



REPORT FOR ACTION

Authorized Recreational and Skill Building Programs in Toronto

Date: March 26, 2018

To: Community Development and Recreation Committee

From: General Manager, Children's Services

Wards: All

SUMMARY

This report responds to City Council direction for a report on the optional role that early years service system managers may assume to authorize recreational and skill-building programs for six to 12 year old children. It recommends that the City not exercise this option due to the low expected need for a City-led authorization process, the unfunded costs associated with such a program, and risks that may be associated with developing and administering such a process.

RECOMMENDATIONS

The General Manager, Children's Services recommends that:

1. City Council direct the General Manager, Children's Services, not to exercise the optional ability to authorize recreational and skill building programs under the Child Care and Early Years Act

FINANCIAL IMPACT

The recommendation in this report has no financial impact.

The optional ability for service system managers to authorize recreational and skill-building programs was introduced by the Province with no additional resources for implementation. There are no resources identified in Children's Services 2018 Budget for initiating this optional role.

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

DECISION HISTORY

At its meeting of July 4, 5, 6, and 7, 2017, City Council directed the General Manager, Children's Services to not exercise the option to authorize Recreational and Skill-Building programs for the 2017-18 school year and to report to the Community Development and Recreation Committee by Spring 2018 on whether or not to exercise this option in the future.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.CD21.10>

COMMENTS

Background

As part of the *Child Care and Early Years Act* (CCEYA), the Ministry of Education introduced a new type of program for children, called authorized recreational and skill building programs. The primary purpose of these programs is to provide child care for children six to 12, which they may do without a child care licence from the Province. Unlike licensed child care, these programs must have a complementary purpose of promoting recreational, artistic, musical or athletic skills or providing religious, cultural or linguistic instruction.

These programs can only serve children six years old or older, and can only operate one period per day (not before and after school) for no more than three hours.

The CCEYA also identifies a variety of ways for programs to be recognized as authorized recreational and skill-building programs. Programs run by a school board, a First Nation, the Métis Nation of Ontario, a municipality, the YMCA or the Boys and Girls Clubs of Canada are automatically considered to be authorized if they meet the requirements noted above. Recreation programs may also be deemed authorized if they are an After School Program funded by the Ministry of Tourism, Culture and Sport (MTCS), a member of a provincial sport or multi-sport organization recognized by MTCS or an agency or attraction of MTCS. In Toronto, while there is no comprehensive data on this new program category, there are many programs that are already authorized under these existing channels.

Over and above these programs for schoolage children that are automatically authorized under the CCEYA, early years service system managers in Ontario have an optional ability to authorize additional recreational and skill building programs, provided that the program supports the health, safety and well-being of children and meets requirements for ages served and operating periods. This optional ability would apply to other organizations that did not receive automatic authorization under the CCEYA but operate programs considered by the Province to be providing child care. Toronto Children's Services is the service system manager in Toronto and therefore must decide whether to exercise this optional ability. In June 2017, City Council directed the General Manager, Children's Services not to authorize any programs and to report back by Spring 2018.

Comments

The recommendation to not exercise the option to authorize recreational and skill-building programs in Toronto has been informed by analysis of the expected need for the option; the tasks that would be required to reduce the risks of taking on this role; and the unfunded costs that would be borne by the City. In developing this recommendation, Children's Services has engaged with the Ministry of Education, school boards, other service system managers in Ontario, and the Middle Childhood Matters Coalition Toronto (which includes community service providers and parent representatives).

Need

At the time of the introduction of the CCEYA, there was some concern that many programs for children could be forced to close as the Ministry of Education implemented a new approach to determining which programs required a child care licence. However, to date, the service system in Toronto has not experienced significant adverse effects from Ministry of Education reviews and enforcement of its licensing standards. The vast majority of unlicensed before or after school programs that have been assessed by the Ministry have been deemed as exempt from licensing requirements, or are already authorized recreational and skill- building programs. This reduces the need for the City to develop and fund a new authorization process.

To illustrate, a provincial review of over 500 programs interested in permitting Toronto District School Board space after school resulted in only one per cent being deemed "not exempt" from licensing requirements. These programs had the opportunity to pursue other options for complying with the CCEYA, including applying for a provisional child care licence. The Toronto Catholic District School Board is still conducting a review of programs operating in its schools; however, it too has indicated that there has not been a major impact to date on programs in its schools. While Children's Services has had a limited number of inquiries from program operators about a municipal authorization option, Ministry of Education statistics show that by the end of 2017 only 10 compliance orders for before or after school programs had been issued in the Greater Toronto Area since September 1, 2017. Three of these eventually qualified as authorized recreation providers, and the other seven made program changes in order to be exempt from licensing requirements. Further consultation with the Middle Childhood Matters Coalition did not reveal any additional programs that had been adversely affected under the new licensing approach.

It is possible that there are programs yet to be assessed by the Ministry that could be non-compliant with licensing standards. However, experience to date suggests that the new approach to licensing is not creating significant service disruptions, and that many operators are finding solutions that bring them into compliance with the CCEYA.

Risks and Costs

The CCEYA stipulates that, in order to be authorized, programs need to demonstrate to the service system manager that they promote the health, safety and well-being of children. The City would have a legal obligation to take on a significant number of tasks if it were to assume the role of authorizer, including assessing eligibility; granting and revoking authorization; and establishing quality control standards. Processes for the ongoing monitoring of programs for compliance would have to be developed and implemented, and the City would have to enter into agreements with each organization in order to be able to enforce the City's standards.

The ongoing monitoring of authorized programs would need to be robust for two reasons. First, there are no other governmental visits that would occur, unlike the provincial licensing inspections of licensed child care programs. This means that the oversight of programs for children would rest entirely with the City. Parents will assume that their children's wellbeing is supported by quality and health and safety standards if the City authorizes programs.

Second, many programs that may wish to be authorized by the service system manager have no current relationship with Children's Services. An authorization process could invite applications from programs that could not obtain a regular child care licence and perceive service system manager authorization as an easier process that circumvents robust licensing requirements. The CCEYA has already automatically authorized many programs operated by organizations that are well-known for their recreation programming (Boys and Girls Clubs, YMCA, municipally-operated and provincially-funded programs). As a result, many of the remaining programs wishing to be authorized by the service system manager could be less well-known and more complex and costly to monitor, measure and authorize as supportive of the health, safety and wellbeing of children.

The ongoing monitoring costs would vary with the number of programs wishing to be authorized. While the demand for this service is currently expected to be low (as described above), the absence of a current relationship with this sector means that it is challenging to estimate administrative and oversight costs. Costs could also be higher if recreational programs require higher than expected levels of support from City staff conducting monitoring activities. Because the costs of monitoring would depend on these factors, the potential financial impact is uncertain.

The optional role for service system managers was provided without any new provincial resources for implementation. As a result, taking on this role and associated activities would divert resources from other divisional priorities, including the number of child care fee subsidies and implementing the 10-year Child Care Growth Strategy.

To inform the recommendation of this report, Children's Services also conducted outreach to other service system managers in Ontario; 10 of 47 responded, none of which have chosen to authorize programs in their jurisdiction. This includes other service system managers in the Greater Toronto and Hamilton Area. The risks,

unfunded costs, and expected low demand have all been cited by other service system managers as reasons for declining to exercise this optional role.

Conclusion

Due to the low projected need for this option as well as the unfunded costs and risks associated with developing and administering a new authorization process; and the existing channels for being authorized, Toronto Children's Services recommends not exercising the optional role of authorizing recreational and skill-building programs.

This decision does not affect authorized recreation programs that do not require service system manager authorization, such as those offered by the City, Boys and Girls Clubs, YMCA, or those permitted under various MTCS allowances. These programs are already operating as authorized recreational and skill-building programs under the CCEYA. Other programs that may wish to be authorized by the service system manager may have other options such as obtaining a child care licence, or working with the Ministry of Education to qualify for an exemption from licensing requirements.

CONTACT

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SIGNATURE

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ATTACHMENTS
