



STAFF REPORT ACTION REQUIRED

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

Date:	April 2, 2015
To:	Community Development and Recreation Committee
From:	General Manager, Children's Services
Wards:	All
Reference Number:	

SUMMARY

This report seeks Council approval for a City of Toronto position on proposed regulatory amendments made under the new *Child Care and Early Years Act, 2014*, which governs child care in Ontario. Proposals were posted by the Province on March 24, 2015.

RECOMMENDATIONS

The General Manager, Children's Services, recommends that:

1. For reasons of quality, health and safety, City Council reaffirm its 2014 position opposing proposed regulations that would:
 - (a) Require only one staff person for a group of twenty children aged nine to twelve; and
 - (b) Remove the requirement that home child care providers be restricted to caring for a maximum of three children under the age of three;
2. City Council support in principle proposed regulations requiring all employees working in licensed child care centres and all regulated home child care providers to have current first aid certification, and request that the Province work with municipalities to allow sufficient time to implement this new requirement;

3. City Council oppose a proposed regulation that would remove the limit on the number of children with extra support needs that can be cared for by a single home child care provider for reasons of health and safety;
4. With respect to increased requirements for mandatory and ongoing police vulnerable sector checks, City Council request the Province to defer consideration of this proposal until the second phase of regulatory changes, to provide municipalities with time to understand the policy, financial and operational implications of implementing this proposal;
5. City Council direct the General Manager, Children's Services, to consult with Toronto Police Services, Legal Services, Human Resources, other divisions and the child care community to identify any policy, operational and financial issues associated with implementing regulations related to Police Vulnerable Sector Checks and first aid certification and to report to the Community Development and Recreation Committee on these impacts prior to the end of 2015; and
6. City Council request that the Province include in phase two of the regulatory reform process, the changes necessary to align requirements for school board and child care programs to ensure a seamless experience for children throughout the school day and to facilitate joint planning of the early learning system.

Financial Impact

There are no financial impacts resulting from adoption of recommendations contained in this report. Potential costs associated with new regulations, including increased requirements of employers and staff to undertake police vulnerable sector checks and first aid certification, are not known at this time. Financial implications associated with the implementation of these regulations will be reported by the General Manager, Children's Services, in 2015 and communicated to Provincial officials as part of ongoing regulatory discussions.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of April 1, 2 and 3, 2014, City Council endorsed a response to proposed legislative and regulatory changes attached as Appendix A to the report (March 3, 2014) from the General Manager, Children's Services

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.CD27.3>

ISSUE BACKGROUND

In 2012, as part of its "Modernizing Child Care in Ontario" initiative, the provincial government committed to reviewing the regulatory standards for child care, ensuring that they support quality and consistency across the province. Children's Services acknowledged and supported the need to review the legislative and regulatory framework, which was out of date and not reflective of current best practice.

In December 2014, the Province passed the *Child Care and Early Years Act, 2014* (CCEYA). This Act replaced the *Day Nurseries Act* as the statute governing child care in Ontario. On March 24, 2015, the Ministry of Education proposed regulatory changes related to the new Act (<http://www.ontariocanada.com/registry/view.do?postingId=17882&language=en>).

The proposals are described as the "beginning of a staged approach to the development and implementation of new regulations under the CCEYA." The proposed regulations fall under four priority areas: licensing clarity, enforcement, licensing standards, and special needs. The provincial deadline to submit comments is May 11, 2015.

The Province previously proposed regulatory changes in late 2013. At the time, Children's Services consulted with child care service providers on those proposals and prepared a response to the Province that was adopted by City Council in April 2014. Many other organizations and stakeholders from across the Province also submitted responses. As part of this process, the Province was urged to delay the adoption of new regulations until more research, analysis and consultation had been completed. As a result, no changes were made at that time.

COMMENTS

Children's Services continues to support the need for an updated legislative and regulatory framework governing child care in Ontario. Many of the current proposals are consistent with City Council's 2014 position. Some new proposals have now been released that require a formal City position.

Concerns raised with two proposals in 2014 have not been addressed. These relate to child to staff ratios and could impact program quality and health and safety. These proposals are:

- (a) A proposed regulation that would allow one staff person for twenty children aged nine to 12; and
- (b) A proposed regulation eliminating the existing requirement that home child care providers care for a maximum of three children under the age of three.

The City's 2014 response recommended against both of these proposals. In the first case, the prospect of a single staff person for this number of children raised concerns around

liability and safety, especially where children with extra support needs are included in the group. In the second case, increasing the number of young children with one (potentially untrained) home provider was said to increase health and safety risks. Staff is recommending that Council reaffirm its position in these two areas.

Two other proposals have been modified since 2013 and, as such, require further comment. One of these would require current first aid certification for all employees working in licensed child care centres and all regulated home child care providers. (The previous proposal required only 50 per cent of full-time staff to be certified.) While this is a reasonable requirement, it will require time to comply. As a result, staff recommends that Council approve this proposal in principal to provide staff with the time necessary to identify and mitigate issues that could impact its implementation.

The other modification requires police vulnerable sector checks every five years for all licensed child care employees, volunteers, students, regulated home child care providers, and all adults living in a home where child care is offered. This is a significant change as it encompasses 946 child care centres and 19 licensed home child care agencies in Toronto, including the City's own directly operated child care centres and home child care agency. There are over 11,000 staff alone employed in 661 agencies that have a service contract with the City.

While the health and safety of children is a priority, municipalities need more time to assess the operational, policy, and financial impacts of implementing such a requirement. More information and analysis in partnership with Toronto Police Service, Legal Services, Human Resources, other City Divisions and the child care community is needed to manage implementation. As a result, it would be prudent for the Province to defer consideration of this proposal until the next stage of regulatory reform.

Also of concern are two proposals that were not included in the 2013 posting. First, the regulations would remove the limit on the number of children with extra support needs that can be cared for by a single home child care provider. (The limit is currently one to two children.) While this proposal aims to increase access to child care spaces for children with special needs, a stronger framework is required to ensure the capacity of providers and the suitability of care for children with extra support needs.

The proposals also suggest that new space requirements would be set for licensed programs for ages four and older. While the proposal contains no details, it is vital that space requirements be the same as those in schools for the same age groups, and that they not require significant capital changes. This would allow for children to remain in their classroom and experience a seamless day. Overall, it is important that these changes better align requirements of child care and school board programs. The Province is urged to take on this challenge in the next stage of regulatory reform.

Children's Services will continue to support the Province in making needed legislative and regulatory changes. The division continues to recommend that changes be based on

research, best practice, and robust engagement processes, and that they be implemented in a way that allows transition time for operators and staff to comply.

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SIGNATURE

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