

APPENDIX

Toronto Children's Services Operating Criteria



1. The Service Contract for Fee Subsidy

Eligibility for a Service Contract

To qualify for a service contract with Children's Services to provide subsidized (fee-assisted) childcare in the City of Toronto, a child care program must:

- Have a current unconditional license issued by the Provincial Ministry responsible for child care, with an expiry date that has not been extended pursuant to section 13(6) of the *Day Nurseries Act*. (Note that in some cases a new program with a provisional license may be considered on a case-by-case basis (e.g. due to installation of a playground).
- Be financially viable as per the financial viability process.
- Meet and maintain the requirements of the Operating Criteria as prescribed in this document.
- Be operationally efficient.
- Have non-profit status in the Province of Ontario.
- Provide child care services that meet the age and equity targets in the Toronto Child Care Service Plan.

Request for a Service Contract

Programs requesting consideration for a service contract must submit a written request to the District Director in their area. The agency will subsequently be sent a letter acknowledging the request along with the following:

- The Children's Services Operating Criteria
- Financial Viability Assessment Package
- Budget Package
- Insurance Requirements
- Toronto Child Care Service Plan

Program and Premises Review

The program must meet the standards outlined in the Operating Criteria as part of the service contract process. Following receipt of a service contract request, the Children's Services Consultant responsible for the area will be available to support the applicant with the process.

The applicant may decide to undertake a self-evaluation of the program using the Operating Criteria. When the applicant feels that their program is ready to meet the Operating Criteria, they must contact the Children's Services Consultant. The Consultant will then make an unannounced visit to the program and complete the Program and Premises Review using the Operating Criteria checklists.

This review will allow the Consultant to evaluate the child care program as well as the program's policies, procedures and records. In general, the review will cover the entire programming day and will focus on the requirements outlined in the Operating Criteria. Should there be any concerns at this time, follow up visits will be arranged.

The results of the review will be discussed with the applicant in detail and a copy of all reports left at the centre. Any concerns outlined must be rectified before a service contract will be approved.

Financial Viability

To ensure that agencies with a service contract will be able to provide stable and continuous care to families, an evaluation of their financial viability will also be needed. Past financial history, as detailed in financial statements and references, a statement of net worth, and a cash flow forecast for the next 12 month period will form the basis of the financial assessment.

Budget

The completion and approval of an operating budget will be needed before entering into a service contract with an agency. The budget package contains the appropriate forms and includes instructions for completion. On the basis of the approved budget, a per diem cost will be established.

Insurance

To protect the City of Toronto from third party liability suits and to ensure adequate coverage, the following requirements must be met:

- A minimum of \$2,000,000 liability coverage for Bodily Injury and Property Damage.
- The City of Toronto has been named as Additional Insured.
- The policy contains a cross liability clause of standard wording acceptable to the City Solicitor.

A copy of the full insurance policy must be provided before entering into a service contract. Proof of renewal will be needed annually thereafter.

Service Contracts

When all requirements have been met, a service contract between the City of Toronto and the child care program can be established. The contract outlines the responsibilities and requirements of each party.

The initial contract will be for a period of no longer than six months. This initial six months is considered to be a probationary period.

Centres Not in Compliance with the Day Nurseries Act and/or Operating Criteria

To qualify for and maintain a service contract, a child care program must hold a clear license. Any revision to the program's license status due to contravention of the Day Nurseries Act (DNA) may lead to termination of the service contract.

Failure of a child care program to comply with any section of the Operating Criteria may result in the imposition of sanctions. Sanctions are designed to ensure that the child care program returns to optimal operating status.

Depending on the nature of the violation, any or all of the following steps may be taken, and they may not be progressive in nature:

1. **"A period of grace"** to allow the centre to take corrective action may be negotiated where there is a violation of a temporary or less serious nature. If the centre does not comply within the period of grace, further sanctions will be imposed.

2. **A written warning** detailing the nature of the infraction, the remedial action necessary and the time frame for compliance. If the situation is not corrected, a "stop admission" order is placed on the program.

A stop admission order prevents any new subsidized children being placed in the child care program. If the program complies within the time indicated, the stop admission is lifted. If not, the centre's service contract will be in jeopardy.

Violations concerning human resources (staff training, group size, ratios), health and safety, nutrition or program are most likely to result in sanctions up to and including contract termination, since these are the areas that pose the most immediate threat to children's health and safety.

As a result of the possible threat to children's safety and well-being, any over-enrolment or under staffing will result in an immediate stop admission order.

A stop admission order may also be placed on a centre when the Consultant receives notification of an owner's intent to sell. A stop admission order may not be required if the offer to purchase is conditional on the centre meeting the Operating Criteria. Each situation will be considered on an individual basis.

3. **Termination of the Service Contract** will occur when there are serious concerns about the centre's ability to provide a safe and healthy child care environment.

If it is determined that children are at serious risk, the contract may be placed in jeopardy immediately without earlier sanctions being imposed. Under these conditions, families will be assisted in finding in alternate care.

Frequent "stop admission" orders are indicative of such concern. If there are three (3) stop admission orders placed on a program within a two (2) year period, the service contract will be terminated.

Placing a contract in jeopardy is the last step before termination of the service contract. When the contract is in jeopardy, two Children's Services Consultants will complete the child care program visits. The operator is given one final deadline. If the program is still not in compliance, the contract will be terminated.

Ensuring child care quality and compliance with regulations is a shared provincial/municipal responsibility. Therefore, Toronto Children's Services Consultants will regularly share information with provincial licensing specialists.

Appeal Process

A child care program that has had their service contract terminated may re-apply for another service contract after one year. The application will be reviewed by the Appeal Committee.

The Appeal Committee will hear appeal applications with respect to the following:

- Human Resources – staff qualifications
- Quality Control Measures

Appeal applications are completed by the Consultant in conjunction with the operator and submitted to Appeal Committee for consideration. A letter explaining the appeal decision will be forwarded to the operator under the signature of the General Manager.

2. Fee Subsidy

Using the targets as established by the Toronto Child Care Service Plan, subsidy spaces are equitably allocated by City ward to eligible clients living in the ward and waiting for subsidy. The Service Plan is a five-year action plan to guide the management of the child care system. It proposes specific directions to address quality, access and equity, and the development of a system of services for children in the City of Toronto.

Children's Services District Offices are located throughout Toronto. Caseworkers in the offices will provide clients with information about child care, determine and monitor ongoing financial eligibility for child care fee subsidy, provide assistance in arranging a child care placement and maintain statistical information on the children enrolled in child care programs. Caseworkers for Service Facilitation will provide assistance to clients who are on the waiting list and Caseworkers for Eligibility will provide assistance to clients who are already in receipt of subsidy.

Application

To apply for child care fee subsidy, a client must call the Children's Services KIDSLINE (416-392-KIDS) and the information needed to determine whether the client is eligible to be placed on the first come first served subsidy waiting list will be taken directly over the phone.

Placement

A client will be contacted by a Children's Services Caseworker when subsidy becomes available to them based on their position on the first come first served waiting list. At that time, an in-person meeting will be scheduled at one of the District Offices to confirm eligibility and discuss child care options and placement.

Once subsidy is approved, a client may choose to place his/her child(ren) in any child care program that has a service contract for fee subsidy with Children's Services, provided a physical vacancy exists in the program.

Final approval for a subsidized placement to start will be communicated to the client and the centre by a Caseworker for Service Facilitation. If a child is accepted into a child care centre without confirmation from the Caseworker

that subsidy has been approved, the centre will be responsible for collecting the full cost of child care from the client until such time as subsidy is approved by the Caseworker. Approval of subsidy will not be back-dated.

Enrolment Statistics/Vacancies

Each group centre must maintain accurate records of the number of children in their care. Regular contact between the centre and the Caseworker for Service Facilitation about upcoming vacancies, admissions, withdrawals, transfers or underage/overage approvals is crucial as this information will be used to project the number of available subsidy spaces and to ensure that updated information regarding physical vacancies in the child care centre will be available to families who need child care.

Determination of Ongoing Eligibility

Each client in receipt of subsidized child care must attend an in-person assessment at least once every twelve months to confirm ongoing eligibility. Clients must also contact their Caseworker for Eligibility when there is a change in their family size, marital status, custody arrangements, work or school location, work or school hours etc. In some cases, the change may result in the need for updated documents or for an in-person assessment to confirm ongoing eligibility.

Withdrawal of Subsidy

When a client has been given final notice to provide updated information or to attend an in-person assessment, the centre will also receive written notice of the impending withdrawal of subsidy from the Caseworker. Should the client fail to comply with the final request, this letter will provide the centre with notice of withdrawal. In some cases, notice of impending withdrawal will be communicated verbally to the centre and subsequently confirmed in writing.

Claims Administration (Payment Process)

When a centre is newly entering into a service contract for fee subsidy or when there is a change of supervisor in an existing child care centre, the supervisor and the Payment Support Assistant may arrange a meeting to confirm enrolment policies, procedures for completing the 'Enrolment Register' and the payment process.

Advances and Final Payments

During the first week of each month, the child care centre will receive an "advance" payment for the current month based on a percentage of the projected enrolment for the month. Centres that are consistently late in submitting the monthly 'Enrolment Register' may have the advance reduced or held. The balance, or "final" payment, along with invoice details and an invoice, will be received once the account has been completed. Payment of the advance and the final payment will occur through "direct deposit" with some exceptions as approved by the Consultant in which case a cheque will be mailed directly to the centre. The advance payment will always be for the current month, while the final payment will always be for the previous month.

Enrolment Register

Each month, the child care centre will receive in the mail a package from Children's Services that includes an 'Enrolment Register' for recording attendance of subsidized children enrolled in the program. Starting in January 2009, Children's Services will be phasing out the manual process and implementing an electronic process for recording attendance on the 'Enrolment Register'. This information will be submitted electronically to Children's Services and used to process the final payment for the month. The child care centre will be notified of the timeline for implementation of the automated process for their program with full implementation for all centres to be completed by September 2009.

When the 'Enrolment Register' is received (manually or electronically), the child care centre must ensure that all subsidized children are included and that each child is placed in the correct service offering. Any discrepancies must be reported immediately to the Caseworker for Service Facilitation. Submission of attendance electronically and final payment will not be possible until the discrepancy is addressed and records updated by the Caseworker.

Daily attendance for all subsidized children enrolled in the program during the month must be recorded on the 'Enrolment Register' and the forms submitted to the Payment Unit no later than the 7th business day of the month after the month in which the child care was provided .

When the forms are received, payment will be processed on a first come first served basis. However, if the centre has questions, the Payment Support Assistant assigned to the centre can be contacted.

Attendance Codes

When recording the attendance of children on the 'Enrolment Register' the following codes are to be used:

- P Child present /in attendance
- A Child not attending for any reason (including illness, vacation or any other absence)
- N Child is withdrawn from the location and centre did not receive appropriate notice (requires approval from the District Office Supervisor)
- B Child not attending because he/she is in back-up care

Weekends, Statutory Holidays and any other day that the centre is closed must be left blank.

Enrolment Policies

Any change in a child's enrolment (e.g. withdrawals, admissions, full time to part time, etc) must be reported to the Caseworker in a timely manner so that any adjustments can be made and correct payment can occur.

Enrolment

- Enrolment of a child will be deemed to commence on the first physical day of attendance following approval of fee subsidy. Payment will not be made for a statutory holiday when the holiday precedes the child's first day of attendance.
- When a child transfers to another child care program on the Monday following a week where the Friday is a statutory holiday, the child will be considered enrolled up to and including the Friday statutory holiday in the child care program that the child has left. When a statutory holiday falls on a Monday, the child will be considered enrolled in the new child care program as of the date of the statutory holiday.

Days of Closure/Statutory Holidays

- When a child care program is closed for a specified period, payment will not be made for the days closed. In some cases, when clients are charged a fee for days on which the program is closed (as specified in the budget submission), the operator will receive payment for those days including any statutory holidays that fall within that period.
- Payment will be made for statutory holidays (New Year's Day, Good Friday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Monday, Christmas Day and Boxing Day) provided the child is enrolled during this period and parent fees are charged for the statutory holiday.
- When a centre is closed on Family Day, payment will occur provided the child is enrolled during this period and parent fees are charged for the holiday.
- Depending on when Christmas Day, Boxing Day and New Year's Day fall, some centres may decide to choose to designate an alternate day on which to close that is different from the days of closure as determined by the City of Toronto. The centre must inform the appropriate Consultant if the days differ and an adjustment will be made so that correct payment can occur.
- If a centre provides care both the day before a statutory holiday and the day after the statutory holiday, payment will be made for the statutory holiday. If the centre provides care for only one of those days, either the day before or the day after the statutory holiday, payment will be made for the statutory holiday provided that parent fees are charged for those days.

Withdrawal

- A child will be considered withdrawn as of the last physical day of attendance in care.
- Absent days cannot be used in lieu of giving the appropriate notice.
- If the child's last physical day immediately precedes a Friday statutory holiday, the centre will receive payment for the statutory holiday provided that parent fees are charged for the holiday.
- If a child is withdrawn without notice, the Division may approve payment for up to 5 additional days beyond the child's last physical day of attendance, at the per diem rate less the parent assessed fee and less any deposit amounts.
- The payment for withdrawal without notice will be applied as a debt (penalty fee) to the parent and the parent will have to repay the debt in full or set up a mutually agreeable re-payment schedule before subsidy will be approved or reinstated in the future. Group centres may not impose any additional monetary penalty to a client when a child is withdrawn without notice.
- If there are extenuating circumstances outside the parent's control that prevent them from providing the appropriate notice of withdrawal, the parent may request that the debt (penalty fee) be waived.
- Due to the short-term nature of some placements of children residing in a hostel/shelter and the possibility that the household may be unable to provide sufficient notice of withdrawal due to the extenuating circumstances, payment for 'withdrawal without notice' may not be applicable if the child is withdrawn without notice within the first six weeks of admission. Every effort will be made to give the centre as much notice as possible.

Attendance Policy

Effective January 1, 2009, for all subsidized clients who have children enrolled in a child care program with a service contract for fee subsidy, the following will apply:

- The number of days a child may be absent in a calendar year will be determined by the child's enrolment date in the calendar year.
- A subsidized child enrolled in the first half of the year (January to June) may be absent up to 35 days in the calendar year (January to December).

Toronto Children's Services Operating Criteria

- A child, as above, whose subsidy is terminated in the first half of the year, (January to June) and subsidy is subsequently reinstated before the end of June in the same year, may still be absent up to 35 days in the calendar year (January to December)
- A subsidized child who is admitted in the second half of the calendar year (July to December), may only be absent up to **18** days for the remainder of the calendar year.
- The total number of days that a child may be absent does not change even if the child transfers to another child care program during the year.
- When custody of a child changes, the number of days that the child may be absent will be determined as above based on the date the subsidy starts with the new "parent/guardian".
- Absent days include any day when the child does not attend for any reason, including vacation and illness.
- Absent days exclude a statutory holiday or any other day that the child care program does not offer service.
- A client must pay their assessed fee when their child is absent
- A client must pay the operator the full cost of care for any absent days exceeding the child's entitlement for the calendar year.
- Subsidy will be terminated when a child is absent for more than 20 consecutive days.
- When a child is absent for more than their entitlement because of a documented special need or a medical condition, the client may submit an **Absent Day Exception** form requesting consideration of additional absent days.
- In the event of a wide spread epidemic, natural disaster, communicable disease or other event that affects a large group of families, the Operator may submit a written appeal for consideration of payment for additional absent days for those children affected by the event

Responsibility of the Operator and the Client(s)

Operator:

- The operator will develop clear policies and procedures to reflect the new policy. The policies and procedures must reflect the agencies mandate.

- The operator is responsible for monitoring a child's number of absent days taken against their allotment. It is a recommended practise that families are given written notice of remaining allotment at the point where a child has reached 75% of their allotment.
- Operators may choose to notify a client in writing and/or meet in person with the client to review the policy and remind them that if they exceed the allotted amount of days they will be responsible to pay the full cost of care for those days.

Client:

- Clients are responsible to report to their provider any planned vacation or if the child will be absent from care for any reason. This is to ensure the operator can properly plan for the number of children that are in attendance for any particular day and monitor the child's allotment of absent days
- If a request for additional days is needed due to a child's on-going special need and/or medical condition a discussion between the District Supervisor and the Special Needs Resource Supervisor for that district will take place

Allowable Exceptions

Special Circumstances:

- If a request for additional days is submitted by the client due to a child's on-going special need and/or medical condition a discussion between the District Office Supervisor and the Special Needs Resource Supervisor for that district will take place. Documentation will be required for any approval made by the District Supervisor.
- If a child does not return to care following a planned absence, and is withdrawn without notice as a result, if the operator demonstrates sound business practices/policies related to enrolment management and collection of fees, then special circumstances for further payment can be considered for additional payment beyond the 5 days payment generally approved
- If a parent/operator makes a request for paid absent days which exceed a total of 50 days for a child, the request will go to the General Manager's Appeal Committee.

3. Racism Definitions

- **Racism** is a system in which one group of people exercises abusive power over others on the basis of skin colour and racial heritage; a set of implicit or explicit beliefs, erroneous assumptions and actions based upon an ideology of inherent superiority of one racial or ethnic group over another. Racism is manifested within organizational and institutional structures and programs as well as within individual thought or behaviour patterns.
- **Anti-racism** is a process which acknowledges the existence of systemic racism including institutional and societal and, through policies and practices, seeks actively to identify, challenge and eliminate racism in all its various forms wherever they exist.
- **Anti-racism organizational change** is guided by a vision and goals in which corporate values, systems, experiences and behaviours of individuals are deliberately changed to achieve access, equity and full participation for employees and service users. This involves a process of identifying, challenging and eliminating systemic barriers and individual acts of racism.
- **A racial incident** is prejudice or discrimination against people of different races and cultures manifested in the following ways: banter, racist jokes, name-calling, discourteous treatment, graffiti, threats, insults or physical violence. Racist attitudes can be subtle, covert, overt, and sometimes even unconscious. (Metropolitan Toronto Separate School Board)
- **Racial ethnic incidents** involve racial bias that is manifested through verbal, written or physical abuse and may range from name-calling and graffiti to physical assault. They may be of a subtle and/or passive nature, or they may be overt. Incidents may be instigated by clients, staff or visitors. (Ontario Ministry of Labour)

Based on the Ontario Anti-Racism Secretariat definition

4. Terminology Glossary

Section:	Note:	Clarification:
All program sections, playground, Nutrition and Admin	Some	Two or more
All program sections, playground, Nutrition and Admin	Variety	Three or more
All program sections, playground, Nutrition and Admin	Range	More than one in each of the required categories
All program sections	Available	Open to children during free play and unstructured playtime
All program sections	Accessible	Open for children to use without having to ask a teacher (for permission, to bring down from a high shelf etc).
Playground, all program sections	Sufficient	Enough toys and equipment for the number of children who want to use them
All program sections, playground, Nutrition and Admin	Some/Sometimes	25% of the equipment and/or materials and/or 25% of the day/time
All program sections	Whole day	Program planning is done for the whole day.
All program sections	Formal Planning Meetings	Meetings that are held away from the supervision of children
All program sections	In advance of activities	Time is planned to prepare materials prior to having to supervise children
All program sections	Word and picture theme boards	Examples are: Visual schedules, routine boards, picture boards etc
All program sections	Other learning areas	Books can be found in other areas of the program for example: drama, construction, science etc
Infant, Toddlers and Pre-school Sections	Staff read to children	During group times, spontaneous, individual or small group etc
Toddler, Pre-school Sections	Complete toys	Examples are: a large object, bin of toys etc
Toddler, Pre-school and School Age Sections	Planned Physical Activities	Examples are: Rainbow Fun, games, exercises, races etc.
All program sections	Items are biased	Equipment/materials that do not represent diversity
School Age Section	Self-directed art work	Children are allowed to direct their art work and work on projects for longer periods etc

Toronto Children's Services Operating Criteria

All program sections	Extended waiting	Waiting longer than children's patience level or children are not given alternative activities to do while waiting.
All program sections	Language resources	Examples include: include learning key language in child's first language, using sign language etc
All program sections	Leadership opportunities	Examples include leading the group, bringing the attendance, being a helper etc
All program sections	Before eating	Allows for children to participate in holding circles and the use of transitional equipment etc as long as the items are washed
Infant	Minor food preparation	Examples include: warming up formula, warming up food, cutting up foods into smaller portions etc
Infants	Appropriate seating	Examples include: infant seats, feeding chairs, low tables, cube chairs etc.
Infant	Floor surfaces	Include, floors, mats, pillows etc
Infant	Language times	During feeding adults sing gentle songs, recite nursery rhymes etc
Infant	Bottles are held	Adults hold the bottle for infants who are not able to do it themselves
Playground	*Outdoor playground for use in all weather	Secure permanent structures that allow children to use the playground during all weather conditions
Playground, all program pieces	Seasonally Adjusted	Toboggans, shovels, rakes, wading pool etc are offered during the correct season
Playground	Large Toys	Examples are: Bikes, scooters, ride on toys etc
Playground	Surfaces	Playground surfaces can include grass, step into sand boxes, tarmac, concrete, soft surface etc
Playground	Surfaces do not provide full participation	Due to a child's disability they are not able to participate because of the surface for example: if there are wood chips a wheel chair could not navigate etc.
Playground	Natural elements	Examples are: Trees, grass, plants etc
Nutrition and Infant	Sanitary	Sanitary Practices include: Hands being washed prior to touching food, refrigeration of food, cutting boards are cleaned and sanitised to eliminate cross contamination etc.

Toronto Children's Services Operating Criteria

Nutrition, all programs	On site/ On Call maintenance staff	A company or person you can call when you need maintenance done
Nutrition	Similar	Consideration is made when substituting foods to try and make it look similar to the food that is offered to the rest of the children
Admin	Scheduled meetings	Bi-weekly or monthly
Admin	Access and Equity Policy	Access and equity includes anti-racism, anti-bias and an inclusion policy
Admin	Common areas	All areas excluding playrooms and kitchen
Admin	Promptly	Within 48 hours
Admin	Portable attendance	Examples are: clip boards, binders etc
Admin	Emergency medication	Examples are Epi Pens, puffers etc that are given to children who are age appropriate, for self-medicating. This is also supported by documentation signed by the parent and doctor.
Admin	Highly visible	Staff is able to see and count their group easily. Examples are children wearing items to distinguish that they are with a certain group.