled with a home child care agency and receives child care at a premises where it oversees the provision of home child care or in-home services.
  - 4. Training on procedures to be followed in the event of a child having an anaphylactic reaction.
- (2) The individualized plan referred to in paragraph 3 of subsection (1) shall,
- (a) be developed in consultation with a parent of the child and with any regulated health professional who is involved in the child's health care and who, in the parent's opinion, should be included in the consultation; and
  - (b) include a description of the procedures to be followed in the event of an allergic reaction or other medical emergency.
- (3) In this section,
- “anaphylaxis” means a severe systemic allergic reaction which can be fatal, resulting in circulatory collapse or shock, and “anaphylactic” has a corresponding meaning.

### **Intent**

Anaphylaxis is a serious allergic reaction and can be life-threatening. The requirement for an anaphylaxis policy is intended to help support the needs of children with severe allergies and provide relevant and important information on anaphylaxis to parents, staff, students and visitors at the child care centre.

These provisions are aligned with *Sabrina's Law, 2005*, which requires all district school boards and school authorities in Ontario to develop an anaphylactic policy.

### **Special Instructions**

The anaphylactic policy and individualized plans must be reviewed with staff, volunteers and students, implemented and monitored for compliance and contraventions in accordance with subsection 6.1. See Manual Subsection 1.2 for these requirements.

### **Anaphylactic Policy**

At a minimum, the anaphylactic policy must include:

1. A strategy to reduce the risk of exposure to anaphylactic causative agents

The strategy should include a statement that indicates:

- how the licensee will reduce the risk of exposure to anaphylactic causative agents in the child care centre;
- what foods, if any, will be avoided on the menu and in materials used for craft and sensory programming; and
- that the strategy and information above will be revised as necessary depending on the life threatening allergies of the children enrolled.

2. A communication plan

The communication plan should identify:

- general information on life-threatening allergies, including anaphylactic allergies, for child care centre staff, parents, students and volunteers;
- a process for obtaining information from parents about their child's medical condition, including whether children are at risk of anaphylaxis;
- a process for advising parents, child care centre staff, students, and volunteers that there are children attending the centre who are at risk for potentially life-threatening allergies and the foods and causative agents to be avoided;
- a process for reviewing the strategies intended to reduce the risk of exposure to life threatening allergies;
- posting a list of known allergies of enrolled children in food preparation and eating areas and in activity rooms; and
- a process for advising the child care centre caterer (where applicable) of the foods/causative agents not to be used in food prepared for the child care centre and appropriate food substitutes to be provided.

3. Individualized plans and emergency procedures

The parent/guardian of an enrolled child with an anaphylactic allergy must be invited to provide input on the child's individualized plan, including the emergency procedures.

Licensees should encourage parents to advise the licensee as soon as possible if their child develops an allergy and requires medication, if there are any

changes to the child's individualized plan (e.g., new symptoms of a reaction) or if their child has outgrown an allergy and no longer requires medication.

Individualized plans should include:

- a description of the child's allergy;
- monitoring and avoidance strategies;
- signs and symptoms of an anaphylactic reaction;
- action to be taken by child care centre staff in the event the child has an anaphylactic reaction;
- whether parent/guardian consent for the child to self-administer allergy medication has been granted;
- whether parent/guardian consent for child care centre staff to administer the allergy medication has been granted; and
- emergency contact information (parent/alternate emergency contact/emergency services).

Licensees must review individualized plans, including the emergency procedures, with child care centre staff, students and volunteers, and the plans must be implemented as needed.

#### 4. Training

Where a child has an anaphylactic allergy, child care centre staff, students and volunteers must be provided with training on the procedures to be followed in the event of a child having an anaphylactic reaction, including how to recognize the signs and symptoms of anaphylaxis specific to the child, what actions should be taken by the child care centre staff and how to administer medication.

A "train the trainer" model can be used to satisfy this requirement. A parent may train the licensee, supervisor or a program staff, and this individual can then train the remaining staff, students and volunteers at the child care centre.

In general, medication must be kept in a locked box inaccessible to children. However, licensees may allow children to carry their own asthma medication or emergency allergy medication in accordance with the child care centre's medication administration policy and with a parent's permission for the child to self-administer allergy medication kept on file. This includes all medication that must be administered quickly in an emergency, such as antihistamines, epinephrine and puffers.

Licensees must have written procedures for keeping appropriate medication administration records as per s. 40(1)(a)(ii). See Manual Subsection 4.11 for more information on this requirement.

It is important to confirm that children who carry their own asthma or allergy medication have the required medication in their possession prior to leaving the child care centre (for example, transition to school, leaving on a field trip).

If children do not self-administer asthma or allergy medication, staff must ensure it is easily accessible at all times but kept out of children's reach. Emergency allergy and asthma medication should not be locked up with other medication. Staff must also ensure that emergency asthma and allergy medication is in the staff's possession when leaving the child care centre (for example, walking children to school, going on a field trip).

### **Compliance Indicators**

1. There is a written anaphylactic policy that includes the items listed in 39 (1).
2. Each child with an anaphylactic allergy has an individualized plan developed with input from the child's parent that includes emergency procedures;

And

Each child with an anaphylactic allergy has an individualized plan that includes a description of the procedures to be followed in the event of an allergic reaction or other medical emergency.

3. There is a written record of training for staff, students and volunteers on procedures to be followed for each child who has an anaphylactic allergy.
4. There is evidence that information on life threatening allergies (including anaphylactic allergies) has been communicated according to the communication plan outlined in the policy.
5. The strategy to reduce the risk of exposure to anaphylactic causative agents is being followed.

Or

Staff verbally confirm that the strategy to reduce the risk of exposure to anaphylactic causative agents is being followed.



## Recommendations

Child care centre staff may want to provide opportunities for other children enrolled at the child care centre to learn about allergies and foods/causative agents that are not permitted on the premises.

The Ministry of Education's website includes an e-learning module regarding [Anaphylaxis Training](#).

Additional information on anaphylaxis can be obtained through Health Canada's [It's Your Health – Severe Allergic Reactions](#).

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## Subsection 4.11– Administration of Drugs and Medication

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### Ontario Regulation 137/15

40(1) Where a licensee agrees to the administration of drugs or medications, the licensee shall ensure that,

- (a) a written procedure is established for,
  - (i) the administration of any drug or medication to a child receiving child care at a child care centre operated by the licensee or at a premises where it oversees the provision of home child care, and
  - (ii) the keeping of records with respect to the administration of drugs and medications, including those records required under the Controlled Drugs and Substances Act (Canada);
- (b) all drugs and medications on the premises of a child care centre operated by the licensee or at a premises where it oversees the provision of home child care are,
  - (i) stored in accordance with the instructions for storage on the label,
  - (ii) administered in accordance with the instructions on the label and the authorization received under clause (d),
  - (iii) inaccessible at all times to children, and
  - (iv) in the case of a child care centre, kept in a locked container;
- (c) one person in each child care centre operated by the licensee and in each premises where it oversees the provision of home child care is in charge of all drugs and medications and that all drugs and medications are dealt with

by that person or a person designated by that person in accordance with the procedures established under clause (a);

(d) a drug or medication is administered to a child only where a parent of the child gives written authorization for the administration of the drug or medication and that included with the authorization is a schedule that sets out the times the drug or medication is to be given and amounts to be administered; and

(e) a drug or medication is administered to a child only from the original container as supplied by a pharmacist or the original package and that the container or package is clearly labelled with the child's name, the name of the drug or medication, the dosage of the drug or medication, the date of purchase and expiration, if applicable, and instructions for storage and administration.

(2) Despite subclauses (1) (b) (iii) and (iv) and clause (1) (c), the licensee may permit a child to carry his or her own asthma medication or emergency allergy medication in accordance with the procedures established under clause (1) (a).

## **Intent**

These provisions require that, where a licensee agrees to the administration of medication written procedures are established for each child and type of medication. These procedures require that drugs or medication be safely administered according to established routines.

Section 40 (1) (b) sets out requirements for protecting the health and safety of children by requiring that drugs and medication are stored properly to maintain their effectiveness and kept out of the reach of children to prevent accidental ingestion. Drugs and medications requiring refrigeration must be kept in a locked container in the refrigerator.

Section 40 (1) (c) requires that the administration of drugs and medication is supervised by one staff member to reduce the potential for errors.

Section 40 (1) (d) requires written authorization from a parent in order for children to receive only those drugs or medication deemed necessary and appropriate by their parents. Written instructions must accompany this authorization so that drugs and medication are administered at the correct time(s) and in the correct dosage.

Section 40 (1) (e) requires that drugs or medication be stored in original containers so that medication intended for a specific child is correctly administered. This also allows

staff to confirm that the medication is not out of date. Clearly labelling all containers avoids confusion in the event that more than one child is receiving medication and helps ensure that medication does not spoil due to improper storage.

Section 40(2) provides licensee discretion to permit a child to carry his or her own asthma medication or emergency allergy medication in accordance with the licensee's written procedures (e.g., a child may carry his or her asthma puffer in a pouch). No other medication may be carried by a child.

Certain medications, like puffers and epinephrine, must be administered quickly in an emergency to be fully effective. Allowing children to carry their own emergency allergy and asthma medications allows that these medications can be administered quickly when needed. See Manual Subsection 4.10 for more information.

## **Special Instructions**

### **Written instructions and record keeping**

Each licensee must develop appropriate written procedures for the administration of emergency medication and related record-keeping, in accordance with s. 40(1)(a).

Staff must check that the parent's written instructions match any instructions printed on the original container and that the medication is not expired. Confirming that the two sets of instructions match will prevent any confusion as to which instructions should be followed and so that the medication is administered correctly.

If medication is to be administered on an "as needed" basis, the written instructions must clearly indicate the situations under which the medication should be given. This could include the physical symptoms that must be present, the behaviour the child must be exhibiting or the child's temperature. Simply indicating "as needed" or "as required" is not sufficient.

For each child receiving medication, an entry must be made on a medication administration form and noted in the daily written record. Staff giving the medication should list each dose administered and the time. If a dose is omitted or late, reasons must be listed.

Section 40(2) does not explicitly state that a licensee may permit a child to administer his or her own asthma or emergency allergy medication. Licensee's must develop appropriate written procedures and establish specific procedures for a child's self-administration.

If a child self-administers a medication (e.g., puffers or epinephrine), licensees are required to keep a record of the self-administration and the time on a medication form

and noted in the daily written record. For example, in certain situations (e.g. perhaps with older children), it may be appropriate for a licensee to establish a written procedure for a child's self-administration of an asthma puffer as per s. 40(1)(a). Note that all other requirements in s. 40 must also be complied with (e.g., parental written authorization under s. 40(1)(d) and administration from clearly labelled original containers under s. 40(1)(e)).

Even if self-administration of asthma or emergency allergy medication is permitted under the licensee's written procedures established under s. 40(1)(a)(i), the licensee is required to maintain the required record-keeping of such self-administration (i.e., staff complete the medication administration form when the child has self-administered any emergency medication).

### **Drug Identification Numbers**

The requirements for the administration of drugs and medication apply to more than prescription medications. All products containing Drug Identification Numbers require a schedule of administration and applicable record keeping. The requirements apply to a wide variety of items, including vitamins, medicated ointments, prescription medication and over-the-counter medication.

A Drug Identification Number (DIN) is an eight digit number assigned by Health Canada to a drug product prior to being marketed in Canada. It uniquely identifies all drug products sold in a dosage form in Canada and is located on the label of prescription and over-the-counter drug products that have been evaluated and authorized for sale in Canada.

### **Compliance Indicators**

Where a licensee agrees to the administration of drugs or medication,

1. There is a written procedure established for the administration of any drug or medication to a child receiving care that includes information about record keeping practices when drugs or medications are administered to a child.
2. All drugs or medications are stored according to the storage instructions on the label.
3. All drugs or medications are inaccessible to children at all times (with the exception of asthmas or emergency allergy medication that a child may self-administer).

4. All drugs or medications are kept in a locked container, with the exception of asthma or emergency allergy medication.
5. All drugs or medications are administered according to the instructions on the label and written parental authorization.

Or

Staff confirm and describe how drugs or medications are administered and this aligns with the label instructions and written parental authorization.

6. The written procedures document a designated position that is in charge of drugs or medications.

And

Drugs and medications are observed to be dealt with by the designated position, or the person designated by the designated position.

7. There is written authorization from the child's parent(s) that includes a schedule that sets out the when the drug or medication is to be given, which includes either specific times of the day or specific symptoms that must be observed, as well as the dosage to be given.
8. Drugs or medications are administered from their original containers or as supplied by a pharmacist.

And

The container or package containing the drugs or medications is clearly labelled with the child's name, the name of the drug or medication, the dosage of the drug or medication, the date of purchase and expiration, if applicable, and instructions for storage and administration.

## **Recommendations**

Whenever possible, parents should be encouraged to administer medication to their children at home, if this can be done without affecting the treatment schedule. If medication must be administered while receiving child care, a clear schedule should be established and if possible, administration coordinated so that children in a given group can receive their medication at the same time.

Due to the frequency and their longer term daily usage, sunscreen, diaper creams, lip balms and hand sanitizers can have a blanket authorization from a parent on the enrolment form and can be administered without a medication form as long as they are non-prescription and/or they are not for acute (symptomatic) treatment, whether they have a drug administration number (DIN) or not.

Medication should be dispensed in a well-lit area and, where possible, it is preferable to remove a child from the activity area to administer medication in a quiet environment with the least possible interruption.

Leftover medication or surplus of medication should be returned in the original container to a parent of the child or safely discarded with parental permission. See [Safe Disposal of Prescription Drugs](#) for more information.

Any accidental administration of medication (e.g., medication administered to the wrong child or error in dosage given) should be recorded and reported to the supervisor, who should then notify a parent of the child. If adverse symptoms are evident upon accidental administration of medication, staff should call local Emergency Medical Services.

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## **Subsection 4.12– Animals**

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### **Ontario Regulation 137/15**

41 Every licensee shall ensure that every dog and cat that is kept on the premises of a child care centre it operates or premises where it oversees the provision of home child care is inoculated against rabies.

#### **Intent**

This section protects the health of the adults and children in care by ensuring that any dogs or cats on the premises are inoculated against rabies

#### **Special Instructions**

Local public health units may prohibit certain animals in child care settings and may set additional requirements for infection prevention and control for child care programs that have animals.

Licensees must follow any recommendations made by the local Medical Officer of Health (See subsection 32(1) in O.Reg 137/15) and should consult with their local public health unit when considering whether or not to allow visiting or resident animals at the child care centre.

## Compliance Indicators

1. Where applicable, there is a certificate on the premises that indicates that each dog and/or cat has been inoculated against rabies.

## Recommendations

### Prior to contact with animals

Licensees should develop written infection prevention and control policies and procedures and have them reviewed by the local public health unit.

Parents should be consulted and provide consent prior to introducing any animals into the child care centre. They should be informed of both the benefits of engaging and interacting with animals, as well as the risks (e.g., allergies, infectious disease transmission and injury) and how the child care centre plans to mitigate those risks.

Documentation providing evidence of the animal's health should be obtained. Local public health units can provide more information on this documentation.

Staff, volunteers/students and children should be educated on appropriate infection prevention and control measures and behaviours for animal contact, including the following:

- Always treat animals gently and calmly. Never hurt, tease, frighten, chase, surprise or corner an animal.
- Avoid kissing animals.
- Never disturb an animal that is eating or sleeping.
- Always perform hand hygiene (wash hands or use alcohol-based hand-rub) after touching animals, their food bowls, toys, bedding, etc.
- Avoid touching your face after animal contact until hand hygiene is performed.

The Ministry of Health and Long-Term Care publishes the [Guidance Document for the Management of Animals in Child Care Centres, 2016](#); including a list of animals not recommended in child care.



## Subsection 4.13– Sleep Policies and Supervision

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### Ontario Regulation 137/15

33.1(1) Every licensee shall ensure that a child who is younger than 12 months who receives child care at a child care centre it operates is placed for sleep in a manner consistent with the recommendations set out in the document entitled

“Joint Statement on Safe Sleep: Preventing Sudden Infant Deaths in Canada”, published by the Public Health Agency of Canada, as amended from time to time, unless the child’s physician recommends otherwise in writing.

- (2) Every licensee shall ensure that, if child care is provided for a child who regularly sleeps at a child care centre the licensee operates,
  - (a) an employee periodically performs a direct visual check of each sleeping child by being physically present beside the child while the child is sleeping and looking for indicators of distress or unusual behaviours;
  - (b) there is sufficient light in the sleeping area or room to conduct direct visual checks; and
  - (c) there are written policies and procedures at the child care centre with respect to sleep, and the policies and procedures,
    - (i) provide that children will be assigned to individual cribs or cots in accordance with this Regulation,
    - (ii) provide that parents will be consulted respecting a child’s sleeping arrangements at the time the child is enrolled and at any other appropriate time, such as at transitions between programs or rooms or upon a parent’s request,
    - (iii) provide that parents of children younger than 12 months will be advised of the licensee’s obligation under subsection (1),
    - (iv) provide that parents of children who regularly sleep at the child care centre or home child care premises will be advised of the centre’s or agency’s policies and procedures regarding children’s sleep,
    - (v) provide that the observance of any significant changes in a child’s sleeping patterns or behaviours during sleep will be communicated to parents and will result in adjustments to the manner in which the child is supervised during sleep, and
    - (vi) include details regarding the performance of direct visual checks, including how frequently direct visual checks will be performed and how direct visual checks will be documented.
- (3) applicable to home child care



- (4) Every licensee shall ensure that in each child care centre it operates that has a separate area or room for sleeping, there is a system in place to immediately identify which children are present in the area or room.

### **Intent**

These provisions have been added to the regulations to reduce risk of harm and injury, including death, when infants are sleeping. Placing infants on their back for sleep is recommended by major children's organizations such as the Canadian Pediatric Society and the American Academy of Pediatrics. The federal government (Health Canada/Public Health Agency of Canada) concurs with this recommendation, as set out in the *Joint Statement on Safe Sleep: Preventing Sudden Infant Deaths in Canada*.

In addition, monitoring sleeping children reduces risk of harm/injury because caregivers can look for signs of distress (e.g. change in skin colour, change in breathing, signs of overheating) and react as required.

### **Special Instructions**

The licensee should review the recommendations set out in the most current version of the [Joint Statement on Safe Sleep: Preventing Sudden Infant Deaths in Canada](#).

The current recommendation set out in the *Joint Statement* is that children up to their first birthday be placed on their backs for sleep. This has been Health Canada's recommendation since 1993, as a means to reduce the risk of Sudden Infant Death Syndrome (SIDS).

It is important to note that the *Joint Statement* sets out that once infants are able to roll from their backs to their stomachs or sides, it is not necessary to reposition them onto their backs.

The requirement for an infant sleep position may only be waived if a medical doctor/physician recommends differently in writing.

Sleep policies must be reviewed with staff, volunteers and students, implemented and monitored for compliance and contraventions in accordance with subsection 6.1. See Manual Subsection 1.2 for these requirements.

### **Compliance Indicators**

1. Each child who is younger than 12 months who receives child care at a child care centre is observed to be placed for sleep in a manner consistent with the recommendations set out in the *Joint Statement on Safe Sleep*.

Or

Staff verbally confirm that each child who is younger than 12 months is placed for sleep in a manner consistent with the recommendations set out in the *Joint Statement on Safe Sleep*.

Or

Where children under 12 months are observed to be placed in a position other than on their back, there is a written recommendation from the child's doctor regarding an alternate sleep position.

2. An employee is observed to periodically perform a direct visual check of each sleeping child by being physically going over to the child while the child is sleeping.

Or

Staff verbally confirm that they perform periodically direct visual checks of each sleeping child by being physically present beside the child while the child is sleeping and look for indicators of distress or unusual behaviours.

And

There is documentation of direct visual checks being conducted on every child.

3. It is observed there is sufficient light in the sleeping area or room to conduct direct visual checks.

Or

Staff verbally confirm there is sufficient light in the sleeping area or room to conduct direct visual checks.

4. There is a written policy that includes the items listed in 33.1(2)(c).
5. It is observed there is a system in place to immediately identify which children are present in the area or room.

Or

Staff verbally confirm there is a system in place to immediately identify which children are present in the area or room.

## Recommendations

For infants age 0-12 months of age, the *Joint Statement on Safe Sleep* sets out the following additional principles of safe sleep:

- Other than a firm mattress and a fitted sheet, there should not be any extra items such as pillows, duvets, blankets and bumper pads in the crib, cradle or bassinet to reduce the risk of suffocation.
- Infants are safest when placed to sleep in fitted one-piece sleepwear that is comfortable at room temperature to reduce the risk of overheating and minimize the use of blankets. If a blanket is used, only a thin blanket of breathable fabric should be used.
- Strollers, swings, bouncers and car seats **are not** intended for infant sleep. An infant's head, when sleeping in a seated position, can fall forward and cause their airway to become constricted. Once an infant falls asleep, the child should be moved as soon as possible or as soon as the destination is reached to the sleep equipment required under the regulation.

## Sleep Policy

In developing a sleep policy to meet the mandatory requirements listed items listed in 33.1(2)(c), the licensee may consider including additional details that specify:

1. Assignment of cribs and cots to children:
  - how the licensee will assign the cribs and cots to each child
  - how staff, parents and other individuals know which crib or cot belongs to which child  
how staff, parents and other individuals will be made aware when there is a change to the assignment of cribs and cots.
2. Consultation with parents with respect to a child's sleeping arrangements:
  - at time of enrollment and at any other appropriate time, such as how the licensee will consult with parents to receive information on the child's sleep preferences, required accommodations, precautions etc. at the time of enrolment to the child care centre or when the child transitions from one centre or from room to room
  - a process for advising child care centre staff, students and volunteers on each child's sleep preferences
  - where the child's sleep preferences will be documented  
a process for how each child's sleep preferences will be implemented
  - how often parents' will be consulted with respect to their child's sleeping arrangements

3. Parents being advised of the licensee's obligation under subsection (1)
  - how the licensee will advise parents of children younger than 12 months of their obligation to place children on their backs for sleep, in accordance with the *Joint Statement*
4. The process for the licensee to advise parents of all children who regularly sleep at the child care centre of the policies and procedures regarding children's sleep
5. Communicating to parents any significant changes in a child's sleeping patterns or behaviours:
  - the process for advising staff, students and volunteers of the requirement that they document and communicate when there is any significant change in a child's sleep pattern or behaviour
  - how the licensee or staff will advise parents when there is any significant change in a child's sleep pattern or behaviour
  - how the licensee and staff will implement adjustments to the manner in which the child is supervised during sleep when an observance of any significant change in a child's sleeping patterns or behaviours during sleep have been made
6. Details regarding the performance of direct visual checks:
  - What steps are to be followed in the direct visual checks
  - The frequency of direct visual checks
  - the potential indicators of distress
  - how direct visual checks will be documented (e.g. children's daily record, separate binder to log checks).

The licensee should recognize that infant children do not have set rest/sleep schedules and will need to rest/sleep based on each child's individual needs. For more information regarding infant's sleep schedule please refer to Manual Subsection 6.5.



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## **Subsection 4.14– Electronic Monitoring Devices**

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### **Ontario Regulation 137/15**

33.1(5) Every licensee shall ensure that if electronic sleep monitoring devices are used at a child care centre it operates or at a premises where it oversees the provision of home child care,

- (a) each electronic sleep monitoring device is able to detect and monitor the sounds and, if applicable, video images, of every sleeping child;
- (b) the receiver unit of the electronic sleep monitoring device is actively monitored by employees at the child care centre or the home child care provider at all times;
- (c) each electronic sleep monitoring device is checked daily to ensure it is functioning properly; and
- (d) electronic sleep monitoring devices are not used as a replacement for the direct visual checks required under clause (2) (a).

### **Intent**

These provisions have been added to the regulations to reduce risk of harm and injury, including death, when children are sleeping. If the licensee chooses to use electronic monitoring devices, they need to ensure the devices are working appropriately and picking up the sounds and/or images of all sleeping children.

### **Special Instructions**

Electronic monitoring devices must be checked each day to confirm that they are functioning properly. It is important to note that electronic monitoring devices cannot be used in place of direct visual checks of sleeping children. Staff must still conduct direct visual checks of sleeping children in accordance with the regulation in addition to using monitoring devices.

### **Compliance Indicators**

1. If electronic sleep monitoring devices are being used, it is observed that each device is functioning properly, is able to detect and monitor the sounds, and if applicable, video images of every sleeping child.
2. The receiver unit of the electronic sleep monitoring device is actively monitored by employees at the child care centre.
3. It is observed that electronic monitoring devices are checked daily to ensure that they are working properly;

Or

Staff confirm that the electronic monitoring devices are checked daily to ensure that they are working properly;

And

It is observed that electronic monitoring devices are used in conjunction with the direct visual checks.

### **Recommendations**

The licensee may consider developing a procedure or process for the monitoring of electronic devices. Things to consider if this procedure or process will be created are:

- Who will check the electronic monitors (i.e. will it be only infant staff, only the supervisor etc.)
- What steps staff will take if a monitoring device does not work.

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## **Section 5- Nutrition**

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### **Subsection 5.1– Requirements for Children Under One Year**

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#### **Ontario Regulation 137/15**

42(1) Every licensee shall ensure that,

- (a) each child under one year old who receives child care at a child care centre operated by the licensee or at a premises where it oversees the provision of home child care is fed in accordance with written instructions from a parent of the child.

#### **Intent**

Adequate and appropriate nutrition is vital to the health, development, and growth of children under one year old. The amount and scheduling of nourishment must accommodate the needs of each individual child during the first year of life.

Parents of very young children play an active role planning nutritional intake during the hours of care, often with the advice of their child's physician. Child care providers also play an important role in meeting the nutritional needs of children under one year old.

Children under one year old are to be fed in accordance with written instructions from a parent as patterns of eating and food tolerance are highly individual in children of this age.

#### **Compliance Indicators**

1. Records for all children under one year contain written instructions from a parent of the child with regard to feeding.
2. Children under one year are observed to be fed in accordance with the written instructions on file;

Or

Staff confirm that all children under one year are fed in accordance with the written instructions on file.

#### **Recommendations**

Children under one year old should be fed following the written instructions provided by their parents; however, it is important to note that bottles should not be given to infants

while they are lying down. Children under one year should be held at a 45 degree angle or greater when feeding and an adult should always hold the bottle until the child is able to do so independently, and bottles should never be propped against something or left in a child's mouth when they are falling asleep or asleep.

Educators should be responsive to children's cues of hunger and fullness and intake of milk/formula and food/liquid should never be forced.

Different furniture and eating arrangements may be required when very young children are receiving care. An area where children may be held individually as they are fed is helpful if children are still bottle fed and unable to hold their own bottle.

A food preparation area within the infant room should be provided wherever possible, in accordance with local public health requirements, so that bottles and foods can be stored and heated as needed without requiring staff to leave the room.

Introduction of solid food and new types of foods in a progressively coarser texture should be offered to correspond with an infant's development, consistent with instructions from parents. Parents may wish to review the menu of food provided to older children at the child care centre and highlight any items that are safe for their child to consume (potentially with modifications such as pureeing or cutting up into smaller pieces).

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## **Subsection 5.2– Food Storage and Preparation**

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### **Ontario Regulation 137/15**

42(1) Every licensee shall ensure that,

- (b) where food or drink or both are supplied by a parent of a child receiving child care at a child care centre operated by the licensee or at a premises where it oversees the provision of home child care, the container for the food or drink is labelled with the child's name; and
- (c) all food or drink is stored, prepared and served so as to retain maximum nutritive value and prevent contamination.

### **Intent**

Parents may choose to supply food and/or drink for their child for a variety of reasons, including religious observance (e.g., kosher or halal food) and severe allergies or intolerances. Labelling food or drink, including infants' bottles and bags/other containers of breast milk, milk, or formula, supplied by a parent sets out that children receive the correct milk/drink, meals and snacks.



Correct procedures for food storage, preparation and service contribute to the retention of maximum nutritive value and prevention of illness.

### **Special Instructions**

Licensees are to consult their local public health unit and comply with recommendations for safe food storage, preparation and service procedures, including correct temperatures for fridge and freezer, location of food within the fridge and sanitation/dish washing procedures.

Any instructions set out in a child's anaphylactic plan (per Ontario Regulation 137/15, s. 39) that may impact food handling/storage must be followed at all times.

Child care centres that operate for six hours or more and prepare and serve food are required to have a food preparation area that meets local public health requirements and includes storage areas, equipment and counter space to allow for the efficient storage and preparation of food and correct dishwashing procedures. See Manual Subsection 3.4 for more information.

### **Compliance Indicators**

1. Food or drink supplied by a parent is observed to be in a container labelled with the child's name.
2. Food or drink that requires refrigeration or to be kept frozen is kept in the fridge or freezer at temperature recommended by public health.
3. No food or drink is observed to be beyond its expiry date.
4. No food or drinks shows visible signs of spoilage or mould.
5. Staff are observed to use proper food handling techniques in accordance with the recommendations/requirements of the local public health unit.

### **Recommendations**

Licensees may wish to review the requirements of [Regulation 562 \(Food Premises\)](#), made under the Health Protection and Promotion Act.

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## Subsection 5.3– Nutrition Requirements

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### Ontario Regulation 137/15

42(2) Subject to section 44, every licensee shall ensure that each child one year old or older who receives child care at a child care centre it operates and or at a premises where it oversees the provision of home child care is given food and beverages in accordance with the following rules:

1. Where the child is present at meal time, a meal must be supplied and provided by the licensee or provider, except where otherwise approved by a director in the case of a child in a licensed kindergarten group or older child.
2. Between-meal snacks must be supplied and provided by the licensee or provider, except where otherwise approved by a director in the case of a child in a licensed kindergarten group or older child.
3. Where a child receives child care for six hours or more, the licensee or provider shall ensure that the total food offered to the child includes, in addition to any meals provided, two snacks.
4. Drinking water must be available at all times.
5. All meals, snacks and beverages must meet the recommendations set out in the Health Canada documents “Eating Well with Canada’s Food Guide”, “Eating Well with Canada’s Food Guide – First Nations, Inuit and Métis” or “Nutrition for Healthy Term Infants”, as amended from time to time, as the case may be.

### Intent

Adequate and appropriate nutrition is vital to children’s health, growth, development, and well-being.

Meals should be served at regular meal times and provide nutrients necessary for growth and development. Educators can create contexts to support children’s health and well-being by providing healthy meals and snacks and establishing positive eating environments that are responsive to children’s cues of hunger and fullness.

Snacks should provide nutritional value as well as refreshment in a child’s busy day. These foods should be easy for the child to handle and not detrimental to dental health.

Children attending child care for a full day may be very active throughout the day and therefore depend heavily on the food served to provide the necessary energy to sustain

their activity. These children may also spend many of their waking hours at child care, and it is important that they receive a sufficient portion of their daily nutrient intake.

Proper hydration is important for children, particularly during hot summer months, and water suitable for drinking must be available at all times, including between snacks and meal times.

It is the licensee's responsibility to provide snacks and meals, however, clauses 42 (2) 1 and 2 allow for a director to approve an alternate arrangement for licensed kindergarten and school age groups. This alternate arrangement generally involves children bringing bag lunches from home.

### **Special Instructions**

All nutrition requirements are subject to section 44 of Ontario Regulation 137/15 which provides that parents may identify special dietary and feeding arrangements for their children. These special arrangements must be provided in writing to the licensee and the licensee must ensure that they are carried out.

The foundational documents required for menu planning ("Eating Well with Canada's Food Guide", "Eating Well with Canada's Food Guide – First Nations, Inuit and Métis" or "Nutrition for Healthy Term Infants") can be found at the following link: [Canada's Food Guide](#)

Licensees may choose to serve hot meals; however, it is not a regulatory requirement.

Bagged Lunches:

When director's approval for bagged lunches has been granted, the licensee is to develop policies and procedures that are posted at the centre and provided to parents. These policies and procedures should include,

- guidelines for the content of bagged lunches and examples of bagged lunches which meet Canada's Food Guide requirements;
- allergy awareness procedures (including any prohibited foods);
- what, if anything, will be routinely provided by the child care centre at lunch (e.g., milk, soup, etc.); and
- back up procedures if bagged lunches are forgotten or need to be supplemented due to the presence of allergen containing foods or foods of low nutritional value (e.g., available replacements or snacks).

When children bring bagged lunches, these must be labelled and refrigerated to help ensure that food is maintained at a safe temperature and nutritional value is maintained.

## Compliance Indicators

1. Menus show that meals are provided for each meal time that occurs during program hours.

And

Children one year of age or older who are present at meal time are provided a meal by the licensee unless special dietary and feeding instructions are on file (see s. 44).

Or

Director approval has been granted for other feeding arrangements for children in licensed kindergarten or school age groups (i.e., director approval for bagged lunches provided by parents).

2. Children one year of age or older are provided between meal snacks by the licensee unless special dietary and feeding instructions are on file (see s. 44)

Or

Director approval has been granted for other feeding arrangements for children in licensed kindergarten or school age groups (i.e. director approval for bagged lunches provided by parents).

3. Menus show that at least two snacks are provided when children are in care for six hours or more

And

Children who are in care for six hours or more are observed to receive at least two snacks

Or

Staff verbally confirm that children who are in care for six hours or more are provided at least two snacks.

4. Drinking water is readily available to the children (e.g., water bottles for each child, disposable cups and running water, etc.)

Or

Children are observed to be given drinking water on request.

5. Children are observed to receive a meal or snack that contains a variety of food groups in accordance with Health Canada documents, “Canada’s Food Guide”, “Canada’s Food Guide – First Nations, Inuit and Métis” or “Nutrition for Healthy Term Infants”.

Or

Staff confirm that children receive a meal or snack that contains a variety of food groups in accordance with Health Canada documents, “Canada’s Food Guide”, “Canada’s Food Guide – First Nations, Inuit and Métis” or “Nutrition for Healthy Term Infants”.

## **Recommendations**

Food service and nutrition programs in child care centres should provide:

- nutritionally adequate meals and snacks;
- each meal should include at least four food groups;
- each snack should include at least two food groups;
- opportunities for children to develop a positive attitude toward a wide variety of foods;
- opportunities for children to prepare and serve food; and
- opportunities to develop and enhance socialization skills, self-regulation, and language skills.

Promoting Good Eating Habits:

Enjoying food and meal times depends to a great extent on the way food is offered and the models provided by adults. There is a variety of ways in which child care providers can impact children’s health and well-being with regarding to eating and nutrition, such as by:

- providing nutritious food and beverages that incorporate family and cultural preferences;
- creating positive eating environments with foods and portion sizes that are responsive to children’s cues of hunger and fullness;
- using a bright, attractive, well-ventilated and comfortable room for serving meals;
- providing suitable child-sized tables and chairs;

- supplying dishes and eating utensils that are attractive, durable and of suitable size and shape for small hands;
- ensuring that dishes and utensils match the children's capabilities so that they can graduate from bowls and spoons to forks and plates;
- providing a quiet time just before meals so that the atmosphere can be friendly and relaxed at meal time;
- avoiding delays in food services so that the children will not have to sit and wait;
- serving foods family style, where possible, with small groups of children and at least one adult sit around a table and serve themselves. The adult should sit about half way down the long side of a rectangular table rather than at the end so that he/she can respond to individual children (and supervise) while eating.
- program staff eating with the children whenever possible and always eating the same meal as the children.
- providing an opportunity for children to leave the table if they become restless before the meal is over (e.g., let them take their plates to the counter and bring their dessert back to the table);
- encouraging children to practice self-care skills (e.g. feeding themselves) and help with food preparation, distribution etc. (e.g., filling their own glasses or cups, arranging crackers and fruit on plates etc.);
- setting a good example by having a positive approach to new foods and pleasant table manners.
- being prepared for spills and calmly cleaning up and offering reassurance when they happen;
- encouraging interesting conversation and modeling language related to food, drink and eating to support communication development; and
- avoiding the use of meal times as a time to criticize or to air unpleasant occurrences;

Program staff should always be aware of possible choking hazards (foods such as raw fruits and vegetables, hot dogs, grapes, cherry tomatoes, etc.) and take precautions, such as cutting food into smaller pieces, if these items are offered as part of a meal or snack.

Child care providers should be vigilant in watching for signs/symptoms of choking or inhaling food/drink or other distress when eating and drinking such as gagging, coughing, and/or food or drink pooling in a child's mouth, and in delivering first aid when necessary. In addition, the identification of such signs/symptoms should be reported to the child's parent(s).

It is also important to remember that children's appetites vary from meal to meal and may change over time. No child should ever be forced to eat (per Ontario Regulation

137/15 ss. 48(f)); however, parents should be advised to consult with their physician in circumstances where a child continually refuses to eat.

Additionally, food should never be used to reward children and the removal/deprivation of food/drink is prohibited (per Ontario Regulation 137/15 s. 48(e)).

Snacks:

Snacks should be served at times that will not interfere with the children's appetite for the main meal.

Morning snacks may be served quite early depending on when the children arrive and whether they have had an early breakfast or not eaten yet. Afternoon snacks should take into consideration that many children may not eat dinner until 6:00 p.m. or later.

Try to serve a snack at least two hours before the next meal and make foods interesting by,

- serving buffet style so that children can choose between snacks (e.g., three or four raw vegetables or fruits); and
- inviting children to help with the preparation of snacks.

Certain foods that are high in sugar or salt content (e.g., candy, dried fruit, cookies, chips, pretzels, etc.) are not consistent with Canada's Food Guides as they offer little nutritional value and promote tooth decay. Licensees should limit serving such foods to children, if offered at all.

The importance of nutritional snacks is heightened when bagged lunches are being provided, as the licensee does not control what food is offered. Program staff should monitor the content of bagged lunches and discuss with parents when there are concerns regarding the nutritional adequacy of snacks and meals.

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## **Subsection 5.4– Menus**

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### **Ontario Regulation 137/15**

43(1) Every licensee of a child care centre shall post planned menus for the current and following week in a conspicuous place in each child care centre it operates with any substitutions noted on the posted menus.

(2) A menu referred to in subsection (1) shall be kept by the licensee for thirty days after the last day for which it is applicable.

## **Intent**

Careful menu planning is essential to meet children's nutritional needs and to offer a wide variety of foods (consistent with Ontario Regulation 137/15, clause 42 (2) (5)). It also promotes economical purchasing and financial management.

Posting of planned menus in a clearly visible/noticeable place promotes transparency for parents and allows parents to take into account what the child has been served during the day when planning meals at home.

An accurate record of any food substitutions also helps with meal planning at home and allows parents to track children's food intake. Tracking of food intake is particularly important during the early years when children may show the first signs of a food allergy.

Menus must be retained to provide an example of the variety of foods offered from week-to-week by licensee.

## **Special Instructions**

If multiple menus are posted throughout the centre (e.g., on the parent info board, in the kitchen and in each room), food substitutions must be noted on every posted menu.

## **Compliance Indicators**

1. Planned menus for the current and following week are posted in a conspicuous place accessible to parents.

And

Any substitutions are noted on the menus posted for parents' reference at time of substitution.

And

Meals and snacks correspond with the posted menu, including any posted substitutions.

Or

The staff responsible for serving food to the children confirm that menus accurately reflect food served to children.



2. Menus that were posted for parents' reference, including any substitutions, are kept on file for a minimum of 30 days.

### **Recommendations**

Some child care centres may choose to use a set menu rotation, with standard posted menus that remain the same month to month. These menus may include general categories of food ("seasonal fruit" or "pasta") rather than specific food choices ("apples and pears" or "vegetarian lasagna").

It is important to note specific food choices on the posted menu as soon as possible so that parents can plan accordingly, particularly if a child is allergic to a specific item or ingredient and a parent will be providing an alternative.

While it is acceptable to note menu substitutions and specific food choices on standard posted menus using post-it notes, dry erase markers, or other temporary and reusable methods, it is also important to keep a permanent record of these substitutions (per subsection 43 (2) of O. Reg 137/15).

It is recommended that licensees establish a consistent method of record keeping, such as taking a photograph of the menu before removing the record of substitutions, or keeping a separate paper copy of the menu on file for each week or month. The menu kept on file should reflect any substitutions or specific food choices that were made during the week or month.



## **Subsection 5.5– Food Allergy and Restriction Posting**

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### **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 allergies or restrictions, is posted,
- (a) in each cooking and serving area;
  - (b) in each play area or play room; and
  - (c) in any other area in which children may be present.

### **Intent**

Children receiving child care may have known food allergies which may be serious or life-threatening (e.g. anaphylaxis). A list of children with known food allergies, as well as their respective allergies, must be posted in areas of food preparation and consumption,

play areas or play rooms, and any other area in which children may be present to minimize risk of reaction.

There may also be children receiving child care who have specific food restrictions. These restrictions may be due to food intolerances, family dietary choices (e.g., vegetarian) or religious observance (e.g., requirement for kosher or halal food). This information must also be posted in areas of food preparation and consumption, play areas or play rooms, and any other area in which children may be present (e.g., gross motor rooms, music rooms, etc.) provides that children receive the correct meals and snacks.

### **Special Instructions**

Posted lists of children's food allergies and restrictions must be kept up-to-date and reflect the most current information available. Licensees should remind parents to provide them with updates on their child's allergies.

The information posted in areas of food preparation and consumption, play areas or play rooms, and any other area in which children may be present should match the information contained in the individual plan for children with an anaphylactic allergy.

Where it is not practical to post a food allergy and restriction list in a particular area (such as a school gym or an outdoor playground), the licensee must ensure that the list is brought to these areas and staff are aware of its location (e.g., attendance clipboard or emergency information binder).

For more information on epinephrine and anaphylactic allergies, please see Manual Subsection 4.10.

### **Compliance Indicators**

1. Where applicable, a list is posted in each cooking and serving area, play area or play room, and any other area in which children may be present that includes the following:

name of each child enrolled in the centre with food allergy and respective allergy;

And

name of each child enrolled in the centre with food restriction and respective restriction.

2. Where it is not practical to post, the allergy and restriction list is readily available to staff.

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## **Subsection 5.6– Special Dietary and Feeding Arrangements**

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### **Ontario Regulation 137/15**

- 44 Every licensee shall ensure that where special dietary and feeding arrangements have been made with the licensee with respect to a child receiving child care at a child care centre it operates or at a premises where it oversees the provision of home child care, the arrangements are carried out in accordance with the written instructions of a parent of the child.

#### **Intent**

Parents may wish to make special dietary and feeding arrangements with the licensee regarding food/drink in order to meet the individual nutritional needs of their child. This may include an arrangement where the parent chooses to provide the meals and/or snacks for the child, or the parent supplements the meals and snacks provided by the licensee.

Where a child requires special foods and/or feeding arrangements at meal times and/or snack times, it is important that the expectations and responsibilities of both the licensee and the parent are clearly set in writing.

#### **Compliance Indicators**

1. For each child identified as having special feeding or dietary arrangements, written instructions from a parent of the child are kept in the child's records.
2. The child is observed to be fed according to the written instructions.

Or

Staff confirm that written instructions are followed.

#### **Recommendations**

Special dietary and feeding arrangements must be made in writing. Licensees are required to follow these written arrangements.

Some things to consider specifying when developing the written instructions include:

- whether the parent will be providing all between-meal snacks for the child or if the child may choose a snack offered by the licensee;
- whether the parent will be providing an ingredient list to help ensure that allergens are not brought into the child care centre;
- whether the licensee will still offer drinks, other than water, to the child (licensees are responsible for making drinking water available to children at all times);
- an arrangement if the child is still hungry after consuming the lunch from home; and,
- a contingency arrangement if the lunch from home is forgotten.

Parents should be advised that they need to make known to the licensee when there are any changes to the written instructions.

Licensees should consider having policies to set out that the parent-provided lunch meets the nutritional requirements set out in the Canada's Food Guides and are provided in keeping with the licensee's anaphylaxis policy.

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## Section 6- Program for Children

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### Subsection 6.1– Parent Handbook

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#### Ontario Regulation 137/15

- 45(1) Every licensee shall have a parent handbook for each child care centre or home child care agency it operates which shall include,
- (a) information about,
    - (i) the services offered and the age categories served,
    - (ii) the times when the services are offered and the holidays observed,
    - (iii) the fee for services and the admission and discharge policy, and
    - (iv) activities off the premises;
  - (a.1) information about the requirement regarding supervision of volunteers and students set out in subsection 11.1 (1) and about the policies and procedures required under subsection 11.1 (2);
  - (b) a copy of the program statement described in section 46; and
  - (c) a list of the prohibited practices set out in section 48.
- (2) The licensee shall ensure that the handbook is made available to,
- (a) any parent considering whether to enter into an agreement with the licensee for the provision of child care; and
  - (b) a parent of every child who receives child care at a child care centre operated by the licensee or at a premises where it oversees the provision of home child care at the time the child starts receiving such care and at any time when the parent handbook is modified.

#### Intent

The parent handbook supports transparency and communication with parents and families. It clarifies information about the services that are offered so that parents and licensees share similar expectations about the program.

Information should be detailed so that parents who are considering whether to enrol their child(ren) at a specific centre can make informed choices among programs offered within the community.

## Special Instructions

The parent handbook does not have to be provided in hard copy. An e-version may be provided to current families as well as to parents considering enrolling their children. Licensees must be able to demonstrate that parents are informed of any revisions at the time they are made.

## Compliance Indicators

1. There is a parent handbook that includes information about:
  - a. the services offered and the age category served,
  - b. the times when the services are offered and the holidays observed,
  - c. the fee for services and the admission and discharge policy,
  - d. activities off the premises;
  - e. volunteers and students being supervised by an employee at all times and not being permitted to be alone with any child.

And

The parent handbook includes a copy of the program statement and a list of prohibited practices set out in section 48.

2. Staff verbally confirm that prospective parents have access to the handbook;

And

Staff verbally confirm that the handbook is available to parents of all children receiving care;

And

Staff verbally confirm that parents are provided an updated version of the parent handbook when modifications are made.

## Recommendations

If the child care centre has a website, the licensee may consider publishing the most current version of its parent handbook online to make it available to parents and prospective parents.

In addition to the required content, licensees may wish to consider including the following topics as they create a parent handbook:

- Arrival and departure procedures (e.g., signing in and out, communicating with educators)
- Parking availability at or near the child care centre
- Inclement weather policies and procedures (e.g., extreme weather policies, closures due to inclement weather)
- Nutrition policies and/or sample menus
- Copies of policies and procedures (e.g., Administration of Medication, Serious Occurrence Reporting, Criminal Reference Checks)
- Complaint resolution procedures

Links to resources about licensed child care (e.g., [How Does Learning Happen?](#) or [Child Care Information for Families](#))

If publishing the parent handbook as a hard copy for parents, the information which changes annually or more frequently (e.g., fees, and holidays observed), could be placed on the last page or in a separate leaflet. This approach will minimize the cost of printing when revisions are made.

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## **Subsection 6.2– Program Statement**

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### **Ontario Regulation 137/15**

- 46(1) Every licensee shall have a program statement that is consistent with the Minister’s policy statement on programming and pedagogy issued under subsection 55 (3) of the Act and shall review the program statement at least annually for this purpose.
- (2) The program statement shall reflect a view of children as being competent, capable, curious and rich in potential.
- (3) The program statement shall describe the goals that guide the licensee’s program for children at a child care centre it operates or at a home child care premises it oversees, and the approaches that will be implemented in the program to,
- (a) promote the health, safety, nutrition and well-being of the children;
  - (b) support positive and responsive interactions among the children, parents, child care providers and staff;

- (c) encourage the children to interact and communicate in a positive way and support their ability to self-regulate;
  - (d) foster the children's exploration, play and inquiry;
  - (e) provide child-initiated and adult-supported experiences;
  - (f) plan for and create positive learning environments and experiences in which each child's learning and development will be supported;
  - (g) incorporate indoor and outdoor play, as well as active play, rest and quiet time, into the day, and give consideration to the individual needs of the children receiving child care;
  - (h) foster the engagement of and ongoing communication with parents about the program and their children;
  - (i) involve local community partners and allow those partners to support the children, their families and staff;
  - (j) support staff, home child care providers or others who interact with the children at a child care centre or home child care premises in relation to continuous professional learning; and
  - (k) document and review the impact of the strategies set out in clauses (a) to (j) on the children and their families.
- (4) Every licensee shall ensure that all new staff, home child care providers, students and volunteers review the program statement prior to interacting with children and at any time when the program statement is modified.
- (5) Every licensee shall ensure that the approaches set out in its program statement are implemented in the operation of its program at each child care centre it operates and each premises where it oversees the provision of home child care.

### **Intent**

Subsection 55 (3) of the Child Care and Early Years Act, 2014 (CCEYA) authorizes the Minister of Education to issue policy statements regarding programming and pedagogy for the purpose of guiding licensees of child care and early years programs and services in developing their programs and services.

Under this authority, the Minister has named How Does Learning Happen? (HDLH) as the common provincial framework to guide programming and pedagogy in licensed child care settings.



HDLH is a professional learning resource that provides a common framework to help licensees focus on knowledge from research, theory and practice on what's most important for children. It encompasses a broad range of program philosophies and approaches, and may look quite different when put into practice in a variety of settings.

The program-related requirements from Ontario Regulation 137/15 align with HDLH and help licensees put the ideas and approaches of the pedagogical framework into practice.

This policy statement, together with the Ontario Regulation 137/15 are intended to strengthen the quality of programs and experiences that lead to positive outcomes in relation to children's learning, development, health and well-being.

### **Special Instructions**

The program statement, at a minimum, should include the following items:

- Consistency with HDLH
- A view reflective of children being competent and capable
- A minimum of one written goal for subsections 46(3) (a-k)
- A minimum of one written approach to achieve each goal identified for subsections 46(3) (a-k)

### **Compliance Indicators**

1. There is a program statement that includes a reference that HDLH is the document to be used for the purpose of guiding licensed child care programs;

And

The licensee confirms that the program statement is reviewed annually to ensure that it is aligned with the Minister's policy statement.

2. The program statement reflects the view of children as being competent, capable, curious and rich in potential.
3. The program statement outlines at least one goal and one approach for the following:
  - a. promote the health, safety, nutrition and well-being of the children; and
  - b. support positive and responsive interactions among the children, parents, child care providers and staff; and
  - c. encourage the children to interact and communicate in a positive way and support their ability to self-regulate; and
  - d. foster the children's exploration, play and inquiry; and

- e. provide child-initiated and adult-supported experiences; and
  - f. plan for and create positive learning environments and experiences in which each child's learning and development will be supported; and
  - g. incorporate indoor and outdoor play, as well as active play, rest and quiet time, into the day, and give consideration to the individual needs of the children receiving child care; and
  - h. foster the engagement of and ongoing communication with parents about the program and their children; and
  - i. involve local community partners and allow those partners to support the children, their families and staff; and
  - j. support staff, home child care providers or others who interact with the children at a child care centre or home child care premises in relation to continuous professional learning; and
  - k. document and review the impact of the strategies set out in clauses (a) to (j) of subsection 46 (3) on the children and their families.
4. There is written evidence that staff, students and volunteers have reviewed the program statement prior to interacting with children and at any time when the program statement is modified;

Or

Staff, students and volunteers verbally confirm that they reviewed the program statement prior to interacting with children and whenever it has been modified.

5. The approaches outlined in the program statement are observed in the program;

And

Approaches that contravene the program statement are **not** observed in the program.

Or

Documentation (e.g., storyboards; photos) illustrate how the approaches are being implemented into the program.

## Recommendations

How Does Learning Happen? is a professional learning resource for educators and administrators in early years settings. The four foundations of HDLH are intended to guide program development and implementation. HDLH pedagogy encourages:

- A view of children as competent and capable of complex thinking, curious and rich in potential. The government set out this understanding of children for all early years programs and services in the 2013 Early Years Policy Framework.
- Goals for children, expectations for programs and questions for reflection. These areas are organized around four interconnected foundations of belonging, well-being, engagement and expression.
- Pedagogical approaches that provide the “how” for working toward the goals for children. Grounded in research, theory and practice, these approaches include:
  - Responsive relationships
  - Learning through exploration, play and inquiry
  - Educators as co-learners
  - Environment as third teacher
  - Pedagogical documentation
  - Reflective practice and collaborative inquiry

### **Developing a Program Statement**

When developing the program statement, the approach each licensee takes is an important consideration and should reflect the unique and authentic nature of the program. Licensees have the flexibility to ensure that the program statement fits the services offered and various methods can be used to develop the program statement.

The program statement tells families, educators and others what licensees are striving to achieve (goal) and what actions are going to be put in place to achieve these goals (approach). The program statement is a living, breathing document that will continue to evolve with the program as our learning and understanding expands, our processes change and our families, educators and children change.

Licensees are encouraged to use HDLH as a starting point when developing a program statement for programs and practices to support learning in their centres. The view of the child, goals for children, expectations for programs and questions for reflection can be used to inform the program statement.

Licensees should also collaborate with staff and families to gather various perspectives and ideas to support the development of the program statement. A shared vision of the program helps ensure that everyone is involved and committed to putting the program statement into practice.

### **Developing Program Statement Goals**

A goal is a desired outcome the licensee strives to achieve. It can be viewed as a written commitment to the families, educators and children of what the licensee wants to accomplish through the program.

There are a variety of ways licensees can articulate their goals:

- Licensees can choose to use the actual requirement wording of Ontario Regulation 137/15 ss. 46(3)(a-k) when creating goals. An example of this for goal ss.46(3)(a) would be “to promote, the health, safety, nutrition and well-being of the children”
- Licensees could also choose the goal to be one of the four foundations (belonging, well-being, engagement or expression) from HDLH; or
- Licensees can establish their goals using their own unique wording.

When establishing goals for subsection 46(3)(a-k) the licensee should consider the following questions:

- Who is the audience for the program statement? Will those individuals (i.e. parents, educators, etc.) understand the language used?
- Is the goal clear and easily identifiable in the program statement?
- Are the goals achievable in the program?
- Have the opinions of others who directly interact with the children and their families been considered in the development of the goals?

Some of these goals may overlap and can be grouped together in developing the program statement.

### **Developing Program Statement Approaches**

An approach is the action the licensee puts into practice to achieve the goal. The approaches described in the program statement will demonstrate the unique nature of the child care centre. The approaches should be measurable and observable for Ministry staff, educators and families.

When developing approaches, the licensee should consider whether:

- the approaches align with the agency’s pedagogy
- the approach will support achievement of the goal
- staff, students and volunteers understand the approaches
- the licensee can observe and assess that these approaches are implemented in the program.

There is no mandatory or recommended length for the program statement, therefore the level of detail and length of the program statement is the choice of the licensee.

### **Implementation of the Program Statement Approaches**

Staff, students and volunteers are required to implement the approaches outlined in the program statement when they are applicable. The implementation of each approach may not be observed in practice on a daily basis; for example, unless a community event is happening that day, it may not be observed that educators, staff, students and volunteers are implementing the approaches for involving local community partners (ss. 46(3)(i)). However, any time an educator is interacting with a child it would be expected that the approaches for positive and responsive interactions (ss. 46(3)(b)) would be implemented.

The licensee may consider using pedagogical documentation to illustrate how the approaches are being implemented into the program. This will provide evidence that the approaches in the program statement are being implemented when they cannot be observed.

### **Additional Considerations**

Where applicable, the licensee may choose to align the program statement with municipal quality assurance mechanisms/measures.

For more information on developing, reviewing and implementing a program statement, please refer to the following resources:

[Early Years Portal](#)

[Minister's Policy Statement on Programming and Pedagogy](#)

[How Does Learning Happen?](#)

[Think, Feel, Act: Lessons from Research About Young Children](#)

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## **Subsection 6.3– Program Requirements re: Active Play**

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### **Ontario Regulation 137/15**

47(1) Every licensee shall ensure that the program in each child care centre it operates is arranged so that,

(a) revoked

(b) children in licensed infant and toddler groups are separated from other children during active indoor and outdoor play periods; and

## **Intent**

Children of different ages can benefit from physical separation when engaged in active play so that they can explore and engage in age appropriate risk in a safe environment.

## **Compliance Indicators**

1. It is observed that infant and toddler children are separated from other children during active indoor and outdoor play

Or

Staff verbally confirm that infant and toddler children are separated from other children during active indoor and outdoor play.

## **Recommendations**

As described in [HDLH](#), research suggests that allowing children to actively explore and investigate what they are naturally curious about, to test their limits, take manageable risks appropriate for their age and abilities, and engage in creative problem-solving is critical for children's physical and mental health and well-being.

During active play, programs may also consider ways to use the environment as a third teacher. Children thrive in indoor and outdoor spaces that invite them to investigate, imagine, think, create, solve problems, and make meaning from their experiences.

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## **Subsection 6.4– Program Requirements re: Outdoor Play**

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### **Ontario Regulation 137/15**

- 47(1) Every licensee shall ensure that the program in each child care centre it operates is arranged so that,
- (c) each child who receives child care for six hours or more in a day spends time outdoors for at least two hours each day, weather permitting, unless a physician or parent of the child advises otherwise in writing.

## **Intent**

All children benefit from time spent outside playing and exploring where they are able to connect with the natural world and their community.

Opportunities for gross motor and highly active play are often easier to offer in outdoor play spaces. Integrating physical activity into the daily routine in a child care centre helps develop a foundation and enjoyment for movement and physical activity that will support health and well-being throughout the child's life.

## Compliance Indicators

1. Children receiving care for six hours or more are observed to spend at least two hours outdoors, weather permitting.

Or

Staff confirm that children receiving care for six hours or more spend at least two hours outdoors, weather permitting.

2. Where a child is kept indoors during outdoor play, there is written instruction from a physician or parent on file.

## Recommendations

Being active can help young children stay healthy, improve movement skills, have fun and feel happy, develop self-confidence and improve learning and attention.

As described in *How Does Learning Happen?*, research suggests that allowing children to actively explore and investigate what they are naturally curious about, to test their limits, take manageable risks appropriate for their age and abilities, and engage in creative problem-solving is critical for children's physical and mental health and well-being.

Not all outdoor play needs to be high energy or focussed on gross motor skills. Children benefit from a variety of opportunities to engage with the natural world, including exploration, investigation and observation of the environment.

A growing body of research suggests that connecting to the natural world contributes to children's mental, physical, emotional, and spiritual health. Children should be provided opportunities to engage with nature regardless of where the child care centre is located. All varieties of natural environments provide opportunities to enhance children's sense of wonder and joy in the world around them, from large urban centres with small patches of green space to rural programs with vast fields and forests.

For more information on ways to create outdoor environments and experiences that foster children's learning, development, health and well-being, refer to the following resources:

[Early Years Portal](#)

[Minister's Policy Statement on Programming and Pedagogy](#)

[How Does Learning Happen?](#)

[Think, Feel, Act: Lessons from Research About Young Children](#)

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## **Subsection 6.5– Program Requirements re: Rest**

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### **Ontario Regulation 137/15**

47(2) Every licensee shall ensure that the program in each child care centre it operates is arranged so that,

- (a) each child in a licensed toddler or preschool group who receives child care for six hours or more in a day has a rest period not exceeding two hours in length; and
- (b) a child in a licensed toddler, preschool or kindergarten group is permitted to sleep, rest or engage in quiet activities based on the child's needs.

### **Intent**

While not all children need a mid-day nap, young children benefit from periods of quiet relaxation to balance their active play.

Some children who are tired may take a relatively long time to relax and sleep, while others only require a short rest period. Children's needs may also change from day to day or week to week.

Children 0-18 months of age will likely have irregular sleep schedules. Licensees should recognize this and allow for this age group to rest as needed. The licensee should follow the individual schedule of each child in the room and not implement a standardized sleep schedule for all the children in this age group. The need for rest and sleep varies greatly at different ages, and even among children of the same age; however, rest is an important part of the day for all children. This provision allows for a period during which quiet activities are encouraged and children can nap if required.

### **Special Instructions**

Rest time at the child care centre should be of such duration that normal sleep patterns at home are not disrupted.

See Manual Subsection 4.13 for more information on sleep supervision practices for infants.

See Manual Subsection 3.10 for more information on sleep equipment.

### **Compliance Indicators**

1. Toddler and preschool rest periods are observed to be no longer than two hours in length.



Or

Staff verbally confirm that toddler or preschool rest periods do not exceed two hours in length.

2. Toddler, preschool and kindergarten children are observed to sleep, rest or engage in quiet activities.

Or

Staff verbally confirm that children are allowed to sleep, rest or engage in quiet activities based on the child's needs.

3. Infant children are observed to rest, sleep and engage in quiet activities as needed based on their own individual schedules.

Or

Staff verbally confirm that all infant children rest, sleep and engage in quiet activities as needed based on their own individual schedules.

### **Recommendations**

As discussed in HDLH, children's well-being is supported when adults respect and find ways to support each child's varied physiological and biological rhythms and needs for active play, rest and quiet time.

Finding ways to reduce stress through providing space and time for rest and quiet play based on individual differences helps children become increasingly aware of their own basic needs and supports their developing self-regulation skills.

Programs are encouraged to reflect on how the organization of time, space and materials supports children's varied needs for sleep, rest and quiet time.

Programs should take into consideration instructions given from parents regarding their children's sleep and rest period. These instructions should be followed as closely as possible but the licensee also needs to take into consideration the need of the individual child. For example if a parent has provided instructions for the child to not sleep during the day but the child is falling asleep at the table, the licensee should provide a rest period for this child. The licensee can explain to the parents' that the child required a nap that day because the child was unable to stay awake.

For more information, please refer to the following resources:

[Early Years Portal](#)

[How Does Learning Happen?](#)

[Think, Feel, Act: Lessons from Research About Young Children](#)

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## **Subsection 6.6– Prohibited Practices**

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### **Ontario Regulation 137/15**

- 48 No licensee shall permit, with respect to a child receiving child care at a child care centre it operates or at a premises where it oversees the provision of child care,
- (a) corporal punishment of the child;
  - (b) physical restraint of the child, such as confining the child to a high chair, car seat, stroller or other device for the purposes of discipline or in lieu of supervision, unless the physical restraint is for the purpose of preventing a child from hurting himself, herself or someone else, and is used only as a last resort and only until the risk of injury is no longer imminent;
  - (c) locking the exits of the child care centre or home child care premises for the purpose of confining the child, or confining the child in an area or room without adult supervision, unless such confinement occurs during an emergency and is required as part of the licensee’s emergency management policies and procedures;
  - (d) use of harsh or degrading measures or threats or use of derogatory language directed at or used in the presence of a child that would humiliate, shame or frighten the child or undermine his or her self-respect, dignity or self-worth;
  - (e) depriving the child of basic needs including food, drink, shelter, sleep, toilet use, clothing or bedding; or
  - (f) inflicting any bodily harm on children including making children eat or drink against their will.

### **Intent**

This provision forbids physical punishment and other harmful disciplinary practices to protect the emotional and physical well-being of children. It sets out clear direction regarding prohibitive practices to support the overall well-being of children. These practices are never permitted in a child care centre.

Young children benefit from an affirming approach that encourages positive interactions with other children and with adults, rather than from a negative or punitive approach to managing unwanted behaviour.

### **Compliance Indicators**

1. None of the following practices are observed in the program:
  - a. corporal punishment (which may include but is not limited to, hitting, spanking, slapping, pinching);
  - b. physical restraint of children, including but not limited to confining to high chair, car seat etc. for discipline or in lieu of supervision unless for the purposes described in the regulation (to prevent self-harm, harm to others and only until risk of harm/injury is no longer imminent);
  - c. locking the exits of the child care centre for the purpose of confining the child, or confining the area or room without adult supervision, unless such confinement occurs during an emergency;
  - d. use of harsh, degrading, measures or threats or derogatory language directed at or used in the presence of a child that would humiliate, scare or frighten the child or undermine their self-respect, dignity or self-worth;
  - e. depriving the child of basic needs including food, drink, shelter, sleep, toilet use, clothing or bedding; or
  - f. inflicting any bodily harm on children including making children eat or drink against their will.

And

Staff verbally confirm that these practices are not allowed and do not occur in the program.

### **Recommendations**

Rather than setting out practices to be used to manage children's behaviour, licensees are instead required to examine and set out in their program statement how they will support positive interactions between children, families, staff and the community.

See Manual Subsection 6.2 for more information.

Research from diverse fields of study shows that children who attend programs where they experience warm, supportive relationships are happier, less anxious and more motivated to learn than those who do not. Experiencing positive relationships in early

childhood also has significant long term impacts on physical and mental health, and success in school and beyond.

HDLH provides information on ways adults can engage in positive, responsive interactions and why this is critical for children's overall learning, development, health and well-being.

For more information, please refer to the following resources:

[Early Years Portal](#)

[How Does Learning Happen?](#)

[Think, Feel, Act: Lessons from Research About Young Children](#)

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## **Subsection 6.7– Program Statement Policies and Procedures**

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### **Ontario Regulation 137/15**

- 49 Every licensee shall ensure that there are written policies and procedures that set out,
- (a) the expectations for how child care providers and other staff or volunteers are to implement the approaches specified in the program statement required under subsection 46 (1);
  - (b) the prohibited practices set out in section 48; and
  - (c) the measures that the licensee will use to deal with contraventions of the policies and procedures and with the commission of a prohibited practice.

### **Intent**

This section requires the licensee to develop written policies that set out how the program statement will be implemented. These policies sets out how the approaches communicated in the program statement will be put into practice by the licensee and are referred to in licensing documents as the Program Statement Implementation Policy.

The Program Statement Implementation Policy must also set out the list of prohibited practices identified in section 48 of Ontario Regulation 137/15 and the measures that will be used to deal with any contraventions of the policy or commission of the prohibited practices.

## **Special Instructions**

The program statement implementation policy and procedure must be reviewed with staff, volunteers and students, implemented and monitored for compliance and contraventions in accordance with subsection 6.1. See Manual Subsection 1.2 for these requirements.

## **Compliance Indicators**

1. There are written policies and procedures that identify how staff and volunteers will implement the program statement.

And

The written policies identify the prohibited practices set out in section 48

And

The written policies set out the measures the licensee will use to deal with a contravention of the policies and the use of a prohibited practice.

## **Recommendations**

### **Program Statement Implementation Policy**

A program statement implementation policy requires that all individuals involved in caring for the children are aware of the expectations set out by the licensee. The expectations should outline how staff, students and volunteers are to implement the approaches in the program statement, what the prohibited practices are and how the licensee will deal with a contravention of the program statement and/or a commission of a prohibited practice.

The program statement implementation policy should be developed in a manner that responds to the needs of educators and staff and provides them with the information they need to perform their work in the program. There is no set requirement for the length or format of the policy.

### **Expectations for Implementation of the Approaches**

There are several ways the licensee can specify the expectations of how staff, students and volunteers will implement the program statement approaches.

Examples of how the licensee may choose to develop their program statement implementation policy include, but are not limited to:

- Specifying the implementation expectations for each provision in ss. 46(3) (a-k). This can produce a detailed policy that specifically addresses the implementation of the approaches to achieve the goals for each requirement in this section.
- Alternately, the policy may set out a broader, more general description of the implementation expectations across all the program statement requirements.

The licensee should consider how staff, students and volunteers will be engaged and supported in putting these goals and approaches into practice (e.g. team meetings; peer coaching and mentoring; regular professional learning sessions; a staff pedagogical leader who provides ongoing professional support and training for all individuals)

The policy should provide sufficient detail and clarity to support new staff, volunteers and students and their understanding of the expectations.

The policy is meant to focus on the positive means of implementing the program statement. The licensee may choose to also identify unacceptable actions or practices that may contravene the program statement (e.g., harsh or angry voice tone; the use of “time out”). If the licensee identifies practices that do not support the implementation of the program statement, the licensee should consider how the contravention section will address the use of those or similar practices.

### **Prohibited Practices**

The licensee is required to list all prohibited practices set out in section 48 of the Ontario Regulation 137/15 in the policy. Please refer to Manual Subsection 6.6 for the complete list.

### **Measures for Dealing with Contraventions**

The primary purpose of the measures the licensee will use to deal with a contravention is to assist the employee, volunteer or student to understand that the requirements have not been met and an opportunity for improvement may exist.

There are various ways the licensee can choose to deal with a contravention of the program statement and/or the commission of a prohibited practice. Consideration should first be given to identify the reason for the contravention:

- Does the individual fully understand the requirements?
- Has sufficient orientation been provided for new staff?

In developing the measures, the licensee should consider actions that can help to improve the individual’s ability to meet the expectations and requirements, which may

include, but are not limited to, peer mentoring; direct review of the policies and procedures with the supervisor; formal feedback from the licensee; training.

Where the commission of a prohibited practice has taken place, the policy should set out a progressive sequence of actions to be taken, reflective of the severity and number of prior contraventions.

### **Additional Considerations**

The licensee should consider how the program statement implementation policy will align with any municipal quality assurance mechanisms/measures that they are required to follow.

For more information on the written process for how compliance and contraventions of the policies, procedures and individualized plans will be monitored on an ongoing basis, recorded and addressed, please refer to Section 1 of the Manual.

For more information, please refer to the following resources:

[Early Years Portal](#)

[Minister's Policy Statement on Programming and Pedagogy](#)

[How Does Learning Happen?](#)

[How Does Learning Happen? For Home Child Care Providers](#)

[Think, Feel, Act: Lessons from Research About Young Children](#)

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## **Subsection 6.8– Individualized Support Plans and Inclusive Programming**

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### **Ontario Regulation 137/15**

52(1) Every licensee shall ensure that an up-to-date individualized support plan is in place for each child with special needs who receives child care at a child care centre it operates or premises where it oversees the provision of home child care, and that the plan includes,

- (a) a description of how the child care centre or the home child care provider will support the child to function and participate in a meaningful and purposeful manner while the child is in the care of the centre or provider;

- (b) a description of any supports or aids, or adaptations or other modifications to the physical, social and learning environment that are necessary to achieve clause (a); and
  - (c) instructions relating to the child's use of the supports or aids referred to in clause (b) or, if necessary, the child's use of or interaction with the adapted or modified environment.
- (2) The plan referred to in subsection (1) must be developed in consultation with a parent of the child, the child (if appropriate for the child's age) and any regulated health professional or other person who works with the child in a capacity that would allow the person to help inform the plan.
- (3) Every licensee of an integrated child care centre shall ensure that the program of the child care centre is so structured that,
- (a) it will accommodate the individualized support plan of each child with special needs referred to in subsection (1);
  - (b) the program is appropriate for the ages and developmental levels of the children with special needs receiving child care in the child care centre; and
  - (c) the program is inclusive of all children.

### **Intent**

This provision requires that an appropriate individualized support plan is developed for each child with special needs and that licensees take all necessary steps to support children with special needs to participate to the maximum extent possible in the child care program.

Licensees are required to include information on the individualized support plan on each child's required supports, including specific aids (e.g., mobility devices, hearing aids) and modifications to the environment (e.g., specific furniture, additional staff).

### **Special Instructions**

The individualized support plan must be reviewed with staff, volunteers and students, implemented and monitored for compliance and contraventions in accordance with subsection 6.1. See Manual Subsection 1.2 for these requirements

### **Compliance Indicators**

1. For each child with special needs, there is an up-to-date individualized support plan that describes:



- a. how the child care centre will support the child to function and participate while in the care of the centre; and
  - b. any supports or aids, or adaptations or other modifications to the physical, social and learning environment that are necessary to achieve clause (a), where applicable; and
  - c. instructions relating to the child's use of the supports or aids referred to in clause (b) or, if necessary, the child's use of or interaction with the adapted or modified environment, where applicable.
2. Individuals who have participated in the development of the individualized support plans are listed in the document or have signed it.

And

This list of individuals includes a parent of the child with special needs.

3. The program reflects the individualized support plans of each child with special needs.

And

All children are observed to have the opportunity to participate in the program.

### **Recommendations**

The goals and approaches in HLDH can help programs as they consider ways to ensure each child is able to participate fully in the program and engage with peers in a meaningful way.

HDLH sets out a view of the child as competent and capable, curious and rich in potential. Using this view can help programs focus on the strengths of each child rather than their needs and deficits.

Approaches such as pedagogical documentation can help educators continue to learn about each child's unique abilities, characteristics and growth. This documentation can be shared with parents and other professionals to gain a deeper understanding of the child. Knowledge gained through documentation can also help programs to create environments and experiences that best support the learning and development of each child.

This information can also be used to update the individualized support plan, which should be reviewed on an ongoing basis with changes over time and as the child's abilities, needs and circumstances change.

For more information, please refer to the following resources:

[Early Years Portal](#)

[How Does Learning Happen?](#)

[Think, Feel, Act: Lessons from Research About Young Children](#)

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## **Section 7- Staff Qualifications**

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### **Subsection 7.1– Supervisor**

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#### **Ontario Regulation 137/15**

- 53 A supervisor shall be a person who,
- (a) is a member in good standing of the College of Early Childhood Educators, has at least two years of experience providing licensed child care and is approved by a director; or
  - (b) in the opinion of a director, is capable of planning and directing the program of a child care centre, being in charge of children and overseeing staff.

#### **Intent**

This section sets out that the supervisor has licensed child care work experience, a strong theoretical background in the practice of early childhood education and is able to “plan and deliver inclusive play based learning and care programs” for children of all ages (Early Childhood Educators Act, 2007). All supervisors must also be approved by a ministry director.

Director approval for a supervisor who does not meet the requirements of the Regulation may be granted in exceptional cases where there is evidence of knowledge and expertise that has been acquired in other ways.

#### **Special Instructions**

Subsection 6(4) of Ontario Regulation 137/15 requires every licensee of a child care centre to employ a supervisor.

A person with recognized Montessori training from either the Association Montessori Internationale (AMI) or a Montessori teacher training institution accredited by the Montessori Accreditation Council for Teacher Education (MACTE) and the required work experience may be approved as the supervisor in a half-day or full-day Montessori program.

Licensees must apply for director approval of either a Registered Early Childhood Educator (RECE) or otherwise approved supervisor through CCLS. The approved supervisor's name will appear on the licensing letter and the director approval letter, along with any conditions imposed on the approval (such as additional training requirements).

To learn more about requirements for RECEs, see the [College of Early Childhood Educators website](#).

### **Compliance Indicators**

1. The College of Early Childhood Educators' Public Register indicates that the supervisor is a member in good standing ("current member") of the College of Early Childhood Educators' Public Register;

And

There is written evidence that the supervisor has at least two years experience providing licensed child care and the supervisor has been approved by a director.

Or

There is written evidence that they have been otherwise approved by a director (e.g. director approval letter, licensing letter, on record in CCLS).

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## **Subsection 7.2– Qualified Employees**

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### **Ontario Regulation 137/15**

54(1) The following are qualified employees for any licensed age group:

1. An employee who is a member in good standing of the College of Early Childhood Educators.
2. An employee who is otherwise approved by a director.



(2) With respect to a licensed junior school age group or a licensed primary/junior school age group that includes only children who are junior school age, the following are also qualified employees:

1. An employee who has a diploma or degree in child and youth care.
2. An employee who has a diploma or degree in recreation and leisure services.
3. A member in good standing with the Ontario College of Teachers. O. Reg. 126/16, s. 36 (1).

### **Intent**

To require that each child's health and safety is protected and responsive programming is offered, this provision requires licensees to employ, at least one qualified staff for

each group of children. In preschool groupings where there are more than 16 children, the licensee is required to employ two qualified staff as set out in Schedule 1 of the Regulation.

These staff must have a theoretical knowledge of the practice of early childhood education and be able to “plan and deliver inclusive play based learning and care programs” for children of all ages (Early Childhood Educators Act, 2007). These qualifications are demonstrated through professional designation as a RECE.

Staff with qualifications other than an ECE (e.g. diploma or degree in, recreation and leisure or child and youth work or a teacher who is a member of the Ontario College of Teachers) may work in programs serving children 9-12 years. This allows those with a wider range of qualifications to provide environments and experiences that are responsive to the abilities and interests of older children to work in these programs without requiring ministry approval.

### **Special Instructions**

Individuals with diplomas or degrees in child and youth care, or in recreation and leisure services, or are members in good standing with the Ontario College of Teachers are considered qualified staff for licensed junior school age groupings and do not need to submit a request for director approval.

Director approval may be granted for an individual who does not meet the qualifications outlined above, to take the place of a qualified staff in a specific age group.

A person with recognized Montessori training from either the Association Montessori Internationale (AMI) or a Montessori teacher training institution accredited by the Montessori Accreditation Council for Teacher Education (MACTE), may be approved by a Ministry of Education director as the qualified staff in either a half day or full day Montessori classroom. Specific and/or additional infant/toddler training may be required if the individual will be the qualified staff in an infant or toddler room. A director approval through CCLS is required to be submitted by the licensee.

Licensees must apply for director approval for an individual to take place of a RECE or those described in 54(2) through CCLS. The approved staff's name will appear on the licensing letter and the director approval letter along with any conditions imposed on the approval, such as additional training requirements. Director approvals are not transferable and will apply to one specific licensed age group.

## Compliance Indicators

1. For each licensed infant, toddler, kindergarten and primary/junior age group that includes children 6-12 years of age, the licensee has employed at least one qualified program staff who:

is listed on the College of Early Childhood Educators' Public Register as a member in good standing ("current member")

Or

has been otherwise approved by a director.

2. For each licensed preschool group where there are 16 or less children in attendance, the licensee has employed at least one qualified program staff

Or

has been otherwise approved by the director.

3. For each licensed preschool group where there are more than 16 children in attendance, the licensee has employed at least two qualified program staff

Or

have been otherwise approved by the director.

4. For each licensed primary/junior school age group that includes only children who are 9-12 years and/or a licensed junior school age group, the licensee has employed at least one-program staff who:

- (i) is listed on the College of Early Childhood Educators' Public Register as a member in good standing ("current member")
- (ii) has a diploma or degree in child and youth care,
- (iii) has a diploma or degree in recreation and leisure services, OR
- (iv) a member in good standing with the Ontario College of Teachers,

Or

has been otherwise approved by a director.

## Recommendations

To learn more about requirements for Registered Early Childhood Educators, see the [College of Early Childhood Educators website](#).

To learn more about requirements for Ontario Certified Teachers, see the [Ontario College of Teachers website](#).

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## **Subsection 7.3– Resource Teacher Qualifications**

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### **Ontario Regulation 137/15**

55(1) A resource teacher shall be a person who,

(a) is a member in good standing of the College of Early Childhood Educators and has completed a post-secondary program of studies approved by a director that is both theoretical and practical and that relates to the needs of children with special needs; or

(b) is otherwise approved by a director.

(2) Every licensee shall ensure that every resource teacher has a valid certification in standard first aid, including infant and child CPR, issued by a training agency recognized by the Workplace Safety and Insurance Board or otherwise approved by a director.

### **Intent**

Resource teachers provide specialized and individualized support to children with special needs and must have specific theoretical and practical knowledge that relates to this work.

These individuals may also work with children who have heightened medical needs or risk of injury and therefore are required to have certification in standard first aid.

### **Compliance Indicators**

1. Any resource teachers employed by the licensee are listed on the College of Early Childhood Educators' Public Register as a member in good standing ("current member") and have completed a post-secondary program of studies approved by a director that is both theoretical and practical and that relates to the needs of children with special needs

Or

have been otherwise approved by a director.

## Recommendations



Whenever possible, it is recommended that resource teachers have at least one year of work experience in a position that includes support for and care of children with special needs.

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## Subsection 7.4– Health Assessments and Immunization of Staff

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### Ontario Regulation 137/15

- 57(1) Every licensee of a child care centre shall ensure that, before commencing employment, each person employed in each child care centre it operates has a health assessment and immunization as recommended by the local medical officer of health.
- (2) Omitted – refers to home child care.
- (3) Subsections (1) and (2) do not apply where the person, or where the person is a child, a parent of the person, objects to the immunization on the ground that the immunization conflicts with the sincerely held convictions of the person or parent based on the person's or parent's religion or conscience or a legally qualified medical practitioner gives medical reasons to the licensee as to why the person should not be immunized.
-  (4) Objections and medical reasons under subsection (3) shall be submitted in a form approved by the Minister. O. Reg. 126/16, s. 37 (2).
-  (5) An exemption under subsection (3) that was made before August 29, 2016 shall expire on September 1, 2017 unless a new objection or medical reasons are submitted in a form approved by the Minister before that date. O. Reg. 126/16, s. 37 (2).

### Intent

Preventative health care strategies within a child care centre include immunization of both children and staff, as deemed appropriate by the local medical officer of health

Staff must also undergo a health assessment before commencing work to identify any active communicable diseases or other infection risks. This assessment allows licensees and staff to take appropriate measures to prevent the spread of infection and disease.



## Special Instructions

For staff who were employed prior to August 29, 2016 and do not have either a written objection to immunization based on religious or conscience grounds or written documentation from a doctor or nurse practitioner providing medical reasons as to why the staff should not be immunized, the staff file will need to include a completed approved form by the Minister for objections and medical reasons for no immunization record.

The medical officer of health determines what is needed for a staff health assessment and it is the licensee's responsibility to ensure staff have the appropriate health assessments.

## Compliance Indicators

1. Staff files include health assessments.
2. Staff files include immunization records.

Or

Where a staff person employed as of **August 29, 2016 or later** does not have an immunization record on file:

3. The required approved form by the Minister has been completed and kept in the staff file for objections and medical reasons for no immunization record in the staff file.

Or

Where a staff person employed **before August 29, 2016** does not have an immunization record on file:

4. Written objection to immunization based on religious or conscience grounds

Or

There is a written document from a doctor or nurse practitioner providing medical reasons as to why the staff person should not be immunized.

NOTE: Licensees will have until September 1, 2017 to obtain documentation for immunization objections for staff employed prior to August 29, 2016 using the new

forms approved by the Minister for both types of objections (i.e. objections based on religious/conscience grounds and based on medical reasons).

### **Recommendations**

The approved English and French forms by the Minister for personal objections are:

- [Link to Statement of Conscience or Religious Belief form](#)
- [Déclaration d'exemption médicale](#)

The approved English and French forms by the Minister for medical exemptions are:

- [Link to Statement of Medical Exemption Form](#)
- [Déclaration de conscience ou de croyance](#)

Field Code Changed

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## **Subsection 7.5– Staff Training and Development Policy**

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### **Ontario Regulation 137/15**

58(1) Every licensee of a child care centre or home child care agency shall ensure that there are written policies and procedures with respect to staff training and development for employees in each child care centre it operates, for home child care visitors employed by the licensee and for each home child care provider at a premises at which the licensee oversees the provision of home child care.

### **Intent**

Child care centre staff enter employment with varying levels of knowledge, skill and experience. Employees must understand what is required of their work, and also need opportunities to acquire new information and support to upgrade and continue to improve their skills, knowledge and approaches.

### **Special Instructions**

Clause 46(3)(j) of Ontario Regulation 137/15 requires that licensees support staff in relation to continuous professional learning.

Staff training and development policy must be reviewed with staff, volunteers and students, implemented and monitored for compliance and contraventions in accordance with subsection 6.1. See Manual Subsection 1.2 for these requirements.

### **Compliance Indicators**

1. There is a written policy on staff training and development.

## Recommendations

When developing staff training and development policies, licensees should consider the unique professional learning needs of staff at time of hiring, as well as evolving professional learning needs of existing and experienced employees at varying points in their career.

The [Early Years Portal](#) website is a valuable resource for all individuals involved in providing licensed child care. The website provides an overview of licensing standards and should be used along with the CCEYA, O. Reg. 137/15 and this Manual to help develop a comprehensive understanding of the requirements for and expectations of licensed child care programs.

The Ministry of Education's [How Does Learning Happen?](#) provides a range of resources to support professional learning for individuals, for teams and with others in the community.

The College of Early Childhood Educators framework for [Continuous Professional Learning](#) (CPL) is another resource available to licensees and RECEs. The CPL program is designed to help RECEs reflect on, plan for and document their professional learning in a meaningful way. *CPL will become mandatory for registered early childhood educators in September 2016 as prescribed in [Ontario Regulation 359/15: Continuous Professional Learning](#).*

Licensees should consider the following questions when developing a staff training and development policy:

- Orientation requirements – what training do new staff need to complete either before commencing employment, or shortly after beginning work?
- Regular training schedule – what training needs to be upgraded or offered on a regular basis to ensure currency (e.g., First Aid)?
- Qualification upgrades – what opportunities might be available for assistants or paraprofessionals to take specialized early childhood education courses and work towards upgrading their qualifications?
- Ongoing professional learning – what opportunities are there for engaging in individual reflection about pedagogy and daily practice; for discussion and collaborative inquiry among staff teams; with others in the community?
- External tools and resources – what courses are available in the community? Are there online learning opportunities? Is there a ECE leadership course that might be of interest to staff?

- Mandatory or optional training – is certain training required, and other training optional? Why?
- Support – How will professional learning for staff be supported by the licensee? (e.g., paid time, resource materials)



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## Subsection 7.6– Standard First Aid

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### Ontario Regulation 137/15

58(2) Every licensee of a child care centre or home child care agency shall ensure that the following persons have a valid certification in standard first aid, including infant and child CPR, issued by a training agency recognized by the Workplace Safety and Insurance Board:

1. Every supervisor of a child care centre.
2. Every employee of a child care centre who may be counted for the purposes of meeting the ratios required under section 8.
3. Omitted - refers to home child care.

(3) A person is not required to have the certification mentioned in subsection (2) if the director is satisfied that the person would not be able to obtain the certification due to a disability.

### Intent

This provision protects the health and safety of children by requiring that all employees who may be counted towards ratio hold valid certification in standard first aid, including infant and child CPR.

### Special Instructions

Duty parents in a cooperative child care program who are replacing an employee in a program room (i.e., in ratio) must meet all requirements applicable to employees, including standard first aid training that includes infant/child CPR.

Parents and other adults at the centre who are volunteering in the centre but are not counted towards ratios do not need to have first aid training.

This provision requires employees who may occasionally be counted in ratio as well as occasional staff to have first aid training. For example, if the cook assists to maintain

required ratios in a child care group during parts of the day, they would be required to have first aid training.

Any licensee who is registered with the WSIB must ensure they are meeting their first aid obligations as an employer under [Regulation 1101 under the Workplace Safety and Insurance Act, 1997](#). All employers covered by the WSIB are required to have first aid equipment, facilities and trained workers in all workplaces.

It is the licensee's responsibility to ensure that all staff have the required standard first aid certification with infant and child CPR. Licensees will need to contact the first aid training providers in their community to determine which standard first aid courses include infant and child CPR.

The list of WSIB approved providers can be found here: [WSIB Approved First Aid Training Providers](#).

Where a person is not able to obtain the standard first aid certification with infant and child CPR due to a disability, the licensee must request an exemption letter from the Ministry director and retain the letter on file for review.

**Compliance Indicators:**

1. The supervisor file includes documentation of a valid certification in standard first aid issued by a training course approved by the WSIB, as well as confirmation that infant and child CPR was taken as part of the training.

Or

The supervisor's file includes an exemption letter indicating that the Ministry director is satisfied that the person would not be able to obtain the certification due to a disability.

2. Files for staff who may be counted to fulfill required ratios include documentation of valid certification in standard first aid issued by a training course approved by the WSIB, as well as confirmation that infant and child CPR was taken as part of the training.

Or

Files for staff who may be counted to fulfill required ratios includes an exemption letter indicating that the Ministry director is satisfied that the person would not be able to obtain the certification due to a disability.

## Recommendations

WSIB approved providers may offer both emergency and standard first aid courses with a range of different CPR training options. Not all providers offer infant and child CPR.

Licensees may find more information about first aid training here: [Link to WSIB First Aid Program](#).

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## **Section 8- Criminal Reference Checks**

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### **Definitions**

**Criminal Reference Check:** A type of police record check that may include criminal convictions and findings of guilt under the Youth Criminal Justice Act.

**Offence Declaration:** A written declaration signed by an individual that lists all of the individual's convictions for offences under the Criminal Code (Canada), if any, during the period specified in the declaration.

**Police Record Check:** A search of records that are held in police databases pertaining to a specific individual. The two types of police record checks referenced in the CCEYA are criminal reference checks and vulnerable sector checks.

**Vulnerable Sector Check:** An enhanced type of police record check that may include criminal convictions, findings of guilt under the Youth Criminal Justice Act, outstanding charges, arrest warrants, certain judicial orders, absolute discharges, conditional discharges, other records as authorized by the Criminal Records Act, findings of not criminally responsible due to mental disorder, record suspensions (pardons) related to sexually-based offences, and non-conviction information related to the predation of a child or other vulnerable person (i.e., charges that were withdrawn, dismissed or stayed, or that resulted in acquittals). A vulnerable sector check is conducted in cases where an individual would be in an employment or volunteer position of trust or authority over children or other vulnerable persons.

**Vulnerable Person:** A person who, because of age, disability or other circumstances, whether temporary or permanent, is

- a) in a position of dependence on others; or
- b) is otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them.

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### **Subsection 8.1– Duty to Provide a Criminal Reference Check**

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#### **Child Care and Early Years Act, 2014**

Criminal reference checks

35(1) A director or an inspector may require any of the following persons to provide him or her with a criminal reference check concerning the person:

1. A licensee or person who has applied for a licence, or an employee of the licensee or applicant.
2. If the person described in paragraph 1 is a corporation, an officer, director or employee of the corporation or any other person with a controlling interest in the corporation.
3. A person who provides home child care or in-home services.
4. Any other person prescribed by the regulations.

Same, person in violation of s. 9

- (2) If a director or inspector believes on reasonable grounds that a person is contravening section 9, the director or inspector may require the person to provide him or her with a criminal reference check concerning the person.

Same

- (3) A criminal reference check,
  - (a) must have been prepared within the period of time prescribed by the regulations; and
  - (b) must meet any other requirements prescribed by the regulations.
  - (c) must meet any other requirements prescribed by the regulations, including requirements relating to the type of police record check.

Duty to comply

- (4) The person shall provide the director with the criminal reference check as soon as reasonably possible or within such other time period prescribed by the regulations.

### **Intent**

In order to determine that applicants/licensees are not prohibited from operating a child care centre under the legislation and do not have a criminal history that may put children in care at risk, the ministry requires applicants/licensees to submit a police record check (criminal reference check or vulnerable sector check) and/or an offence declaration through the Child Care Licensing System (CCLS) as part of licensing application.



## Special Instructions

The ministry requires a police record check from all new applicants. Where the applicant is a corporation, the requirement applies to all directors/officers of the corporation.

If the applicant is a corporation, and the directors/officers of the corporation **will not** be interacting with children in the proposed program, each director/officer must submit a criminal reference check, using the CCLS, along with a written confirmation that contains the following:

- Name(s) and signature(s) of the applicant, including all directors/officers of the corporation where applicable, that provided a criminal reference check
- A clear statement that the director/officer will not be interacting with the children in the program
- Date the director/officer signed the confirmation

If a director/officer **will** be interacting with children in the proposed program, the director/officer must submit a vulnerable sector check using the CCLS.

Applicants who are also existing licensees can make a request to their assigned program advisor to use the police record check they previously uploaded into the CCLS as part of a previous licensing application.

Please note that police record checks must never be mailed, faxed or emailed to the ministry as they contain sensitive and confidential information. Where required, the applicant's/licensee's police record check must only be submitted through the CCLS or made available for the program advisor to review during a site inspection.

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## Subsection 8.2– Definitions and Duty to Obtain

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### Ontario Regulation 137/15

Interpretation:

59(1) In sections 60 to 65,

“offence declaration” means a written declaration signed by an individual that lists all of the individual’s convictions for offences under the Criminal Code (Canada), if any, during the period specified in the declaration.

- (2) Any requirement set out in sections 60 to 66 to obtain a criminal reference check, including a vulnerable sector check, shall be considered to be satisfied only if the criminal reference check is,

- (a) conducted by a police force; and
- (b) prepared no earlier than six months before the day it is obtained by the licensee.

Duty to obtain initial reference check:

60(1) Every licensee of a child care centre shall obtain a vulnerable sector check from,

- (a) every employee, before the person begins their employment; and
- (b) every volunteer or student who is on an educational placement with the licensee, before the person begins interacting with children at the child care centre.

(3) For the purposes of fulfilling the requirement in clause (1) (b) or subparagraph 3 ii of subsection (2), a licensee may accept a copy of a vulnerable sector check instead of the original document, except that,

- (a) if more than six months but less than five years have passed since the day the vulnerable sector check was performed, the volunteer or student must also provide an offence declaration that addresses the period since that day; and
- (b) the licensee may not accept a copy of a vulnerable sector check if five or more years have passed since the day it was performed and in this case, the volunteer or student must provide a new vulnerable sector check or copy.

### **Intent**

Obtaining a vulnerable sector check, offence declaration or criminal reference check is a measure that is used to help licensees determine whether individuals involved in the provision of child care may hold these positions of trust. Considering a person's relevant criminal history helps licensees determine whether individuals who will be participating in their program have been convicted of any offences that prohibit them from participating in child care or may put children at risk.

### **Special Instructions**

Licensees must use one of the following as documentation to meet vulnerable sector check requirements:

- Original vulnerable sector check;
- True copy of a vulnerable sector check (in hard copy or digital format);

- A copy of a vulnerable sector check for a volunteer or student (in hard copy or digital format); or
- Attestation by the licensee for a vulnerable sector check reviewed prior to August 31, 2015 (in hard copy or digital format).

Where a police force will not issue a vulnerable sector check, and will only issue a criminal reference check for an individual, the licensee must provide written evidence (e.g., email, fax, etc.) to support they have tried to get confirmation from the police force that conducted the check that they will not issue a vulnerable sector check for that individual. In this case, the licensee must use one of the following as documentation to meet vulnerable sector check requirements;

- Original criminal reference check;
- True copy of a criminal reference check (in hard copy or digital format); or
- A copy of a criminal reference check for a volunteer or student (in hard copy or digital format).

Some individuals may require their original police record check (e.g., they may be employed by multiple licensees who need to see their police record check or may be a student on placement). As such, licensees also have the option of creating and retaining a true copy of the individual's police record check to demonstrate compliance with the requirements. A true copy of a police record check is a photocopy of the original police record check that is signed and dated by the licensee to confirm that the original document was reviewed.

Volunteers and students may be required to provide their original police record check elsewhere (e.g., place of employment, school, etc.). As such, licensees may obtain and retain a photocopy of a volunteer's or student's police record check to demonstrate compliance.

Some licensees/designates may have reviewed new vulnerable sector checks from individuals in their program on an annual basis prior to the CCEYA coming into effect on August 31, 2015, but may not have obtained these as part of their business practices. As part of the ministry's efforts to support licensees in transitioning to the new requirements under the CCEYA, licensees may provide written attestations for employee, volunteer or student vulnerable sector checks if the vulnerable sector check was:

- conducted less than 5 years ago from the date of the attestation; and
- reviewed by the licensee/designate before August 31, 2015.

The written attestation must include the following information:

- Name(s) of the employee(s), volunteer(s) or student(s) the attestation applies to
- Confirmation that the vulnerable sector check was conducted less than 5 years ago from the date of the attestation (e.g., month and year of the VSC date)
- Confirmation that the vulnerable sector check was conducted by a police force
- Confirmation that the vulnerable sector check did not list convictions for any offences set out under Section 9 of the CCEYA (see Manual Subsection 8.9 for more information)
- Signature of the licensee/designate

Where the licensee cannot attest to the information required, the licensee must obtain a new vulnerable sector check for that individual.

Employees – Any individual who is paid by the licensee to provide a service for the children and assists with the supervision of children in the child care program is considered an employee for the purpose of vulnerable sector check requirements.

The following are examples of employees:

- Kitchen staff, cooks, drivers
- Parents taking the place of staff (e.g., duty parents)
- Supply educators
- Private school teacher or staff that do participate in the licensed child care program

The following are examples of individuals who are **not** considered employees:

- School board employee (e.g., janitors, teachers), where the child care program is offered in a publically-funded school or a private school, and the school staff do not partake in the child care program
- Individuals employed by an agency that is contracted by the licensee to provide a service in the child care program (e.g., resource teacher); these individuals are considered to be a third party

Volunteers – Any individual who is engaged in the child care program and interacts with children in care, but is not paid by the licensee, is considered a volunteer.

The following are examples of volunteers who require a vulnerable sector check:

- Parents assisting on an occasional or recurring basis with child care programming, such as excursions, field trips, etc.

The following are examples of individuals who are **not** considered volunteers:

- Parents who engage with their child and other children at arrival or pick up time in the program (e.g., reading a book; having a conversation with children)
- Individuals who are paid by an organization that the licensee has contracted to provide a service and are not left alone with the children in care (e.g., the licensee enters into a contract with a dance company that sends dance teachers to teach children in the program)
- Individuals from the community engaging in the child care for a specific event where they are not left alone with the children in care (e.g., presentations by community organization/recreational programs; local librarian; fire fighter)
- Parents attending a child care or school event and are not assisting with the care for or supervision of children

International Students – A Canadian police force may not issue a police record check for an international student if they have not resided in the country long enough. In these cases, a police record check (original or copy) conducted by a police force in their home country may be used to meet the requirement. The police record check must have been conducted less than 5 years ago from the date obtained by the licensee. Where the police record check was conducted more than 6 months ago from the date obtained by the licensee, the licensee must also obtain an offence declaration addressing the period since the date of the police record check and speaking to offences under the Criminal Code (Canada). Where the student needs time to obtain a police record check from their home country, the licensee may use O. Reg. 137/15 section 61(1) to permit the student to begin their placement before a PRC is obtained (see Manual Subsection 8.4 for more information). Note: The police record check from the student's home country may not be called or look the same as a criminal reference check or a vulnerable sector check from Canada.

### **Compliance Indicators**

See the 'Special Instructions' section above for information on what type of documentation may be used and when a criminal reference check may be accepted in the place of a vulnerable sector check.

### **For Employees**

1. All employee files contain documentation that indicates a vulnerable sector check was conducted by a police force.
2. The documentation indicates the vulnerable sector check was conducted no more than:
  - a) 5 years before the date it was obtained/reviewed by the licensee for individuals who began their employment prior to August 31, 2015; or

- b) 6 months before the date it was obtained by the licensee for individuals who began their employment after August 31, 2015.
- 3. For individuals who began their employment after August 31, 2015, the documentation indicates the vulnerable sector check was obtained by the licensee
  - a) prior to the start of their employment; or
  - b) requirements under Section 61(1) of O. Reg. 137/15 are met. [See Manual Subsection 8.4 for more information.]

### **Volunteers and Students Who Interact with Children**

- 4. All volunteer and student files contain documentation that indicates a vulnerable sector check was conducted by a police force.
- 5. The documentation indicates the vulnerable sector check was conducted no more than 5 years ago from the date it was obtained/reviewed by the licensee for individuals who began their volunteer position / student placement prior to August 31, 2015.
- 6. For volunteers or students who began interacting with children on or after August 31, 2015, where the vulnerable sector check was conducted more than 6 months before the date obtained by the licensee, there is an offence declaration on file, addressing the period since the vulnerable sector check was performed.

### **Recommendation**

In order to assist licensees with tracking of the documents they collect to meet the requirements in this section, the ministry has developed a Verification and Tracking Workbook: Vulnerable Sector Checks (VSC) and Offence Declarations (OD) and Regulatory Body Membership and Past Conduct. Licensees are encouraged to use this form and may request a copy of the form from their ministry program advisor.

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## **Subsection 8.3– Exceptions, where conflict with other legislation**

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### **Ontario Regulation 137/15**

- 64 Despite any requirement in sections 60 to 63 that a licensee obtain a vulnerable sector check, if any statute of Ontario or Canada prohibits the disclosure of information contained in a vulnerable sector check in respect of a person, the requirement in those sections may be met by obtaining a criminal reference check.

## **Intent**

Where disclosure of information contained in an individual's vulnerable sector checks is prohibited under another legislation this provision allows for the requirements of a vulnerable sector check to be met with a criminal reference check.

## **Special Instructions**

Where a statute prohibits disclosure of the information on a vulnerable sector check, the police force may issue a criminal reference check instead. For these cases, the licensee must provide written evidence (e.g., email, fax, etc.) to support they have tried to get confirmation from the police force that conducted the check that they will not issue a vulnerable sector check for that individual. In this case, the licensee may use one of the following as documentation to meet vulnerable sector check requirements;

- Original criminal reference check;
- True copy of a criminal reference check (in hard copy or digital format); or
- A copy of a criminal reference check for a volunteer or student (in hard copy or digital format).

## **Compliance Indicators**

This requirement is assessed as part of the licensee's duty to obtain a police record check. See Manual Subsection 8.2.

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## **Subsection 8.4– Exceptions, Additional Measures**

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### **Ontario Regulation 137/15**

#### Exceptions

- 61(1) Despite section 60, a licensee may permit a person who has not provided a vulnerable sector check to start their employment or volunteer position, or to start providing home child care or otherwise start interacting with children at a child care centre or home child care premises if,
- (a) the licensee requires the person to apply to obtain a vulnerable sector check as soon as reasonably possible;
  - (b) the length of time required to obtain a vulnerable sector check justifies it; and
  - (c) the employer puts additional measures in place to protect children who interact with the person until the vulnerable sector check is obtained.

## **Intent**

This provision gives the licensee the flexibility to make decisions related to staffing and meet ratios while, at the same time, ensuring that a vulnerable sector check is being obtained. For example, a licensee may have an immediate staffing need in order to maintain operations but may not be able to immediately obtain a vulnerable sector check for the individual. Additional measures help to reduce risk where there is a gap between the hiring of an individual and obtaining their vulnerable sector check.

## **Special Instructions**

O. Reg. 137/15 section 61(1) does not apply to employees, students or volunteers from whom the licensee has previously obtained:

- a vulnerable sector check; or
- a criminal reference check where the police force will not issue a vulnerable sector check for the individual.

The licensee is encouraged to document the rationale for permitting the individual to begin employment, or otherwise interacting with children, prior to obtaining a vulnerable sector check.

Some examples of additional measures that the licensee may put in place to protect children who interact with the individual until the vulnerable sector check is obtained include:

- Not leaving the employee alone/unsupervised with children (Note that students and volunteers must never be left unsupervised with children; see Manual Subsection 2.9).
- Obtaining an offence declaration from the individual (see Manual Subsection 8.6 for information on offence declarations).

Once the vulnerable sector check is obtained from the individual, the licensee is encouraged to review the check for past history that may be relevant to the individual's position at the child care centre.

International Students – A Canadian police force may not issue a police record check for an international student if they have not resided in the country long enough. In these cases, a police record check (original or copy) conducted by a police force in their home country may be used to meet the requirement. The police record check must have been conducted less than 5 years prior to the date obtained by the licensee. Where the police record check was conducted more than 6 months before the date obtained by the licensee, the licensee must also obtain an offence declaration addressing the period since the date of the police record check and speaking to offences under the Criminal



Code (Canada). Where the student needs time to obtain a police record check from their home country, the licensee may use O. Reg. 137/15 section 61(1) to permit the student to begin their placement before a police record check is obtained (see Manual Subsection 8.4 for more information).

Some examples of documentation that the licensee may use to demonstrate that the student has been required to obtain the police record check include:

- Written correspondence to the police force in the home country requesting a police record check
- Written correspondence to the Canadian Embassy where the student submitted a police record check as part of their visa application, requesting a copy of the police record check submitted
- A ticket to the home country where the student must be physically present to obtain the police record check

### **Compliance Indicators**

See Manual Subsection 8.2 for the type of documentation that may be used and when a criminal reference check may be accepted in the place of a vulnerable sector check.

Where a vulnerable sector check has not yet been obtained and an employee over the age of 19 years has started working, or a volunteer or student over the age of 19 years has started interacting with children, then:

1. The individual's file contains documentation indicating that the licensee required the individual to obtain a vulnerable sector check as soon as reasonably possible.

And

The licensee is able to explain, or there is documentation indicating, why the length of time required to obtain a vulnerable sector check justifies permitting the individual to begin employment or otherwise interacting with children.

2. Staff verbally confirm that additional measures to support children's safety (e.g., obtaining an offence declaration from the individual; not leaving the employee alone/unsupervised with children) have been implemented.

And

It is observed that the additional measures to support children's safety are implemented.

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## **Subsection 8.5– Exceptions, individuals under 19 years of age**

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### **Ontario Regulation 137/15**

#### Exceptions

61(2) Despite section 60, no person is required to provide or obtain a vulnerable sector check or offence declaration in respect of a person who is under 18 years old.

(3) If a person turns 18 years old while in a position where he or she interacts with children receiving child care at a child care centre operated by a licensee or home child care premises where the licensee oversees the provision of home child care, the licensee shall obtain from the person, within one month after the person turns 18 years old, a statement that discloses every previous finding of guilt of the person under the Youth Criminal Justice Act (Canada), if the person received an adult sentence.

(4) If a person turns 19 years old while in a position where he or she interacts with children receiving child care at a child care centre operated by a licensee or home child care premises where the licensee oversees the provision of home child care, the licensee shall require the person to apply to obtain a vulnerable sector check within one month after the person turns 19 years old.

#### **Intent**

These provisions set out requirements regarding vulnerable sector checks with respect to persons younger than 18 years old. The Youth Criminal Justice Act (YCJA) outlines privacy requirements in relation to accessing criminal records of youth. Restrictions under the YCJA expire when the young person turns 18 years old.

As the young person becomes an adult, the individual provides a statement that discloses every previous finding of guilt under the YCJA, if the person received an adult sentence. The statement serves as a measure that is used to help licensees determine whether individuals involved in the provision of child care may hold these positions of trust. Considering a person's relevant criminal history helps licensees determine whether individuals who will be participating in their program have been convicted of any offences that prohibit them from participating in child care or may put children at risk.

#### **Special Instructions**

Individuals who turn 18 years while in a position where they interact with children:

Within one month after the person turns 18 years old, the licensee must obtain a statement in writing from the person that discloses every previous finding of guilt of the person under the Youth Criminal Justice Act (Canada), if the person received an adult sentence, or indicate that there were no such findings of guilt.

Individuals who turn 19 years while in a position where they interact with children:

The licensee must have documentation that indicates that the licensee has required the individual to obtain a vulnerable sector check (e.g., application to a police force requesting a check, etc.) within one month (31 days) after the individual turns 19 years.

### **Compliance Indicators**

For individuals who are 18 years of age:

1. Where an individual turned 18 years while in a position where they interact with children,
  - a) The individual's file contains a statement, signed by the individual that discloses previous findings of guilt under the YCJA, if the individual received an adult sentence; or indicates that there were no previous findings of guilt under the YCJA for the individual where the individual received an adult sentence.

For individuals who are 19 years of age:

See Manual Subsection 8.2 for what type of documentation may be used and when a criminal reference check may be accepted in the place of a vulnerable sector check.

2. Where the individual turned 19 years while in a position where they interact with children, the individual's file contains:
  - a) documentation indicating that the licensee required the individual to obtain a vulnerable sector check as soon as reasonably possible; or
  - b) vulnerable sector check documentation that indicates a vulnerable sector check was conducted by a police force.
3. Where the individual's file contains vulnerable sector check documentation, the documentation indicates that:
  - a) Where the individual is an employee, the vulnerable sector check was conducted no more than 6 months before the date obtained the by the licensee; or
  - b) Where the individual is a volunteer/student, and the vulnerable sector check was conducted more than 6 months ago from the date obtained the

by the licensee; there is an offence declaration on file, addressing the period since the vulnerable sector check was performed.

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## **Subsection 8.6– Timing for New Criminal Reference Check and Offence Declaration**

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### **Ontario Regulation 137/15**

62(1) Every licensee of a child care centre or home child care agency shall obtain, from each person from whom it has previously obtained a vulnerable sector check,

(a) a new vulnerable sector check, on or before every fifth anniversary after the date of the most recent vulnerable sector check; and

(b) a new offence declaration, in every calendar year except a year in which a vulnerable sector check is obtained.



(2) Each offence declaration shall address the period since the most recent offence declaration or vulnerable sector check and must be obtained by the licensee no later than 15 days after the anniversary date of the most recent offence declaration or vulnerable sector check.

(3) Subsection (1) applies only if the person continues to be in a position where he or she interacts with children receiving child care at a child care centre or home child care premises.

(4) Any person from whom a licensee is required to obtain a vulnerable sector check is required to provide the licensee with an offence declaration, as soon as reasonably possible, any time he or she is convicted of an offence under the Criminal Code (Canada).

### **Intent**

These provisions require licensees to regularly screen individuals who continue to participate in their program to determine if there have been any changes in their criminal history that may put children at risk.

### **Special Instructions**

An offence declaration is a written declaration that lists all of the individual's convictions for offences under the Criminal Code (Canada), if any, up to the date of the declaration and is signed by the individual.

Licensees must obtain an offence declaration no later than 15 days after the anniversary of the previous offence declaration or vulnerable sector check, whichever is most recent.

Vulnerable Sector Check Schedules - Licensees are required to obtain a new vulnerable sector check on or before the fifth anniversary of the most recent vulnerable sector check on file, regardless of the individual's offence declaration schedule.

Leaves of Absence - If an individual from whom the licensee is required to obtain a new vulnerable sector check or new offence declaration is on leave (e.g., parental leave, leave of absence for medical reasons), the licensee must work with the individual to ensure the new vulnerable sector check/offence declaration is obtained as per the required timeline.

If there has been a break in employment, see Manual Subsection 8.7 for requirements related to new offence declarations and vulnerable sector checks.

### **Compliance Indicators**

See Manual Subsection 8.2 for the type of documentation that may be used and when a criminal reference check may be accepted in the place of a vulnerable sector check.

Where the fifth anniversary of the previously obtained vulnerable sector check has passed:

1. The individual's file contains documentation indicating that a new vulnerable sector check was obtained that was:
  - a) conducted by a police force;
  - b) conducted no more than 6 months ago from the date it was obtained by the licensee; and
  - c) obtained on or before the fifth anniversary of the previously obtained vulnerable sector check.

Where 15 days after the anniversary date of the previous offence declaration or vulnerable sector check, whichever was most recent, have passed:

2. The individual's file contains an offence declaration that:
  - a. addresses the time period since the previously obtained vulnerable sector check or offence declaration, whichever is most recent; and
  - b. was obtained no more than 15 days after the anniversary date of the previous offence declaration or vulnerable sector check, whichever was most recent.

For all employees, volunteers and students:

3. The licensee verbally confirms, or the offence declaration shows, that they have obtained an offence declaration as soon as reasonably possible any time a person is convicted of an offence under the Criminal Code (Canada).

## **Recommendations**

In order to assist licensees with tracking vulnerable sector checks, criminal reference checks and offence declarations they obtain to meet licensing requirements, the ministry has developed a Verification and Tracking Workbook: Vulnerable Sector Checks (VSC) and Offence Declarations (OD) and Regulatory Body Membership and Past Conduct. Licensees are encouraged to use this form and may request a copy of the form from their ministry program advisor.

An offence declaration template is available on the [Early Years Portal](#). Licensees may use their own template so long as the required information is included.

Aligning Offence Declaration Schedules - Licensees may wish to set one day in the calendar year on which they obtain offence declarations from all their staff, volunteers and students. When deciding on a set date the licensees need to still maintain compliance with the required timeline for when a new offence declaration is required for each individual staff member, volunteer, and/or student.

When a new vulnerable sector check is obtained from an individual, that individual's offence declaration schedule will change according to the date of that vulnerable sector check. The licensee may obtain an offence declaration from the individual even in the calendar year in which a new vulnerable sector check is required if the licensee wishes to align offence declaration schedules of all their staff, volunteers and students.

When setting the date for an all-staff/volunteer/student offence declaration schedule, the licensee is encouraged to consider how to maintain compliance in the following situations:

- years in which the set date falls on days when the centre is closed (e.g., holiday);
- years in which the licensee has to obtain a new vulnerable sector check as this affects an individual's offence declaration schedule; and
- occasions where an individual provides an offence declaration following a conviction under the Criminal Code (Canada) as this affects the individual's offence declaration schedule.

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## Subsection 8.7– Break in Employment

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### Ontario Regulation 137/15

- 63 If a licensee’s relationship with a person in respect of whom it has previously obtained a vulnerable sector check terminates and then subsequently resumes, the licensee shall obtain a new vulnerable sector check or offence declaration as follows:
1. If the relationship was terminated for six or more months, the licensee shall obtain a new vulnerable sector check from the person before the relationship resumes.
  2. If the relationship was terminated for less than six months and, but for the termination, the person would have provided a vulnerable sector check or offence declaration during the period of termination, the licensee shall obtain from the person such vulnerable sector check or offence declaration before the relationship resumes.

### Intent

This provision recognizes situations where an individual’s employment or other relationship with the licensee may end and then resume. The provision requires licensees to obtain up-to-date information. These measures help the licensee to support the health and safety of children and in licensed child care settings.

### Special Instructions

Leaves and absences (e.g., sick leave, parental leave, summer closures, etc.) are not considered breaks in employment.

Breaks in employment or other relationship are determined by the individual’s relationship with the licensee, not a specific program or position.

- For example, a staff directly employed by a multi-site licensee may work at several sites. If this staff stops working at one of these sites for a period of time, but remains employed by the licensee for the other sites, there is no break in employment.
- Where an individual previously completed an educational placement with the licensee and is then hired by the licensee as a staff, this is considered a break in employment or other relationship because the individual’s relationship with the licensee ended and was then resumed, regardless of the change in position.

## Compliance Indicators

See Manual Subsection 8.2 for the type of documentation that may be used and when a criminal reference check may be accepted in the place of a vulnerable sector check.

For employees, volunteers and students from whom the licensee has previously obtained a vulnerable sector check and who have had a break in employment, or other relationship, that lasted six months or more:

1. The individual's file contains documentation indicating that a new vulnerable sector check was obtained that was:
  - a) conducted by a police force;
  - b) conducted no more than 6 months before the date it was obtained by the licensee; and
  - c) obtained before the employment relationship resumed.

For employees, volunteers and students from whom the licensee has previously obtained a vulnerable sector check and who have had a break in employment, or other relationship, that lasted less than six months:

1. Where the individual would have provided a new vulnerable sector check during the period of the break, the individual's file contains documentation indicating that a new vulnerable sector check was obtained that was:
  - a) conducted by a police force;
  - b) conducted no more than 6 months before the date it was obtained by the licensee; and
  - c) obtained before the relationship resumed.
2. Where the individual would have provided a new offence declaration during the period of the break, the individual's file contains a new offence declaration that:
  - a. addresses the time period since the previously obtained vulnerable sector check or offence declaration, whichever is most recent; and
  - b. was obtained before the relationship resumed.



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## Subsection 8.8– CRC Policies and Procedures

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### Ontario Regulation 137/15

- 65 Every licensee shall ensure that there are written policies and procedures that address,
- (a) the process of obtaining a vulnerable sector check;
  - (b) the process for submitting an offence declaration;
  - (c) how the confidentiality of information contained in a vulnerable sector check or offence declaration will be protected;
  - (d) the way in which any information revealed in a vulnerable sector check or offence declaration may be considered and used; and
  - (e) the additional measures that will be put in place when a situation described in subsection 61 (1) occurs to protect the children who interact with the person until the vulnerable sector check is obtained, such as requiring the supervision of all interactions between the person and the children.

### Intent

These provisions set out the requirements for policies and procedures regarding vulnerable sector checks and offence declarations, and support licensees in establishing a framework for collecting, using and protecting the information. Policies and procedures provide clear processes for the licensee and their staff, volunteers and students to achieve compliance as well as transparency regarding how screening measures are applied.

### Special Instructions

Licensees must have policies and procedures containing all elements specified in the regulation.

The criminal reference check/vulnerable sector check policies and procedures must be reviewed with staff, volunteers and students, implemented and monitored for compliance and contraventions in accordance with subsection 6.1. See Manual Subsection 1.2 for these requirements.

### Compliance Indicators

1. There is a criminal reference check policy that includes information on the following:
  - a. the process of obtaining a vulnerable sector check;

- b. the process for submitting an offence declaration;
- c. how the licensee will protect the confidentiality of information in a vulnerable sector check, attestation or offence declaration;
- d. how the licensee will consider/use the information in a vulnerable sector check, attestation or offence declaration;
- e. the additional measures that the licensee will put in place to protect the children who interact with the person until the vulnerable sector check is obtained,

### **Recommendations**

Licensees are encouraged to use a variety of information when making employment decisions, such as experience and education. The information revealed in a police records check should not be the only information used in determining suitability for employment.

The ministry has developed a Verification and Tracking Workbook: Vulnerable Sector Checks (VSC) and Offence Declarations (OD) and Regulatory Body Membership and Past Conduct to help licensees track vulnerable sector checks and offence declarations they have obtained as well as when new vulnerable sector checks and offence declarations are required. Licensees are encouraged to use this form and may request a copy of the form from their ministry program advisor. Licensees are also encouraged to specify in their policies/procedures how frequently they will update their Verification and Tracking Workbook.

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## **Subsection 8.9– Past Conduct**

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### **Child Care and Early Years Act, 2014**

- 9(1) No individual shall provide child care, operate a premises where child care is provided or enter into an agreement described in section 7 (home child care) if:
- 1. The individual has been convicted of any of the following offences:
    - i. An offence under this Act.
    - ii. An offence under any of the following sections of the Criminal Code (Canada):
      - A. Section 151 (sexual interference).
      - B. Section 163.1 (child pornography).
      - C. Section 215 (duty of persons to provide necessities).

D. Section 229 (murder).

E. Section 233 (infanticide).

- iii. Any other federal or provincial offence prescribed by the regulations.
2. The individual has been found guilty of professional misconduct under the Early Childhood Educators Act, 2007, the Ontario College of Teachers Act, 1996, the Social Work and Social Service Work Act, 1998 or another prescribed Act, and based on that finding,
  - i. the individual's membership in the regulatory body established under that Act was revoked and the individual has not been readmitted since that time,
  - ii. a certificate or documentation issued to the individual under that Act that authorized the individual to practice was revoked and has not been reissued since that time, or
  - iii. the individual's authority to practice was restricted in any other way prescribed by the regulations.

### **Ontario Regulation 137/15**



#### **Prescribed offences**

88.1 The following provisions are prescribed for the purposes of paragraph 13 of subsection 78 (1) of the Act:

1. Section 12 of the Act (Duty to disclose if not licensed and to retain record of disclosure).
2. Section 15 of the Act (Duty to provide receipt for payment).
3. Section 8 of this Regulation (Ratios and maximum group sizes, child care centre).
4. Section 11 of this Regulation (Supervision by adult at all times).
5. Section 48 of this Regulation (Prohibited practices).
6. Section 60 of this Regulation (Duty to obtain initial reference check)

## **Intent**

The CCEYA provides that individuals convicted of certain offences are not permitted to provide child care so that children are not placed at risk.

## **Special Instructions**

Requirements for past conduct set out in the CCEYA apply to any individual who provides child care, including licensees, supervisors, program staff and home child care providers.

Licensees must review vulnerable sector checks provided by prospective employees, volunteers and students to ensure that individuals have not been convicted of any of the above offences. If an individual has been convicted of the above offences, they are not permitted to provide care for children in either a paid or volunteer capacity.

Licensees must also review membership status of individuals who are members of the College of Early Childhood Educators, Ontario College of Teachers and/or Ontario College of Social Workers and Social Service Workers, to ensure that the individual has not been found guilty of professional misconduct.

Information about whether an RECE, Certified Teacher or Social Worker is in good standing with their professional college is available at:

[College of ECE Public Register](#)

[Ontario College of Teachers Find a Teacher](#)

[The Ontario College of Social Workers and Social Service Workers Online Register](#)

## **Compliance Indicators**

See Manual Subsection 8.2 for what type of documentation may be used and when a criminal reference check may be accepted in the place of a vulnerable sector check.

1. A review of all vulnerable sector check documentation and/or offence declarations confirms that any individual providing child care and/or operating a child care centre has not been convicted of any offence set out under the CCEYA or prescribed by regulations.
2. A review of membership status of individuals who are members of the College of Early Childhood Educators, Ontario College of Teachers and/or Ontario College of Social Workers and Social Service Workers confirms that no individual has been found guilty of professional misconduct.

## **Recommendations**

In order to assist licensees with tracking potential Criminal Code offences and professional misconduct, the ministry has developed a Verification and Tracking Workbook: Vulnerable Sector Checks (VSC) and Offence Declarations (OD) and Regulatory Body Membership and Past Conduct. Licensees are encouraged to use this form and may request a copy of the form from their ministry program advisor.

As part of the annual review of vulnerable sector check and offence declaration documentation, licensees should also annually review the status of the membership of RECEs, Certified Teachers or Social Workers online on the respective public registers.

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## **Section 9- Emergency Preparedness**

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### **Subsection 9.1– Telephone Service**

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#### **Ontario Regulation 137/15**

67 Every licensee shall ensure that each child care centre it operates and each premises where it oversees the provision of home child care is equipped with telephone service or an alternative means of obtaining emergency assistance that is approved by a director.

#### **Intent**

Telephones provide prompt access to emergency assistance and facilitate communication with parents and other resources.

Where telephone service is not available, an alternative means of obtaining emergency assistance is necessary to ensure prompt aid in the event of an emergency.

#### **Compliance Indicators**

1. There is a working telephone service that is accessible to staff at all times that can be used to obtain emergency assistance.

Or

Director approval has been granted for an alternative means of obtaining emergency assistance.

#### **Recommendations**

It is recommended that each child care centre have its own telephone number. A telephone number shared with other organizations in the same building which could be in use during an emergency and could prevent essential and prompt communication.

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### **Subsection 9.2– Fire Safety Procedures and Drills**

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#### **Ontario Regulation 137/15**

68(1) Every licensee shall ensure that in respect of each child care centre it operates,

- (a) a written procedure approved by the local fire chief is established with respect to the duties of each member of the staff of the child care centre in the event of a fire;

- (b) each staff member is instructed as to his or her responsibilities in the event of a fire before commencing work for the first time;
  - (c) the written procedure referred to in clause (a) is posted in a conspicuous place in each room in the child care centre that is used for the care of children;
  - (d) fire drills are conducted in accordance with subsection (2);
  - (e) a written record is kept of all fire drills, all tests of the fire alarm system and all tests of fire protection equipment and that each record is kept for at least 12 months from the date of the drill or test; and
  - (f) there is a designated place of shelter in the event the child care centre must be evacuated due to an emergency.
- (2) For the purposes of clause (1) (d), the following rules apply:
1. A fire drill shall be conducted in respect of every child care centre, except a child care centre described in paragraph 2, at least once a month in accordance with Ontario Regulation 213/07 (Fire Code) made under the Fire Protection and Prevention Act, 1997.
  2. A total evacuation fire drill shall be conducted in respect of every child care centre or part of every child care centre that is operated in a school and that provides services only to children who are pupils of a school board, including a third party program operated under section 259 of the Education Act, in accordance with Ontario Regulation 213/07,
    - i. at least three times during each fall and spring term the school is in operation, and
    - ii. at least three times or at least once a month, whichever is less, during the summer term the program is in operation.
- (3) Every licensee shall ensure that a written procedure is established with respect to evacuation in the event of fire for each premises where the licensee oversees the provision of home child care.

### **Intent**

The intent of these provisions requires staff responsibilities to be clearly outlined, staff and children are familiar with the evacuation procedure involved in the event of fire or other emergency and regular drills are conducted to reinforce required emergency procedures.

A designated place of shelter provides a point of assembly where children and staff can be accounted for and temporary care can be given if the child care centre must remain vacant for an extended period of time.

This provision also requires and current records of all testing of fire protection devices and drills. These records should reveal the status of these devices and ensure that they are kept in working order.

### **Special Instructions**

Child care centres and licensees must also comply with the Ontario Fire Code, made under the Fire Protection and Prevention Act, 1997.

Each municipality may impose further restrictions related to fire safety. It is recommended that licensees check with the local fire department for additional information.

### **Before and After School Programs in Publicly Funded Schools**

Fire safety requirements for schools apply to child care centres operating in a school and that serve full-day kindergarten students and older school children who attend that school.

More specifically, as with schools:

- During the fall and spring terms (as determined by the local school board), the licensed child care program must hold at least three fire drills during each term;
- During the summer term (as determined by the local school board), the licensed child care program must hold at least three fire drills during the term or at least once a month, whichever is less;
- The Fire Code provisions for child care centres, relating to the proportion of flammable materials allowed to cover wall space and non-flammable waste receptacles, do not apply. However, the Fire Code provisions for schools do apply.

### **Ontario Fire Code**

The Ontario Fire Code requires the following in child care centres:

- Where there are more than 100 children and staff in a child care centre, flame-retardant drapes, curtains and other decorative materials must be used in any lobby or exit area.
- All "flammable and combustible" liquids, such as paint and cleaning fluids, must be stored in areas inaccessible to children.



- Combustible waste materials must not be allowed to accumulate in amounts or locations which would constitute a fire hazard.
- Flammable creative materials must be stored in metal containers or containers that are approved by the Underwriters Laboratories of Canada (U.L.C.).
- Store rooms or metal storage cabinet must have a “three-quarter hour separation”. This means that a fire would be contained in the room or storage cabinet for a minimum of 45 minutes before spreading.
- All waste containers must be made of non-combustible materials and should have lids (do not use plastic).

Note: For more details, contact your local Fire Department.

### **Electric Heating Units**

Do not use any heating unit which would permit a child to insert a toy or tool in it and contact the wiring. Clothing or paper should not be hung near enough to any unit to catch fire.

### **Compliance Indicators**

1. There is a written procedure approved by the local fire chief that specifies the duties of each member of staff in the event of fire and is available on premise for review at all times.
2. A written procedure is posted in a conspicuous place in all rooms used for the care of children that explains each individual's responsibilities in the event of a fire.
3. A written record is kept of all fire drills, tests of the fire alarm system and tests of fire protection equipment.

And

The written records reflect all fire drills and tests completed in the last 12 months.

4. The licensee confirms that all staff were instructed as to their responsibilities in the event of a fire prior to staff commencing employment.

And

Staff confirm their responsibilities, which align with the written procedures.

5. The licensee confirms that the emergency shelter location is available for use by the child care program during the centre's hours of operation.

Or

There is a letter from the emergency shelter confirming that the location is available for use by the child care program during the centre's hours of operation.

6. There is a written record of fire drills that indicates that fire drills were conducted at least once a month.

Or

**For programs located in publicly funded schools serving only children who are pupils of the school board:**

There is a written record of fire drills that indicates that a total evacuation drill was conducted at least three times during each fall and spring term during the hours of the program.

And

There is a written record that a total evacuation drill was conducted at least three times during the summer term or once a month during the summer term (whichever is less) during the hours of the program.

## **Recommendations**

### **Fire Drills**

It is recommended that licensees contact their local fire department for advice in establishing fire drill procedures acceptable to their local fire chiefs. Fire department staff can also suggest an acceptable time limit for evacuation of the building.

Plans that assign specific duties to every staff member and volunteer in the case of a fire must be prepared. (Each room occupied by children requires a specific procedure applicable to any time of the day).

It is recommended that the evacuation procedures identify the emergency shelter location.

It is suggested that fire drills are practised once a week until children and staff are familiar with the procedures and monthly thereafter. When the children are able to

respond promptly and correctly to the fire drill signal, it may be appropriate to teach an alternate exit route. The time limit for evacuation suggested by the fire department can be used as a goal during all practices. Drills should include evacuation from all areas including the sleep rooms, although not at sleep time. Practices should be held on different days of the week and at different hours of the day.

### **Emergency Preparedness and Planning**

In advance of an emergency, it is recommended that the following occur:

- Identify a designated place of shelter that is available year round during the child care centre's hours of operation. Examples of emergency locations are churches, community centres, libraries, shopping plazas, schools and other child care centres.
- Obtain written approval to use the designated place of shelter in the event of an emergency and update this written approval on an annual basis to ensure the facility is still available for use.
- Advise parents of designated place of shelter.
- Establish a system to notify parents if an emergency occurs.
- Select a fire alarm signal (audible, or audible and visual) not used for any other purpose, and operable only by adults.
- Ensure that all staff are familiar with the operation of an alarm system where it is already installed in a multi-purpose building.
- Teach the children an immediate response when an emergency signal is heard (e.g. stand up and face the teacher); and
- Choose a place in the room where the children will line up (e.g., along the wall).

The person who discovers a fire should,

- Assist anyone in immediate danger;
- Try to isolate any burning area by closing the door;
- Sound the alarm; and then
- Telephone the fire department (the number should be clearly posted beside the telephone).

Other staff members should immediately undertake their pre-assigned emergency duties. The recommended duties include:

- Directing children to safety outside once they are in line, with one adult leading, other adults placed throughout the line and one adult at the end.
- Turning off stoves or other such appliances.
- Retrieving medication.

- Retrieving the emergency information and current attendance record. Checking the number of children against the attendance record. If parents arrive before the attendance is taken, they must wait for attendance to be completed before the child is released to their care. Maintaining an up-to-date record is essential.
- Searching the premises, if safe to do so, including washroom areas, closets and other hiding places for children, to ensure that all persons have left the building.
- Closing all doors and ensuring that the building is locked after everyone has vacated it.
- If necessary, ordering and supervising evacuation to the designated place of shelter until parents are notified and arrive.

### **Christmas, Birthdays and Special Days**

Staff are to plan for potential emergency evacuation on occasions when large groups are present for parties and other special programs. Staff are encouraged to also consider the following:

- Use flameproof paper decorations and artificial Christmas trees.
- Use only approved low voltage electric light decorations and provide adult supervision whenever the lights are in use.
- Do not use extension cords in areas that may be used as pathways for emergency exit. Unless approved, open flames (i.e., candles) cannot be used.
- Make certain that any flammable material, such as paper wrappings and paper napkins, are removed promptly.

### **Neighbourhood and Region Wide Evacuation**

The child care centre's procedures for contained emergencies should be followed in a neighbourhood or region-wide evacuation unless the supervisor receives direction either directly or indirectly through local authorities, such as the police or fire department. The supervisor must then alert the staff and prepare them to follow the evacuation instructions. The staff are responsible for supervising any other children who may be delegated to their temporary care during such an event.

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## **Subsection 9.3– Emergency Contact Information**

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### **Ontario Regulation 137/15**

- 69 Every licensee shall ensure that there is an up-to-date list of telephone numbers, in each child care centre it operates and in each premises where the licensee

oversees the provision of home child care, that is accessible in the event of an emergency and that includes contact information for,

- (a) emergency services;
- (b) the nearest poison control centre;
- (c) a taxi service; and
- (d) the home child care agency, in the case of a premises where the licensee oversees the provision of home child care.

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.

### **Intent**

This provision sets out that the information required during an emergency is readily available and the appropriate services can be contacted promptly.

Basic information about each child must be available in an emergency situation as there may not be enough time to retrieve children's records. Special medical and additional information includes allergies and any other information that would be necessary to provide care at the designated place of shelter, if required.

### **Compliance Indicators**

1. There is a list that includes phone numbers for emergency services, nearest poison control centre and a taxi service;

And

Staff provide the location of the emergency contact list and confirm that it is accessible to staff at all times.

2. There are emergency records readily accessible for all children in care that include:
  - home/work addresses and telephone numbers of at least one parent;
  - phone number for an alternate emergency contact or notation indicating that the parents are the only contact;
  - Where applicable, special medical or additional information provided by parents, including any allergies or known medical conditions.
3. The licensee confirms that all children's emergency records are up-to-date.

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## **Section 10- Administrative Matters**

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### **Subsection 10.1– Insurance**

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#### **Ontario Regulation 137/15**

- 71 Every licensee shall ensure that an insurance policy with respect to each child care centre or home child care agency it operates is obtained and maintained in full force and effect that includes,
- (a) comprehensive general liability coverage and personal injury coverage, including, where applicable, coverage for the employees of each child care centre, volunteers in each child care centre, employees of each home child care agency and each home child care provider at a premises where the licensee oversees the provision of home child care; and
  - (b) motor vehicle coverage for all vehicles owned by the licensee.

#### **Intent**

This provision sets out that there is adequate insurance to protect the interests of children, staff and volunteers in the event of an accident or injury.

#### **Special Instructions**

Current insurance coverage is very important for the health, safety and well-being of children and staff. As such, if a licensee cannot provide evidence of current comprehensive insurance coverage, the Ministry may take enforcement action against the licensee (e.g., immediate licence suspension).

It is important that licensees make their insurance brokers aware of every aspect of their program, including, where applicable, transportation of children, excursions off the premises, coverage for volunteers, contract liability, and liability of board members.

#### **Compliance Indicators**

1. There is a current insurance policy that includes comprehensive general liability coverage and personal injury coverage for the employees and volunteers in each child care centre, where applicable.

And

If the licensee owns a vehicle, the insurance policy shows coverage for all vehicles owned by the licensee.

## Recommendations

Co-operative programs should check with their local co-op councils about group insurance plan coverage that may be available.



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## Subsection 10.2– Children's Records


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### Ontario Regulation 137/15

72(1) Every licensee shall ensure that up-to-date records that are available for inspection by an inspector or program adviser at all times are kept of the following matters in respect of each child receiving child care at a child care centre operated by the licensee or receiving child care at a premises where it oversees the provision of home child care:

1. An application for enrolment signed by a parent of the child.
2. The name, date of birth and home address of the child.
3. The names, home addresses and telephone numbers of the parents of the child.
4. The address and telephone number at which a parent of the child or other person can be reached in case of an emergency during the hours when the child receives child care.
5. The names of persons to whom the child may be released.
6. The date of admission of the child.
7. The date of discharge of the child.
8.  The child's previous history of communicable diseases, conditions requiring medical attention and, in the case of a child who is not in attendance at a school or private school within the meaning of the Education Act, immunization or any statement or required form completed by a parent or legally qualified medical practitioner as to why the child should not be immunized.
9. Any symptoms indicative of ill health.
- 9.1  A copy of any individualized plan.



10. Written instructions signed by a parent of the child for any medical treatment or drug or medication that is to be administered during the hours the child receives child care.
11. Written instructions signed by a parent of the child concerning any special requirements in respect of diet, rest or physical activity.
12.  A copy of any written recommendation referred to in subsection 33.1 (1) from a child's physician regarding the placement of a child for sleep.
  - (2) The records listed in subsection (1) shall be kept, as the case may be,
    - (a) on the premises of the child care centre at which the child receives child care; or
    - (b) omitted - refers to home child care
  - (3) See Manual Section 10.3
  - (4) Revoked.
  - (5) Every licensee shall ensure that the records required to be maintained under this section with respect to a child are kept for at least three years from the date the child is discharged at the child care centre or home child care agency.
  - (6) Every licensee shall ensure that,
    - (a) the medical officer of health or his or her designate, upon producing proper identification, is permitted to inspect the records referred to in paragraphs 2, 3, 8 and 9 of subsection (1); and
    - (b) copies of those records are provided to him or her on request.

### **Intent**

This provision requires that licensees collect and maintain the information necessary to provide appropriate and responsive service for children and that this information can be easily accessed by the licensee, supervisor and program staff.

The information must be available to the Ministry of Education for at least three years after a child has left the program. Certain documents must also be made available to the local medical officer of health.

## **Special Instructions**

For greater clarity, if information is not available, either because a certain section is not applicable to a given child or a parent does not wish to provide the information, licensees should record the reason that the information is not available by indicating “not applicable” or “parent did not wish to provide”. This record makes it clear that the licensee has made an effort to collect the information.

## **Compliance Indicators**

1. Children's records include all of the information identified in 72(1) (see above).
2. Children's records are kept on the premises of the child care centre at which the child receives care.
3. Children's records (including application, attendance and individualized plans) are maintained for three years from the date the child is discharged.

Or

Where records of discharged children are maintained at a head office, the licensee confirms that records are maintained for three years from the date the child is discharged.

4. The licensee confirms that the medical officer of health is permitted to inspect the records.

And

The licensee confirms that copies of relevant records are provided to the medical officer of health on request.

## **Recommendations**

Licensees are responsible for securing children's records against loss, fire, theft, defacement, tampering and copying, or use by unauthorized persons.

It is recommended that the licensee develop and implement policies on how records are to be kept secure when out of a locked cabinet and in use, and restrictions on the removal of records from the premises.

Dated, time-limited, specific consent forms are recommended for field trips, special events and parental instructions. The use of blanket consent forms for emergency treatment, public health examinations, field trips, etc., is an undesirable practice and the legal status of such forms is questionable.

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## **Subsection 10.3– Attendance**

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### **Ontario Regulation 137/15**

72(3) Every licensee shall ensure that a record is kept of the daily attendance of each child receiving child care in each child care centre it operates and in each premises where it oversees the provision of home child care showing the time of arrival and the time of departure of each child or if a child is absent.

#### **Intent**

This section requires that all children in care are accounted for at any given moment, particularly in the event that a child care centre must be evacuated. It also enables the licensee to demonstrate that licensed capacity is not exceeded.

#### **Special Instructions**

A daily record indicating actual time of arrivals (e.g., 8:20am), departures (e.g., 5:15pm) and absences helps to establish a current and accurate account of all children in the event of an emergency. Attendance records are necessary during evacuation; therefore, it is important that program staff ensure that the attendance record is easily accessible at all times and ensure missing children can be identified promptly.

Attendance records must accurately reflect when children are in the care of the child care centre, especially when transporting children to or from different locations. Records should only indicate that a child is signed out of the program when that child has been picked up by a parent or officially left the care of the child care centre (e.g., dropped off at school).

#### **Compliance Indicators**

1. Attendance records are available on the premises.

And

The records include the actual time of arrival and departure for each child listed in attendance or a record that the child is absent.

#### **Recommendations**

Where a child arrives and/or departs from a child care centre by themselves, such as in some before- and/or after-school programs located in schools, it is recommended that the licensee obtain this information and consent in writing from the parent. It is also recommended that the licensee establish a safe arrival attendance process. This process could specify that, if a child does not arrive within a pre-determined time period,

missing child or other procedures will be initiated to find the child. These procedures could include checking the child's normal path to the child care program and calling the child's parent.

When deciding on a method for recording daily attendance, licensees should develop a format and procedure that is appropriate for their program. The minimum information required is each child's name, their time of arrival and time of departure or whether they were absent. Considerations for attendance format include the number of days per record sheet, responsibility for recording, number of attendance sheets (one for the whole program or one per classroom) and location of the attendance sheet. Licensees may also want to consider if other information should be included on the attendance sheet, such as whether children are part-time or full-time.

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## **Subsection 10.4– Release of Information**

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### **Ontario Regulation 137/15**

73 No licensee shall require as a condition of providing care for a child at a child care centre or with a home child care agency it operates a prior consent from a parent of the child to the release of information with respect to the child.

#### **Intent**

This provision provides that no child is refused service because a parent of the child has refused prior consent to release information as a condition of enrolment.

#### **Compliance Indicators**

1. The licensee confirms that parents are not required to provide consent to the release of personal information concerning their child as a condition for enrolment.

#### **Recommendations**

Each licensee should have a policy describing the types of information that will be collected and the purpose for collecting and storing such information. Information includes written records, as well as photos and videos of children.

The policy is to align with the following protection of privacy principles:

1. Information collected should be the minimum needed to serve the purpose of the service provided.
2. The right of every child and family to privacy should be recognized and protected to the greatest extent possible.

3. Parents are to have access to their child's records and should be informed of who may have access to the child's records on an internal basis (e.g., staff, volunteers, bookkeeper).
4. The appropriate informed written consent of a parent should be a requirement prior to the release of personally identifiable information to third parties. This includes the release of any information through social media (e.g., posting pictures to Facebook).

The written consent of a parent must be obtained before a child's personally identifiable information is released to an outside researcher and/or a child participates in any research project conducted at the child care centre.

Access to a child's records without parental consent may only be given to officials of the following:

1. Coroner's Office
2. Courts in response to a warrant or court order
3. Ombudsman
4. Authorities vested in provincial or federal statutes
5. The Minister of Education and officials to whom he/she has delegated the authority (e.g., program advisors).

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## **Subsection 10.5– Agreement with Municipality or First Nation**

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### **Ontario Regulation 137/15**

75(2) Every licensee who agrees to operate a child care centre or home child care agency on behalf of a service system manager or First Nation shall ensure that a copy of the agreement with the service system manager or First Nation is kept at the child care centre or home child care agency

### **Intent**

This provision protects the municipality or First Nation and the licensee by helping to ensure that there is a mutual understanding as to their respective responsibilities.

### **Compliance Indicators**

If the child care centre provides services on behalf of a municipality or First Nation:

1. A copy of the agreement with the service system manager or First Nation is kept at the premises.

Or

The licensee confirms that the agreement is on file at the head office.



## **Subsection 10.6– Waiting Lists**

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### **Ontario Regulation 137/15**

75.1 (1) No licensee shall charge or collect a fee or deposit for the placement of a child on a waiting list for admission in a child care centre or home child care agency.

#### **Intent**

This provision is intended to prohibit licensees from charging parents for the opportunity to place their child on a waiting list for an unsecured spot in the child care centre.

This provision is also intended to set out that waiting lists are administered in a transparent manner and that information is available to prospective parents.

#### **Special Instructions**

This requirement does not prohibit licensees from charging parents an enrolment fee once a child has been offered a secure spot in the child care centre. For example, a licensee may charge the fees for the first month of attendance at the time of offering a secure spot in the centre.

#### **Compliance Indicator**

1. The licensee verbally confirms that fees and/or deposits are not charged for the placement of a child's name on a waiting list.

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## **Subsection 10.7– Financial Records**

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### **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.

## **Intent**

This section emphasizes the importance of maintaining accurate financial records, which assist the licensee in planning and establishing priorities.

## **Compliance Indicators**

1. There is written evidence that financial records are kept for at least six years.

Or

The licensee confirms that financial records are kept for at least six years.

2. Financial records include, at a minimum:

- Assets;
- Liabilities;
- Income;
- Expenses; and
- Accumulated surplus and deficit.

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## **Subsection 10.8– Reporting Statistical Information**

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### **Child Care and Early Years Act, 2014**

70(1) The Minister may collect personal information, directly or indirectly, for purposes related to the following matters, and may use it for those purposes:

7. Conducting research and analysis, including longitudinal studies, and statistical activities conducted by or on behalf of the Ministry for purposes that relate to,
  - i. child care and early years programs and services,
  - ii. education,
  - iii. the transition from child care and early years programs and services to school, and the resulting outcomes,
  - iv. the matters of provincial interest under section 49, and
  - v. programs and services that support the learning, development, health and well-being of children, including programs and services provided or funded by other ministries.

## **Ontario Regulation 137/15**

- 77 Every licensee shall, in respect of each child care centre or home child care agency it operates, furnish to a director such statistical information as the director may require with respect to the operation of the child care centre or home child care agency.

### **Intent**

This provision sets out that the Ministry has access to personal information when requested, which is intended to assist the Ministry in conducting research, analysis and compiling statistical information.

### **Compliance Indicators**

1. All information requested has been provided to the Ministry.

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## **Subsection 10.9– Record Retention**

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## **Ontario Regulation 137/15**

- 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.

### **Intent**

This provision sets out that records are available for the minimum amount of time required for effective licensing and enforcement activities, if required.

### **Special Instructions**

Records created on or before August 30, 2015 are subject to the record keeping provisions that applied to the record under the Day Nurseries Act.

All records must be made available to Ministry of Education staff if requested and many records may be used to assess compliance during a licensing visit. The indicators found in each section of this Manual identify which records may be used to assess compliance with the related requirement (e.g., attendance records). The inability to produce a record during a licensing visit, or within a requested time period, may result in a finding of non-compliance and noted on the licence inspection summary.



## **Compliance Indicators**

Note: Compliance is assessed (and non-compliance cited) in each individual section where records, reports or documents are required.

## **Recommendations**

Licensees may wish to securely store or archive certain records off site (e.g., head office). Off-site records storage is permitted unless otherwise specified, such as with active children's records.

It is recommended that licensees have the records required for licensing on site or establish a process for quickly retrieving them if requested.

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## **Subsection 10.10– Posting of Licence and Decal**

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### **Child Care and Early Years Act, 2014**

14(1) A licensee shall post a copy of a licence in a conspicuous place at the child care centre or the premises where the home child care agency is located, as the case may be together with any other information or signage prescribed by the regulation.

(5) If a licence or any other signage has been provided to a person for the purposes of this Act, the person shall not make copies of the licence or signage, except as required for the purposes of this section, as otherwise required by law, or as permitted by the regulations.

### **Ontario Regulation 137/15**

84(1) For the purposes of subsections 14 (1) and (2) of the Act, the signage that shall be posted is signage provided by the Minister that identifies that the premises is licensed.

85(1) A licence or signage that was provided to a person for the purposes of the Act shall be returned, as required under subsection 14 (6) of the Act, in the circumstances set out in this section.

- (2) A licensee shall return the licence and signage within 30 days after the day,
- (a) the licensee's licence expires and is not renewed;
  - (b) the licensee's licence is revoked; or
  - (c) the licensee voluntarily ceases operating the child care centre or agency in respect of which the licence was issued.

## **Intent**

This provision makes it easier for parents to recognize licensed child care and access important information about the licensed child care program.

## **Special Instructions**

Child care licences are generated through the Child Care Licensing System and will print on regular letter size paper. In cases where the licence is longer than one page, licensees must ensure that all pages of the licence are posted and visible to parents.

Licensees must also post any additional information as required through conditions on their licence, such as their licence inspection summary.

The licensed child care decal is the property of the Ministry of Education, and must be returned to the Ministry when the child care centre is no longer operating as licensed child care. Licensees must also return their most recent licence when returning their decal.

When returning a licensed child care decal, licensees must mail the decal and their most recent licence to:

Child Care Quality Assurance and Licensing Branch  
77 Wellesley Street West, Box 980  
Toronto ON  
M7A 1N3

If a licensed child care decal has not been received by the licensee, becomes damaged, is lost, or is stolen, the licensee must contact CCLS Help Desk as soon as possible at 1-855-457-5478 or email [childcare.helpdesk@ontario.ca](mailto:childcare.helpdesk@ontario.ca).

## **Compliance Indicators**

1. The licence is posted in a conspicuous place accessible to parents.
2. The licensed child care decal is posted in a conspicuous place accessible to parents.
3. Any additional information that the licensee is required to post through conditions on their licence is posted in a conspicuous place accessible to parents.

## **Recommendations**

The licensed child care decal for child care centres is designed to be affixed to a smooth glass surface, such as a window, and should be posted at the main entrance used by most parents.

In shared space situations, such as schools or community centres, licensees should negotiate with the principal or other responsible individual to have the decal posted by the entrance used by most parents of children attending the child care centre. This may not be the main entrance of the building.

In situations where there is no conspicuous window location in which to post the decal, licensees may wish to get a small upright picture frame so that the decal can be prominently displayed beside the attendance sheet.

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## Section 11- Other Legislation

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### Subsection 11.1– Small Water Works (Safe Drinking Water Act, 2002)

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#### Ontario Regulation 170/03

Drinking water systems that supply water to a child care centre where the source of the water is not from a municipal water service connection are required to comply with O. Reg. 170/03 under the *Safe Drinking Water Act, 2002*.

#### Intent

Child care centres are required to comply with the laws of Ontario, including rules and for microbiological sampling and testing for water sources that are not on municipal systems as set out in O. Reg. 170/03 under the *Safe Drinking Water Act, 2002*.

The *Safe Drinking Water Act, 2002* is intended to protect human health and prevent drinking water health hazards through the control and regulation of drinking water systems and drinking water testing.

#### Special Instructions

##### Register for a Drinking Water Information System (DWIS) Number

Before sampling and testing for lead, licensees must register the child care centre for a DWIS number, following these steps:

- find a [lab licensed to test for lead](#)
- complete the [Registration and Laboratory Services Notification form](#)
- email the completed form to [reg170\\_formsubmission.moe@ontario.ca](mailto:reg170_formsubmission.moe@ontario.ca)
- receive a confirmation letter or email and keep the assigned drinking water information system number on file

Child care centres that are co-located with other institutions that also have DWIS numbers (e.g., public schools, private schools), must still obtain a DWIS number that is unique to the child care centre; however, the co-located facilities may share a single sample. Information on the co-located facilities must be included in the [Registration and Laboratory Services Notification form](#)

## Recommendations

Non-municipal drinking water systems are private drinking water systems that are not managed by the local municipality. These systems provide water to people's homes as well as to designated facilities that serve vulnerable populations, such as child care centres, schools and hospitals.

When a non-municipal drinking water system serves a designated facility, the owner of the system must take additional measures to ensure the health and safety of the individual accessing the water.

The provincial government, through the Ministry of the Environment and Climate Change, regulates these systems to ensure water safety.

More information can be found at the following links:

[Rules for Non-Municipal Drinking Water Systems](#)

[Providing Safe Drinking Water to the Public \(a guide for owners and operators of non-residential and seasonal residential drinking water systems that serve designated facilities\)](#)

Licensees may also wish to contact the Drinking Water Help Line (1-866-793-2588) for questions about drinking water systems, system classification and water testing. The help line is available Monday to Friday from 9 a.m. to 5 p.m.

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## Subsection 11.2– Lead Testing (Safe Drinking Water Act, 2002)

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### Ontario Regulation 243/07

The child care centre is registered with the Ministry of the Environment and Climate Change and has a registration number. (Safe Drinking Water Act; 2002.)

### Intent

Child care centres are required to comply with the rules for lead testing in O. Reg. 243/07 under the Safe Drinking Water Act, 2002.

Young children are more sensitive to the effects of lead because they are still developing and their small bodies can absorb it more easily than adults. Even small amounts of lead can be harmful to young children, infants and pregnant women.

The Safe Drinking Water Act, 2002 is intended to protect human health and prevent drinking water health hazards through the control and regulation of drinking water systems and drinking water testing.

O. Reg. 137/15 requires that licensees demonstrate at time of application that they are in compliance with the requirements of the *Safe Drinking Water Act, 2002*.

### **Recommendations**

See Manual Subsection 11.1 for information on Registering for a Drinking Water Information System (DWIS) Number.

For detailed information, licensees may refer to the [Guide for schools, private schools and day nurseries on flushing and testing for lead in drinking water](#).

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## **Subsection 11.3– Smoke-Free Ontario Act**

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### **Smoke-Free Ontario Act**

Child care centres are required to comply with the rules that prohibit smoking tobacco in certain locations under the Smoke-Free Ontario Act.

The Smoke-Free Ontario Act prohibits smoking or holding lit tobacco in a child care centre and requires that licensees notify all employees that smoking is prohibited, post signage indicating that smoking is prohibited, ensure that there are no ashtrays inside the child care centres and ensure that any individual who refuses to comply with the requirements does not remain in the child care centre.

### **Intent**

The Smoke-Free Ontario Act helps protect the health of all Ontarians by prohibiting smoking in all enclosed workplaces and public places. Under the Act, smoking is prohibited at all times in a child care centre whether or not children are present.

### **Recommendations**

It is recommended that a smoke-free policy be included in the child care centre's parent handbook and reviewed with the staff prior to commencement of employment, with parents prior to enrolment of their children, and with students and volunteers prior to commencement of their placement.

Enforcement of the Smoke-Free Ontario Act is the responsibility of tobacco control inspectors from local public health units. Local public health units will carry out inspections in and investigate complaints made about child care centres to enforce the Act.

For more information, contact the [local public health unit](#) or visit the Ontario government's website – [Smoke-Free Ontario](#)

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## **Subsection 11.4– Car Seat Safety – *Highway Traffic Act***

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### **Regulation 613 (Highway Traffic Act)**

Under [Regulation 613](#) of the [Highway Traffic Act](#) drivers of motor vehicles are required to ensure that children are secured in the appropriate child restraint system.

### **Intent**

The requirements of the Highway Traffic Act are intended to enhance the safety of children being transported in a vehicle.

### **Recommendations**

To verify Canadian Motor Vehicle Safety Standard (CMVSS) certification, child car seating and restraint systems must have a sticker or tag attached verifying that they are compliant with CMVSS.

It is recommended that the child car seating and restraint system equipment used is not older than ten years.

Local public health units may be able to provide additional information on car seat safety. Licensees may also be able to attend a car seat safety clinic. These clinics are offered by a variety of different organizations, including the Ontario Provincial Police and Transport Canada.

### **Resources**

[Keep Kids Safe - Transport Canada](#)

[Choosing the Right Car Seat – Ontario Ministry of Transportation](#)

[Install a Car Seat – Ontario Ministry of Transportation](#)

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## **Section 12- Corporations**

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### **Subsection 12.1– Incorporation**

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#### **Child Care and Early Years Act, 2014**

Notice of change, corporations

20(6) Where the licensee is a corporation, the licensee shall notify a director in writing within 15 days of any change in the officers or directors of the corporation.

#### **Intent**

The past conduct of directors, officers, employees and individuals with a controlling interest in an incorporated applicant or licensee is an important consideration when assessing their competency to operate a child care centre.

Corporations are required to list their directors and officers in the CCLS at time of application and notify the Ministry in writing within 15 days of any change in the directors or officers. This notification allows the Ministry director an opportunity to review the past conduct and competency of new directors and officers.

#### **Special Instructions**

Corporations must complete and submit an Initial Return to the Ministry of Government and Consumer Services within 60 days after the date of incorporation, amalgamation or continuation.

After filing an Initial Return, corporations must complete and submit a Notice of Change to the Ministry of Government and Consumer Services within 15 days after any change takes place (e.g., when a corporation changes its address, directors or officers).

These forms can be accessed online [here](#).

#### **Recommendations**

A community group, which has established or intends to establish a child care centre can become incorporated under various pieces of legislation according to their methods of funding and operation. Incorporation enables a group to continue functioning even if its executive or membership should change.

A corporation may hold real estate, may borrow money and may contract in its own name.



Individual members of the corporation are generally exempt from personal liability for the debts and obligations of the corporation. However, under certain circumstances, the Board of Directors may be personally liable for certain debts and obligations of the corporation. Should this situation arise, the individual should obtain legal advice.

#### [One-Source for Business](#)

- Provides information on opening and operating a business in Ontario, including, registering your business, filling out the appropriate permits and licences, and searching for financing and other important information.
- Note that this website provides information on registering business names and obtaining a master business licence which is not the same as a licence to operate a child care centre. Applicants and licensees are encouraged to consult with their legal counsel to determine whether they must register their business name. Please note that corporations are prohibited from offering child care for more than five children until a child care licence has been issued by the Ministry of Education.
- Includes information for commercial/for-profit corporation and not-for-profit corporations.

#### [Not-For-Profit Incorporator's Handbook](#)

- Provides general information on the nature of a not-for-profit corporation and guidelines on how to incorporate such a corporation.

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## **Subsection 12.2– Sales**

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### **Intent**

To provide information on licensing processes and requirements when an individual or corporation is considering selling a child care centre or home child care agency.

### **Special Instructions**

#### **Sale of Assets – new licence required**

A new licence is required when the legal entity responsible for the operation and management of the child care centre changes. This change could happen in two situations:

- An individual licensee chooses to sell their child care centre to a corporation or another individual.
- An incorporated licensee chooses to sell some of the assets of their child care centre. The purchaser buys some of the assets of the child care centre as

specified in the sale agreement, but does not acquire the corporation which is licensed to operate the child care centre. The licence issued by the Ministry of Education is not an asset that can be sold.

In both situations described above, a new individual or corporation will be responsible for the operation and management of the child care centre. The new owner will need to apply for and be issued a new licence to operate a child care centre before they begin providing child care.

To minimize disruption in service for families, the following licensing process should be followed.

1. The current licensee (vendor) notifies their program advisor in writing of their intent to sell at least 30 days before the tentative closing date. The notification should include:
  - a. tentative closing date
  - b. name of the prospective purchaser; and,
  - c. plans to inform parents, staff and the CMSM/DSSAB.
2. If the expiry date for the current licence is imminent, the vendor submits a licence renewal request in CCLS and submits the renewal fee to the Ministry prior to the expiry of the current licence. This ensures that the licence remains in effect during the sale process.
3. The program advisor contacts the prospective purchaser to inform them of the process required to obtain a new licence under the CCEYA.
4. The program advisor informs the prospective purchaser that all requirements of the CCEYA must be met and a new licence must be issued before the prospective purchaser can begin providing child care.
5. The prospective purchaser applies for a licence using the CCLS (Registration Guide for Licensed Child Care Programs)
6. The prospective purchaser provides all initial documentation required by the Ministry, including:
  - a. Application fee: cheque or money order made out to the Minister of Finance.
  - b. Written confirmation of compliance with local zoning, fire, health and building departments (where applicable). Note that municipal approvals cannot be transferred from the previous licensee.
  - c. Incorporation papers (where applicable), including a list of officers and the directors of the corporation.

- d. A Criminal Reference Check for the applicant or, if the applicant is a corporation, for each director. If the applicant or director(s) will be interacting with children, a Vulnerable Sector Check is required.
- e. Verification of current insurance.

7. Program advisor conducts a licensing inspection with both the vendor/current licensee and the prospective purchaser/applicant.

- a. Licensing inspection is conducted prior to the closing date to ensure sufficient time to achieve compliance with licensing requirements.
- b. The vendor and prospective purchaser must decide who is responsible to comply with any outstanding requirements. The program advisor documents the name of the responsible party in the licensing summary sheets.
- c. Copies of the summary sheets identifying outstanding requirements are provided to both parties.
- d. Compliance with all outstanding requirements is required prior to a new licence being issued.

8. Letters from the legal representatives of both purchaser and vendor verifying details, including the closing date, are submitted to the program advisor.

- a. The actual sale date must coincide with the date the new licence is issued and the Ministry must receive written confirmation from legal representatives of both the purchaser and vendor that the sale is complete.

9. The program advisor verifies compliance with all outstanding requirements. A final site visit may take place just prior to the closing date to verify that sufficient equipment and furnishings are in place.

10. The licence is issued through CCLS and printed and posted in the child care centre.

#### Sale of Shares – new licence **not** required

When the legal entity responsible for the operation and management of the child care centre does not change, a new licence is not required. This could happen in the following situation:

An incorporated licensee sells the shares of their corporation.

In the situation described above, the purchaser buys the entire corporation and continues to operate the child care centre under the existing licence. A new licence is not required because the same corporation continues to be responsible for the operation and management of the child care centre.

To minimize disruption in service for families, the following licensing process should be followed.

1. The current licensee (vendor) notifies their program advisor in writing of their intent to sell at least 30 days before the tentative closing date. The notification should include:
  - a. tentative closing date;
  - b. name of the prospective purchaser; and
  - c. plans to inform parents, staff and the CMSM/DSSAB.
2. If the expiry date for the current licence is imminent, the vendor submits a licence renewal request in CCLS and submits the renewal fee to the Ministry prior to the expiry of the current licence. This ensures that the licence remains in effect during the sale
3. The program advisor contacts the prospective purchaser to inform them of the documents required to continue operating the child care centre under the existing licence.
4. The prospective purchaser submits to the Ministry:
  - a. A copy of the Notice of Change form that has been filed with the Ministry of Government and Consumer Services, including a list of new directors and officers of the corporation (must be provided to the Ministry within 15 days of the change occurring).
  - b. Confirmation of whether the new director(s) will have direct contact with the children attending the centre.
  - c. Criminal Reference Checks for the new director(s). If the new director(s) will be interacting with children, a Vulnerable Sector Check is required.
  - d. Proof of insurance.
  - e. Written verification from the lawyer for the vendor and the lawyer for the purchaser that the sale is complete.
  - f. Confirmation that the purchaser has registered in CCLS and been provisioned licensee access.

Note: There is no guarantee that the purchaser will continue to be licensed. The director will review the information about the new directors and officers of the corporation (provided by the purchaser), including criminal reference checks. If there are grounds (past conduct or lack of competence) to refuse to issue a licence had the corporation been applying for a licence in the first instance, the director may propose to revoke or refuse to renew the licence.

5. The program advisor conducts an unannounced monitoring visit to the child care centre after the sale is complete.



## Section 13- Enforcement

Where non-compliances identified in an inspection are not rectified by the licensee within the required timeframe, the matter may be referred to enforcement for further action. The CCEYA gives the Ministry a number of tools to enforce the CCEYA requirements, including compliance orders, protection orders, administrative penalties and prosecution of offences committed under the Act.

### Public Registry of Child Care Violations:

Inspections or investigations which result in a compliance order, protection order, administrative penalty or prosecution of a licensed child care program are posted on the Ministry's website at

<http://www.edu.gov.on.ca/childcare/unlicensed.html>.

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## Subsection 13.1– Compliance Orders

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### Child Care and Early Years Act, 2014

#### Compliance orders

36(1) If a director or inspector believes on reasonable grounds that a person is not in compliance with a provision of this Act or the regulations, the director or inspector may make a compliance order,

- (a) ordering the person to comply with the provision;
- (b) ordering the person to do or refrain from doing anything specified in the order; and
- (c) specifying dates by which the person is required to do or refrain from doing the things specified.

#### Offence re orders

- (2) Every person who fails to comply with an order made under section 36, 37 or 38 is guilty of an offence.

#### Intent

Whenever appropriate, the ministry will take an escalating approach to enforcement, starting first by providing clarity to providers, staff and licensees on the rules of the new legislation. This clarity may be provided by ministry Program Advisors or Enforcement

Investigators. If further actions are required, depending on the nature of the contravention and the specific circumstances, a compliance order may be issued.

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## Subsection 13.2 – Administrative Penalties

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### Child Care and Early Years Act, 2014

#### Notice of administrative penalty

39(1) A director or inspector may issue a notice in writing requiring a person to pay an administrative penalty in the amount set out in the notice if the director or inspector is of the opinion that the person has contravened this Act or the regulations.

#### Content of notice of administrative penalty

39(6) A notice of administrative penalty shall,

- (a) contain or be accompanied by information setting out the nature of the contravention including, if relevant, the date on which and location where the contravention occurred;
- (b) set out the amount of the penalty to be paid and specify the time and manner of the payment; and
- (c) inform the person of his, her or its right to request a review of the notice by a designated senior employee.

### Ontario Regulation 137/15

Item	Column 1 Contravened provisions	Column 2 Description of contravention	Column 3 Amount of administrative penalty, in dollars
1.	Act, s. 6 (1), read with s. 6 (3) subparagraph 1 i	Prohibition – provision of home child care, total number of children	2000 × number of children that exceed the number specified in the Act
2.	Act, s. 6 (1), read with s. 6 (3)	Prohibition – provision of home child care, number of children younger than two	2000 × number of children that exceed the number specified in the Act

	subparagraph 1 iv		
3.	Act, s. 6 (1), read with s. 6 (3) subparagraph 1 iii	Prohibition – provision of home child care, advising home child care agency	1,000
4.	Act, s. 6 (1), read with s. 6 (3) subparagraph 2 i	Prohibition – provision of unlicensed child care, total number of children	2000 × number of children that exceed the number specified in the Act
5.	Act, s. 6 (1), read with s. 6 (3) subparagraph 2 iii	Prohibition – provision of unlicensed child care, number of children younger than two	2000 × number of children that exceed the number specified in the Act
6.	Act, s. 7	Prohibition – operation of home child care agency	1,000
7.	Act, s. 8	Prohibition – operation of multiple unlicensed premises	2,000
8.	Act, s. 9	Prohibition – past conduct, child care providers, etc.	1,000
9.	Act, s. 10	Prohibition – preventing parental access to the child and premises	1,000
10.	Act, s. 11	Prohibition – use of terms re licensing	750
11.	Act, s. 12	Duty to disclose if not licensed	750
12.	Act, s. 14	Duties re posting, returning and	750

		copying licences	
13.	Act, s. 15	Duty to provide receipt for payment	500
14.	Act, s. 31 (4)	Obligation to produce and assist	500
15.	Act, s. 35	Obligation to provide criminal reference checks	2,000
16.	Act, s. 76	Prohibition – obstruction of inspector	4,000

### Intent

As per the Act, administrative penalties are intended to encourage compliance and prevent individuals from deriving economic benefit from contravening the Act or the regulations.

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## Subsection 13.3 – Right to Review

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### Child Care and Early Years Act, 2014

#### Right to review

39(7) A person who receives a notice of administrative penalty may require a designated senior employee to review the notice by applying to the designated senior employee for a review in a form approved by the Minister,

- (a) within 15 days after the notice is served; or
- (b) within a longer period specified by the designated senior employee, if he or she considers it appropriate in the circumstances to extend the time for applying.

#### If no review requested

- (8) If a person who has received a notice of administrative penalty does not apply for a review, the person shall pay the penalty within 30 days after the day the notice was served.



### **If review requested**

- (9) If a person who has received a notice of administrative penalty applies for a review, the designated senior employee shall conduct the review in accordance with the regulations.

### **Designated senior employee's decision**

- (12) Upon a review, the designated senior employee may,
- (a) find that the person did not contravene the provision of this Act or regulations specified in the notice of administrative penalty, and rescind the notice;
  - (b) find that the person did contravene the provision of this Act or regulations specified in the notice of administrative penalty and affirm the notice; or
  - (c) find that the person did contravene the provision but that the penalty is excessive in the circumstances or is, by its magnitude, punitive in nature having regard to all the circumstances, and in that case the employee shall amend the notice by reducing the amount of the penalty.

### **Decision final**

- (13) The designated senior employee's decision is final.

### **Intent**

To provide a fair process, an individual or licensee has a legislated right to request a review of the notice of administrative penalty.

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## **Subsection 13.4 – Notice to Parents**

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### **Child Care and Early Years Act, 2014**

#### **Notice to parents, etc.**

- 39(10) Within 30 days after serving a notice of administrative penalty, a director shall,
- (a) post a summary of the notice of administrative penalty, in a manner approved by the Minister, at the premises where the child care is provided; or
  - (b) provide a summary of the notice of administrative penalty to the parents of the children for whom the care is provided.

### **Removal of posted notice**

39(11) No person, other than a director or inspector, shall remove a notice posted under clause (10) (a) unless the person is authorized to do so by a director or inspector or the circumstances prescribed by the regulations exist.

### **Intent**

This requirement provides transparency for parents and access important information regarding the child care program.

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## **Subsection 13.5 – Protection Orders**

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### **Child Care and Early Years Act, 2014**

#### **Protection orders**

37(1) If, upon conducting an inspection, a director or an inspector believes on reasonable grounds that there is an imminent threat to the health, safety or welfare of any children for whom child care is provided, the director or inspector shall make a protection order as follows:

1. If the child care is provided at a child care centre, the order,
  - i. shall order the licensee to stop operating the child care centre until the director is satisfied that the order has been complied with,
  - ii. shall order the licensee to eliminate the threat by taking any steps set out in the order, and
  - iii. shall suspend the licence.
2. If the child care is home child care or an in-home service, the order,
  - i. shall order the child care provider to stop providing the child care until the director is satisfied that the order has been complied with,
  - ii. shall order the child care provider and the home child care agency to eliminate the threat by taking any steps set out in the order,
  - iii. may order the home child care agency to stop operating until the director is satisfied that the order has been complied with, and
  - iv. may suspend the home child care agency's licence.
3. If paragraphs 1 and 2 do not apply, the order,

- i. shall order the child care provider to stop providing the child care that is the subject of the order until the director is satisfied that the order has been complied with, and
- ii. shall order the child care provider to eliminate the threat by taking any steps set out in the order.

### **Intent**

The purpose of this provision is to eliminate the threat to the health, safety, or welfare of the children; or to protect the children from such threat. A protection order requires that the provision of child care cease immediately until such time as the ministry is assured that the threat is resolved.

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## **Subsection 13.6 – Offences**

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### **Child Care and Early Years Act, 2014**

#### **List of offences**

- 78(1) Every person who contravenes or fails to comply with any of the following provisions of this Act is guilty of an offence:
1. Subsection 6 (1) (Prohibition re operation of child care centre).
  2. Section 7 (Prohibition re operation of home child care agency).
  3. Section 8 (Prohibition re operating multiple premises).
  4. Subsection 9 (1) or clause 9 (3) (a) (Prohibition re past conduct of provider).
  5. Subsection 10 (1) or (2) (Prohibition re preventing parental access).
  6. Subsection 11 (1), (3) or (4) (Prohibition re use of licensing terms, etc.).
  7. Subsection 14 (6) (Duty to return licence and signage).
  8. Section 16 (Accrediting programs and services).
  9. Subsection 17 (1) or (3) (Prohibition re use of accreditation terms, etc.).
  10. Subsection 73 (1) (Prohibition re Ontario education numbers).
  11. Section 76 (Prohibition re obstruction of inspector).
  12. Subsection 77 (1) or (2) (Prohibition re false or misleading information).

13. Any other provision of this Act or the regulations prescribed by the regulations.

### **Penalties for offences**

79 A person convicted of an offence under this Act is liable to a fine of not more than \$250,000, imprisonment for a term of not more than one year, or both.

9(1) No individual shall provide child care, operate a premises where child care is provided or enter into an agreement described in section 7 if:

1. The individual has been convicted of any of the following offences:

i. An offence under this Act.

### **Ontario Regulation 137/15**

#### **Prescribed Offences**

88.1 The following provisions are prescribed for the purposes of paragraph 13 of subsection 78 (1) of the Act:

1. Section 12 of the Act (Duty to disclose if not licensed and to retain record of disclosure).
2. Section 15 of the Act (Duty to provide receipt for payment).
3. Section 8 of this Regulation (Ratios and maximum group sizes, child care centre).
4. Section 11 of this Regulation (Supervision by adult at all times).
5. Section 48 of this Regulation (Prohibited practices).
6. Section 60 of this Regulation (Duty to obtain initial reference check). O. Reg. 126/16, s. 48.

#### **Intent**

The purpose of offences is to provide the Ministry with additional tools apart from the revocation of a licence to protect the health safety and well-being of children in all child care settings.

## Appendix A- Licence Appeal Tribunal

The Licence Appeal Tribunal's mandate is to provide a fair, impartial and efficient means to appeal decisions concerning compensation claims and licensing activities regulated by several ministries of the provincial government, including child care licensing regulated by the Ministry of Education.

An applicant or licensee has a legislated right to a hearing by the Tribunal when the applicant's/licensee's application for a licence or licence renewal is not approved, or a licensee's licence is revoked, suspended, the status of the licence is changed from regular to provisional or conditions imposed on the regular licence are not satisfactory to the licensee.

Sections 23, 24, 25 and 37 of the *Child Care and Early Years Act, 2014* set out the situations in which an applicant or licensee may appeal licensing decisions.

A licensee is not entitled to appeal conditions imposed on a provisional licence.

### Notice of Proposal to Applicant or Licensee

A Ministry of Education director must notify an applicant or licensee in writing if the director proposes to:

- refuse to issue a licence;
- refuse to renew a licence;
- revoke a licence;
- change the status of a licence to a provisional licence;
- impose conditions on a licence; or,
- amend existing conditions on a licence.

The written notice will indicate that the applicant or licensee is entitled to a hearing if they are dissatisfied with the decision(s) of the Ministry director, so long as written notice of the request for a hearing is sent to the director and the Tribunal within 15 days.

A licensee can also appeal a protection order if written notice is sent to the director and the Tribunal within 15 days of receiving the protection order.

If an applicant or licensee has not requested a hearing within the 15 day time limit, the Ministry director may proceed with his/her decision.

### Procedure for Hearing

When a request for a hearing has been received, the Tribunal determines the time and location for the hearing.

The following are the possible results of an appeal to the Tribunal. The Tribunal may:

- affirm the decision, order or proposal of the Ministry director, which means it remains in effect;
- rescind the decision, order or proposal of the Ministry director, which means it is no longer in effect; or
- substitute its own decision for the decision, order or proposal of the Ministry director, and direct that the Ministry director implement the decision of the Tribunal in accordance with the directions, if any, that the Tribunal considers appropriate.

The Tribunal can affirm or cancel conditions on a licence or prescribe other conditions or provisions.

### Continuation of Licence Pending Hearing

If a director proposes to refuse to renew or to revoke a licence and the licensee makes a written request for a hearing to the director and the Tribunal, the term of the licence is extended until the Tribunal reaches a decision.

If a director notifies a licensee in writing of a change in the status or conditions of their licence, the change is effective immediately, even if the licensee makes a written request for a hearing to the director and the Tribunal.

If a director issues a protection order and suspends a licence, the order takes effect immediately, even if the licensee makes a written request for a hearing to the director and the Tribunal.