

# Home Child Care Agency Licensing Manual

Ministry of Education

January 2025

Note to Users

This manual provides general information about Ontario’s law governing home child care agencies and providers: the [Child Care and Early Years Act, 2014](#) (CCEYA) and [Ontario Regulation 137/15 \(General\)](#) made under the CCEYA.

The manual was written to provide general information for existing licensees and applicants for a home child care agency licence and does not consider particular or local facts and circumstances.

This document is not intended as a substitute for the CCEYA and any other applicable legislation and does not constitute legal or professional advice. In the event of a conflict or inconsistency between this manual and any legislation, the legislation prevails. It is the responsibility of a licensee or licence applicant to ensure that they act in accordance with the CCEYA and the Ministry of Education assumes no liability resulting from the reliance on this manual.

Version History

Version	What’s new or different	Revised sections
1.0 (October 2024)	<ul style="list-style-type: none"><li>updated with new licensing requirements effective since September 2019 and which are still in force</li><li>revised to make content more reader-friendly</li></ul>	
2.0 (January 2025)	<ul style="list-style-type: none"><li>updated to reflect new regulatory requirements</li></ul>	












Version history table: version 1.0 released in October 2024. Version 2.0 released in January 2025.

Changes to the manual

The manual will be revised as necessary to align with changes to the regulations under the CCEYA.

Current versions of provincial laws are posted on the government’s [e-Laws website](#).

## Legend

	Tells the reader that there is a significant <b>new/changed regulatory requirement</b> that came into effect since 2019 (i.e., indicates a substantive change from the time the previous version of the manual was in place)
	Tells the reader that there is a <b>cross-reference</b> – this means that a requirement in the CCEYA or O. Reg. 137/15 mentions or is related to a <i>different</i> requirement in the legislation or regulation
	Tells the reader there is <b>helpful information</b> and/or <b>tips</b> being provided
	Tells the reader that there is <b>extra, important information</b> that needs to be noted
	Tells the reader that there is an <b>exemption</b> – this means that under some circumstances, a rule/requirement does not apply or can be met in a different way
	Tells the reader that there are guidelines for what to include when seeking “director approval”
	Tells the reader that there is a <b>ministry-developed standardized template</b> associated with a requirement, so licensees/applicants do not need to create a required document/record on their own if they do not wish to; they can fill out what the ministry provides
	Tells the reader that there is <b>quick reference</b> . The requirements licensee must meet can be complicated and have different variations based on factors like the children’s ages and child care program’s hours. To make this clearer, information has been shown in different ways, such as charts or visuals, where it could help.
	Tells the reader there is an example that helps to explain or demonstrate something
	Tells the reader that it is an <b>offence</b> under the CCEYA to contravene or fail to comply with a rule/requirement being explained
	Tells the reader that there is an <b>administrative penalty</b> associated with a contravention of a rule/requirement being explained

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# Introduction

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## Purpose of the Manual

The Ministry of Education (“the ministry”) publishes the Home Child Care Centre Licensing Manual (“the manual”) to provide information about the legal requirements that apply to licensed home child care agencies and home child care providers under the applicable laws in Ontario. These requirements are set out in the statute entitled the [Child Care and Early Years Act, 2014](#) (CCEYA) and [Ontario Regulation 137/15 \(O. Reg. 137/15\)](#).

In this manual, the relevant laws may be referred to as “legislation”, “the CCEYA”, “the Act”, “the statute”, “the regulations” or “O. Reg. 137/15”.

The purpose of the manual is to:

- **support** home child care agencies in meeting licensing requirements by telling the reader why a requirement is in place (the **intent**) and how a licensee can show how that the requirement was met (**compliance**)
- **help** home child care agencies stay in compliance as well as improve program quality by setting out clarifying guidance and talking about best practices that complement a requirement under the CCEYA
- **connect** home child care agencies to resources to help licensees and continue to build their knowledge about child care, children’s development, etc.

This manual does not cover everything in the CCEYA and O. Reg. 137/15 – it focuses mostly on the rules/requirements that apply to the day-to-day operations of home child care programs.



It is important to note that both the CCEYA (the statute) and O. Reg. 137/15 (the regulation) contain requirements that licensees of home child care agencies must meet. It is the responsibility of applicants and licensees to meet the rules and requirements under the CCEYA, its regulations, binding Minister’s policy statements, and any other laws that may apply.

Where it is unclear to an applicant or licensee how a particular law applies to their circumstances, the individual may wish to consult with a lawyer for assistance in understanding and interpreting the CCEYA.



## Organization of the Manual

This manual is generally organized in the same order of the requirements set out in the CCEYA and O. Reg. 137/15.

To help make information easy to understand and to make sure the reader can find important information, each section of the manual includes:

- **The legal requirement** (which is known as the **legislative/regulatory requirement**): in the manual, rules/requirements in CCEYA or O. Reg. 137/15 are copied and put into the manual. These requirements are sometimes referred to as **licensing requirements**
- **Intent**: explains why a rule/requirement is included in the legislation or regulation and why it is important for licensees to meet the rule/requirement
- **Clarifying guidance**: provides additional information or clarifies information related to a legal requirement to help licensees understand and meet the requirements
- **Best practices**: where there are any, these are included to help licensees in thinking about how else they can meet and stay in compliance with legal requirements and enhance the quality of their program
- **Compliance indicators**: show how ministry **program advisors** assess that a licensee has met a requirement; this information can come from documentation, observation or an interview process (these are explained further below)

Licensees who have further questions or require clarification about the CCEYA or this manual should contact their Ministry of Education program advisor directly or contact the licensed child care helpdesk at [childcare\\_ontario@ontario.ca](mailto:childcare_ontario@ontario.ca).

## What are compliance indicators?

Compliance indicators are used by Ministry of Education **program advisors** – employees of the ministry who inspect home child care agencies and home child care premises – when they are checking to make sure that an agency has met licensing requirements (meeting a requirement is called **compliance**).

For all **inspections**, program advisors must use a standard **inspection checklist**.

When they inspect an agency and home child care premises, program advisors look for information that shows a licensee is meeting the requirements under the CCEYA. Program advisors gather three types of information when doing an inspection. Information is collected from:

- **Observation** – information collected while the program advisor is **watching and listening** to the program activities and home child care /in-home services providers
- **Review of documentation** – information collected by **reviewing written documents** (such as reviewing policies and procedures the licensee is required to have, reviewing files and records, etc.)
- **Interview** – information collected by **speaking with licensees, employees of the home child care agency and/or home child care/in-home services providers**



The CCEYA prohibits people from giving false or misleading information to ministry officials, including in any application, report or other document required to be submitted to the ministry related to CCEYA or the regulations. If a person provides false or misleading information to the ministry, this is an offence under the CCEYA.

For some licensing requirements, only one compliance indicator is needed to show that the requirement has been met. If compliance indicators are linked with “**Or**” any one indicator may be met to achieve compliance.

### Example

Licensees must ensure that all children who spend at least six hours a day in the child care program spend at least two hours of the day outside (weather permitting). 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 **or**, if they are unable to observe all children playing outside for two hours, the program advisor will ask questions of the home child care provider to confirm that children go outside for two hours every day, weather permitting.

For some requirements, there is more than one compliance indicator that shows compliance with a particular licensing requirement. If there is more than one compliance indicator described in a section of the manual and the word **and** appears between the compliance indicators, all of compliance indicators must be met to achieve compliance.

### Example

Licensees must develop and make available a parent handbook that includes specific information as set out O. Reg. 137/15. When doing an inspection, the program advisor will look for evidence that there is a parent handbook **and** that it contains all the information required by the regulation.

The regulation requires licensees to develop different policies and procedures, as well as **individualized plans for children** who need extra support when they are at a home child care/in-home services premises.

It is important to note the difference between **policies** and **procedures**:

- **Policy:** A policy sets out a requirement that home child care agency and others in a home child care/in-home services premises need to follow. Policy statements address what the requirement is rather than how to implement or satisfy the requirement.

**Policies are not task oriented – they answer WHAT and/or WHY**

- **Procedure:** A procedure is different from, but related to, a policy. A procedure is an established, predetermined set of instructions on how to perform tasks that must be completed to achieve something. Where the regulation requires a licensee to have a policy about something, the main thing that the procedures need to achieve is compliance with the home child care agency's policy.

**Procedures are task oriented – they answer WHO, HOW, WHERE AND WHEN**

- Procedures typically include specific step-by-step instructions on how to perform tasks and/or what actions need to be done, when, by whom, what reports need to be made, etc.
- Procedures often include the word “if” such as “if X happens, then home child care/in-home services providers are to do Y”.
- Procedures have a beginning and an end.
- Procedures may be updated to respond to feedback about how well they work.

## Sample policies

To support licensees in understanding and being compliant with licensing requirements, the ministry has developed several **sample policies and procedures** where it makes sense for these to be available for certain requirements in the regulation. These sample policies/procedures are available on the ministry's Child Care Licensing System under “Tools and Resources”.

Where a particular requirement for home child care agencies has a related sample policy provided by the ministry, the following symbol will appear in the manual in the section(s) that explains the requirement:





Use of a ministry-developed sample policy is optional but strongly recommended – licensees may create their own documents if they wish, as long as the documents meet the requirements in the regulation about what needs to be included in a policy, procedure or individualized plan. If the licensee does choose to adopt the ministry-developed policy or individualized plan, the licensee must **complete all customizable areas** of these documents.

When doing inspections, ministry program advisors are looking at the **content** in a licensee's policies, procedures and individualized plans to make sure what is required in the regulation is reflected/addressed in the documents. Licensees can name their documents however they want and different documents can be grouped together if the licensee wishes to do so.

## About child care in Ontario

### The law for child care

The [Child Care and Early Years Act, 2014](#) (CCEYA) is the law which governs child care in Ontario. To make sure they are familiar with the law, licensees and those who are thinking about applying for a licence should read the CCEYA and its regulations. The CCEYA has two regulations:

- [Ontario Regulation 137/15](#) is the “general” regulation; it is most relevant to licensees and is the focus of this manual as it sets out most licensing requirements.
- [Ontario Regulation 138/15](#) deals with funding, cost sharing and financial assistance and is mostly relevant to service system managers and First Nations; however, licensees and applicants should be aware of **section 27.1** which requires every licensee to keep financial records for each home child care agency it operates and keep such financial records for at least six years from the time of their making. The financial records must show, at a minimum, the assets, liabilities, income, expenses and accumulated surplus and deficit of the home child care agency.



**Child care** has a specific meaning in the CCEYA – it means the provision of temporary care for or supervision of children in any circumstance other than in exempt circumstances per section 3 of the CCEYA. The “exempt circumstances” are listed in [section 4 of Act](#) and [section 3 of O. Reg. 137/15](#).

### What types of child care does the CCEYA apply to?

The CCEYA applies to different types of child care:

- Unlicensed child care;
- Home child care providers contracted by a licensed home child care agency;

- In-home services providers contracted by a licensed home child care agency;
- Home child care agencies;
- Child care centres (including licensed before- and/or – after-school programs);
- Authorized recreational and skill building programs; and
- Child and family programs (namely EarlyON Child and Family Centres)

## Unlicensed child care

An unlicensed child care provider can provide child care for:

- a maximum of 5 children under the age of 13 years, including their own children under the age of 4 years
- no more than 3 children can be under 2 years of age

The rules around how many children an unlicensed provider can provide child care for are in [paragraph 2 of subsection 6 \(3\) of the CCEYA](#).

For additional rules that apply to unlicensed providers, please refer to the CCEYA and the ministry's infographic: [Home Child Care and Unlicensed Child Care: How Many Children Are Allowed?](#)

## Exempt circumstances

There are several **exempt circumstances** (also called **exemptions**) set out in the CCEYA. These exemptions identify the types of programs or services that are not considered child care for the purposes of the CCEYA and therefore do not require a licence to provide the care. They include:

- Child care to children from the same family in the family's home which is provided by nannies or babysitters
- Child care provided by relative where all children are related to the caregiver
- Camps that only care for children age 4 years and older
- Programs with a primary purpose of artistic, musical, etc. and other academic or skill-based recreational programs, in accordance with the regulations
- Programs with a primary purpose of academic study and skills (such as tutoring), in accordance with the regulations
- Private schools that only serve children age 4 years and over

There are other exemptions from needing to have a child care licence that are set out under **section 4** of the CCEYA and **section 3** under the O. Reg.137/15.

## Questions about whether a program needs a licence

Information about providing child care in Ontario is available on this [provincial website](#).

If, after reviewing the CCEYA and its regulation, there are still questions about whether a planned program needs a licence, a question can be sent to the ministry. Note that the ministry responds only to written inquiries.

Written inquiries (over email or mail) to the ministry must include detailed information about the planned child care program, including:

- the proposed times of the day the program would operate
- the ages and number of children who would be served by the program
- what the purpose of the program/service would be
- what a typical program or schedule of activities would look like

Inquiries about whether a program needs a child care licence can be sent by email to [childcare\\_ontario@ontario.ca](mailto:childcare_ontario@ontario.ca).

## Licensed Child Care

There are two types of licensed child care in Ontario:

1. **child care centres** which include both community-based and school-based child care programs
2. child care offered through **home child care agencies**

Information on all licensed child care programs in Ontario can be found on the provincial [Licensed Child Care Website](#).



Note that there are rules in the CCEYA about what a program can be called. Only home child care/in-home services providers that have established agreements with home child care agencies under the CCEYA can be called “licensed home child care”, and only agencies that hold a licence can call themselves “home child care agencies” or “licensed home child care agencies”, and there are other restrictions; see [subsections 11\(1\) and 11\(2\) of the CCEYA](#).



A home child care agency may oversee home child care premises in more than one service system area, including in service system areas that are outside of where the agency head office is located.

Child care licences under the CCEYA are issued by a **director** who is an employee of the Ministry of Education and who is appointed by the Minister of Education. The director is the person who makes licensing decisions, consistent with the CCEYA. Directors review all documents required for licensing and approve and electronically “sign” a **licence**.

The director will only issue licences to applicants who have shown that they have met all CCEYA licensing requirements that apply to them and their centre/program. While most applicants will get a regular licence issued to them as their first licence, sometimes a provisional licence is issued if a licensee is unable to demonstrate compliance with all requirements. In these situations, the outstanding requirement(s) must not pose a threat to the health, safety or well-being of children and the director must be certain that the applicant is actively working on addressing the outstanding matters. To demonstrate compliance with many of the licensed requirements, applicants must submit a variety of supporting documents in CCLS. Other requirements are assessed at a **site inspection** prior to the licence being issued.

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

- A **regular licence** may be issued or renewed when the licensee has met all licensing requirements.

If the director is granting a regular licence, the licensee will get an **electronic version of the licence** which needs to be printed out (preferably on white paper), and

- A **provisional licence** may be issued when certain licensing requirements have not been met and the licensee requires more time to meet the requirements. The maximum term for a provisional licence is one year.
  - If the licence being granted is a provisional one, the ministry will courier to the licensee a licence which has been 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 (known as **non-compliances**) are sent to the home child care agency for distribution to parents.

Licensees of home child care agencies will also be mailed a **decal** and home child care provider cards equal to the number of home child care premises on their licence when their first licence is issued. The decal is a sticker issued by the ministry to the licensee and the home child care provider cards indicate that the home child care premises has an active agreement with a licensed home child care agency.

Licences (printed versions) and decals are referred to as “**signage**” in the CCEYA and in O. Reg. 137/15. Both licences and decals must be posted at a home child care agency’s head office and home child care provider cards must be posted at the home child care premises during the hours of child care, where parents and others can easily see them.

Directors may set out **conditions** on either regular or provisional licences. Conditions are extra requirements put in place by the ministry that may be needed to:

- reflect circumstances specific to the operation of a centre (for example, there may need to be different requirements for programs which run for only half a day as opposed to a full day)
- address previous non-compliances and reduce the chance that the non-compliance will be repeated

By law, directors can:

- **refuse to issue, revoke** or **renew** a licence; the grounds upon which such a refusal could be based are set out in section 23 of the CCEYA.
- issue a **protection order** if there is an **imminent** (in other words, urgent and upcoming) threat to the health, safety or welfare of any children in care at a premises where home child care or in-home services is provided. A ministry official will make a protection order if they believe on reasonable grounds that there is an imminent threat to the health, safety or welfare of any children for whom child care is provided (see [section 37 of the CCEYA](#)).

## Canada-Ontario Canada-wide Early Learning and Child Care Agreement

In March 2022, the Province of Ontario signed an agreement with the Government of Canada on the funding and terms for the **Canada-wide Early Learning and Child Care** (CWELCC) **system**.

CWELCC has changed the landscape of licensed child care in the province, including changing the cost of child care for parents whose children attend licensed child care programs which are part of CWELCC.

Also, as a result of CWELCC, the process to apply for a child care licence and the role of local municipal governments, which are the **service system managers** (SSMs) for child care in Ontario, have changed.

See [part 2](#) of this manual for more information.

## Licence Appeal Tribunal

By law, applicants and licensees have a right to a hearing by the **Licence Appeal Tribunal** (the **LAT**) when their application for a child care licence or a renewal is denied and in other situations relating to the licence. See **Appendix D** for more information on the right to appeal or visit the [Licence Appeal Tribunal website](#).



# Roles and Responsibilities in Licensed Home Child Care and In-home Services

## The role of licensees

The licensee and home child care/in-home services providers have a very important role to play when they are part of licensed child care; the science is very clear – those providing child care and working in child care programs help develop children's brains and help build the foundation for children to succeed in their relationships, in school, and in life. When we think of licensees and home child care/in-home services providers as brain developers we understand the profound impact of what they do and why it is so important.

Home child care agencies recruit, monitor and support home child care providers, pursuant to an active agreement. Agencies are required to employ home child care visitors who visit and inspect each premises before children are enrolled and at least once every three months to monitor compliance with the CCEYA and the regulation and provide support to providers.

The CCEYA emphasizes the Province's interest in, amongst other things, a system of child care and early years programs/services that **promotes the health, safety and well-being of children and provides high quality experiences and positive outcomes for children** (see [subsection 49\(1\)](#)).

The licensee and home child care/in-home services providers have an essential role to play in achieving these things because they spend a lot of time with children and have a lot of influence over what children experience every time they attend the child care program.

Licensees are responsible for the quality of their program. A high-quality program:

- makes it a priority for everyone in the child care program to be continuously building and maintaining responsive, respectful and caring relationships amongst children, staff, families and the community
- protects the health and safety of children
- supports children's development and well-being
- is inclusive, which means the program and home child care providers:
  - make sure that all children can actively participate and contribute in a meaningful way
  - are responsive to the unique and diverse experiences of children, families, and communities

- understand and respect parents' choices: parents are the main decision-makers in the child's life which means understanding that parents may do things differently depending on their own culture, beliefs and lived experiences
- engages and values home child care/in-home services providers, makes them feel fulfilled in their work and provides them with opportunities for continuous learning and growth

## The provincial government

The **Ministry of Education** is part of the Ontario provincial government. The government is responsible for establishing and enforcing laws like the CCEYA to protect people and, in the case of child care programs, ensure children are getting high quality experiences. That is why the CCEYA is in place: the experiences and relationships that children have in child care programs are so important and their impacts on children are so strong that there needs to be a set of minimum standards around how things happen in programs.

The ministry **administers** the CCEYA, which includes **issuing child care licences**, and it is also responsible for **enforcing** the CCEYA.

At least once a year, Ministry of Education **program advisors** conduct **inspections** of all licensed home child care agencies and a sample of home child care premises associated with each agency to:

- make sure licensing requirements are being met
- renew licences
- follow-up with licensees who need more help in meeting licensing requirements
- support licensees to achieve and maintain compliance and improve program quality

Ministry officials also look into **complaints** received from the public about licensed child care and follow-up on **serious occurrences**.



By law, certain ministry officials may, at any reasonable time, enter and inspect a home child care agency and premises where home child care or in-home service is provided.

## Consolidated Municipal Service Managers and District Social Services Administration Boards

Outside of First Nation communities, the child care system is managed at the municipal level by 37 Consolidated Municipal Service Managers (CMSMs) and 10 District Social Services Administration Boards (DSSABs).

Under the CCEYA, the CMSMs and DSSABs are designated as the **service system managers** (SSMs) for child care and other early years services at the local level.

Each CMSM/DSSAB is responsible for planning and managing different types of services in their region that are in place to support licensees and families using child care, including the processing of fee subsidies and wage subsidies and support services for children with special needs in licensed child care.

The ministry has authority under the CCEYA to share certain information with CMSMs/DSSABs. The CMSMs/DSSABs are subject to the [Municipal Freedom of Information and Protection of Privacy Act](#).


## First Nations

For on-reserve communities, the Minister of Education and a First Nation or group of First Nations may enter into an agreement for the purposes of establishing, administering, operating, and funding child care and early years programs and services.

## How to Apply for a Home Child Care Agency Licence

In Ontario, an individual, corporation or First Nation can apply for a licence to operate a home child care agency. Licences cannot be issued to **unincorporated partnerships**.

The Ministry of Education does not license individual home child care providers. Individual home child care providers are contracted by licensed home child care agencies, which are licensed by the Ministry of Education.

 As part of the documentation provided to the ministry for a new licence application where the applicant is a corporation (federal or provincial), the applicant must provide their **articles of incorporation**. Where the corporation is a federally incorporated corporation, the applicant is not required to prove that the applicant has registered the corporation provincially.

**There is only one way to apply for a home child care agency licence;** those applying for a licence (**applicant**) must apply using the Ministry of Education's online [Child Care Licensing System](#) (CCLS) and submit the required fee payment. Applicants must have an email address to apply for a licence in CCLS.

The ministry has created two technical guides to help new applicants use CCLS and complete the registration and application processes:

1. the [Child care licensing system: registration guide for new applicants](#) provides step-by-step instructions on **how to register**

2. the [Child care licensing system: reference guide for applicants and licensees](#) provides step-by-step instructions for **how to use CCLS**

Copies of these guides and additional resources can also be found in CCLS under the **Tools and Resources** tab.

## New Application Process

Once an applicant has registered in CCLS and created an applicant profile, they can submit an application for a new licence. Submitting this application starts the licensing process, but **it may take 4-12 months to complete all required steps and obtain a licence.**



Many factors, including those outside of the control of the ministry, will determine how long it will take for the ministry to issue a licence. Some examples of these factors are:

- how long it will take the applicant to develop required policies and procedures
- the time needed to purchase equipment,
- how long it will take the applicant to hire a [home child care visitor](#)

During the application process, applicants must submit a variety of supporting documents, like, policies and procedures, insurance; however, most of these will be uploaded in CCLS after the application has been formally submitted to the ministry.

The initial application that is submitted to the ministry must include foundational information and approvals for the proposed home child care agency, including the following:

- name – proposed name for the home child care agency
- location – address of the home child care agency head office
- capacity – proposed number of homes by service system manager
- intention to enrol in CWELCC – whether the program intends to enrol in the CWELCC system
- the number of proposed homes
- document related to zoning, only if child care will be provided at the home child care agency head office location – documentation showing that the proposed site is zoned for use as a home child care premises, sometimes called “proof of permitted use”

The CWELCC system uses a directed growth strategy to ensure that new funded spaces are located in communities that need them most. Local SSMS manage growth as well as enrolment in the CWELCC system.

If a program intends to enrol in CWELCC, their application will be automatically sent to the applicable service system manager (SSM). The SSM will provide advice (through CCLS) regarding whether the proposed program is eligible for funding and aligned with local growth plans. The applicant will only be permitted to submit their application to the ministry after the SSM has provided this advice.

If a program **does not intend to enrol in CWELCC**, the applicable service system manager will be automatically notified by CCLS of this decision. This notification satisfies the requirement set out in [subsection 13.1\(1\) of O. Reg. 137/15](#) and the applicant will be able to proceed with their application.

For more information on enrolment in the CWELCC system, applicants should contact their [service system manager](#).

Once an initial application is complete and advice has been provided by the SSM, the applicant must pay an initial fee deposit of \$200. Once this fee has been paid, the application will be officially submitted. A Ministry of Education **program advisor** will be assigned to the applicant's file once the SSM(s) approves the child care program's intention to participate in CWELCC. If the applicant is not intending to enrol in CWELCC, a Ministry of Education **program advisor** will be assigned to the applicant's file after the initial fee deposit is received.



An applicant who is applying for a home child care agency licence as a sole proprietor (in other words, not incorporated) cannot be in the role of the licensee AND a home child care provider. In order to be considered "home child care", there must be an agreement between a home child care agency and a home child care provider, as set out in subsection 7(3) of the CCEYA. In this situation, no such agreement could exist as the same legal entity (namely, the individual) would be occupying the role of the home child care agency and the provider and therefore would be entering into an agreement with itself.

However, where an incorporated applicant (in other words, a corporation) is applying for a home child care agency, a director of the corporation may also be a child care provider operating under the oversight of the agency. In this situation, the corporation would enter into an agreement with the child care provider.

In either situation, the agency is still required to employ a home visitor.

1. **Request for approval for the home child care visitor:** There must be a Ministry of Education director-approved home child care visitor in place before a licence may be issued (see [subsection 6\(5\) of O. Reg. 137/15](#)). Applicants need to submit to the CCLS a request for director-approval for the person who they have selected to be their home child care visitor. If the Ministry of Education director does not approve the individual because they do not meet the requirement set out in regulation, the applicant will need to submit a request for a different individual.

2. The following **14 policies and procedures** are required under the [Ontario Regulation 137/15](#) of the CCEYA:

1.	<b>Bodies of Water</b> Policy and Procedures		See section 30.1(2)(b) of the regulation for the requirement
2.	<b>Anaphylactic</b> Policy		See section 39(1) of the regulation for the requirement
3.	<b>Sleep Supervision</b> Policy and Procedures		See section 33.1(2)(c) of the regulation for the requirement
4.	<b>Serious Occurrence</b> Policy and Procedures		See section 38(1)(a) of the regulation for the requirement
5.	<b>Administration of Drugs/Medication</b> Procedure		See section 40(1)(a) of the regulation for the requirement
6.	<b>Supervision of Volunteers and Students</b> Policies and Procedures		See section 24(5)(a) of the regulation for the requirement
7.	<b>Program Statement Implementation</b> Policies and Procedures		See section 49 (a) of the regulation for the requirement
8.	<b>Staff and Provider Training and Development</b> Policies and Procedures		See section 58(1) of the regulation for the requirement
9.	<b>Police Record Checks/Vulnerable Sector Check</b> Policies and Procedures		See section 65 of the regulation for the requirement
10.	<b>Fire Safety/Evacuation</b> Procedures		See section 68(1)(a) of the regulation for the requirement
11.	<b>Monitoring Compliance and Contraventions</b> Policies and Procedures		See section 49(c) of the regulation for the requirement
12.	<b>Waiting List</b> Policies and Procedures		See section 75.1(2) of the regulation for the requirement
13.	<b>Parent Issues and Concerns</b> Policies and Procedures		See section 45.1 of the regulation for the requirement
14.	<b>Safe Arrival and Dismissal</b> Policy		See section 50 of the regulation



These **sample policies** are available on the ministry's Child Care Licensing System [under "Tools and Resources"](#).

If you have further questions or require clarification on registering and applying for a licence in CCLS, please contact the CCLS helpdesk at [childcare.helpdesk@ontario.ca](mailto:childcare.helpdesk@ontario.ca).



Per section 77 of the Act, the CCEYA prohibits people from giving false or misleading information to ministry officials, including in any application (such as that required for CCLS), report or other document required to be submitted to the ministry related to CCEYA or its regulations.



It is an offence under the CCEYA to contravene or fail to comply with subsections 77 (1) or (2) of the Act, per section 78(1)12 of the Act.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).

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# Glossary of Terms

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**Applicant:** An individual, corporation or First Nations representative, including an existing licensee of child care programs, who is applying for a new licence to operate a child care program. Where the applicant is a corporation, the term applies to all directors of the corporation and all individuals with a controlling interest in the corporation.

**Base fee:** Any fee or part of a fee that is charged in respect of a child for child care, including anything a licensee is required to provide under the Regulation or anything a licensee requires the parent to purchase from the licensee, but does not include a non-base fee.

**Canada-Wide Early Learning and Child Care System (“CWELCC”):** The Canada-Wide Early Learning and Child Care System for early years and child care funding provided for in an agreement entered into by the Province of Ontario and the Government of Canada.

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

**Child Care:** The provision of temporary care for or supervision of children in any circumstance other than in exempt circumstances for a period of less than 24 hours.

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

**Child Care Licensing System (CCLS):** An online application for child care applicants and licensees to coordinate their applications and licences. On this application, child care applicants and licensees can submit applications, submit licence revision requests, update application and licence information, submit Serious Occurrence Reports (SORs), and more.

**Child with Medical Needs:** A child who has one or more chronic or acute medical conditions such that the child requires additional supports, accommodation, or assistance.

**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 of Education as a director for the purposes of the CCEYA. Directors also supervise program advisors.



“Directors” on a board of directors for a child care agency (boards of directors can hold a licence) are not the same people as directors appointed by the Minister of Education to issue licences under the CCEYA.



**Eligible child (re: CWELCC):** Any child, until the last day of the month in which the child turns six years old, **and** up until June 30 in a calendar year, **any** child who, turns six years old between January 1 and June 30 in that calendar year, **and** is enrolled in a licensed infant, toddler, preschool or kindergarten group, a licensed family age group, or home child care.

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

**Home Child Care Premises:** A building, together with its land (for example, the backyard) or a space within a building, where licensed home child care or in-home services is provided (in this manual, references to home child care premises often includes premises where in-home service is provided, unless otherwise specified).

**Home Child Care Provider:** The person who provides child care at a premises where home child care is provided.

**Home Child Care Visitor:** A person employed by a licensee who provides support at and monitors each premises the agency oversees and who is responsible to the licensee. The person must be a member in good standing of the College of Early Childhood Educators, have at least two years of experience working with children under 13 years old or is otherwise approved by a director under the Act.

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

**In-home Services:** Child care provided at either the child's own home or where the child lives, by a provider that has an agreement with a home child care agency, with the agency aware of all children at the location.

**In-home Services Provider:** The person who provides in-home services for a child.



An in-home services provider cannot care for other children who do not reside at the residence. If other children attend, the premises is considered to be offering home child care, not in-home services.

**Inspector:** An employee of the ministry appointed by the Minister of Education. Inspectors' powers and duties are provided under the CCEYA and 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. Ministry program advisors and investigators have been appointed as inspectors.

**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.

**Licence Appeal Tribunal (LAT):** A tribunal to which appeals of certain decisions under the CCEYA may be made.

**Licensed Child Care Website (LCCW):** An online application where families can search for licensed child care programs. The website provides parents with operational information on the program, such as the program type, address, website, language of service, etc. The website also provides licence and inspection information including any conditions and approvals that may be required of the licensee.

**Licensee:** A person (which can be an individual, corporation, First Nation) who holds a licence issued under the *Child Care and Early Years Act, 2014*. Once a licence is issued, a licensee may operate a licensed child care program according to the terms set out in their licence and the requirements/rules set out in the CCEYA and its regulations.

**Non-base fee:** Any fees charged for optional items or optional services, such as transportation or field trips, or any fees charged pursuant to an agreement that parent and licensee in respect of circumstances where the parent fails to meet the terms of the agreement such as fees for picking up a child late and fees to obtain items that the parent agreed to provide for their child but failed to provide.

**Ordinarily a Resident of the Premises:** Includes individuals such as those who use the premises as a primary residence for at least some period during the year (e.g., the provider's spouse, adult dependents, etc.).

**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).

**Policy:** A policy sets out a rule(s) that staff and others in a centre need to follow. Policy statements address what the rule is rather than how to implement or comply with the rule/requirement.

**Procedure:** A procedure is different from, but related to, a policy. A procedure is an established, predetermined set of instructions on how to perform tasks that must be completed to achieve something.

**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 are designated inspectors under the Act.



The words "staff" and "employee" mean the same thing in both O. Reg. 137/15 and this manual.

**Record:** Unless otherwise specified in O. Reg. 137/15, any record, report or other document required under this regulation, or any other regulation made under the CCEYA, may be made or kept in either a hard copy or electronic format.

**Persons who are regularly at the premises:** Includes individuals who may have access to children (including supervised access) and there is a pattern of visits throughout the year to the home child care premises. This may include persons who are present frequently during a short period of time (for example, visiting family members) or over a longer period of time on a regular basis (for example, the provider's friend who visits the premises regularly).

**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 consultant:** A person who meets the qualification requirements set out in section 55 of O. Reg. 137/15 and supports program staff/providers and parents in working with children with special needs who attend licensed child care.

**Service system manager:** A municipality or DSSAB designated by the regulations as a service system manager under the CCEYA. Each service system manager has responsibility for planning and managing the operation of a broad range of child care services, including fee subsidy, wage subsidy, and special needs resourcing at the local level.

**“Unless otherwise approved by a director”:** This is a phrase that is used in some requirements in O. Reg. 137/15. The shorthand way the ministry refers to this is “director approval”.

This phrase means that, even though there is a requirement in the regulation about something in particular, there may be circumstances where that requirement could be met in a different way. The regulation will specify if a licensee can ask for director approval to do something that is an alternative or modified approach to meeting the requirement as set out in the regulation. All requests for director approvals need to be made directly to the program advisor assigned to the licensee through CCLS.



Anytime the CCEYA or its regulations say “every licensee shall...” the word **shall** means **must** or **is required to**.

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# Part 1 – Licensee Responsible

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## Part 1.1 Licensee Responsible

### 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.

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### Intent

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Section 6 of the regulation establishes who oversees a home child care agency; it is the licensee who is accountable and responsible for the overall operation and management of a home child care agency.

This section allows for the licensee to hand over (or **designate**) the responsibility for the day-to-day operation and management of the home child care agency; this person is then called the **designated person** or **designate**.

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### Clarifying guidance

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Subsection 6(5) requires a licensee to hire a home child care visitor and identifies the critical functions of a home child care visitor.

The home child care visitor can also be the designate as required by subsection but people other than a home child care visitor may also be a designate.

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



**Cross-reference:** all home child care visitors must have certain qualifications and be approved by a ministry director. See **section 56** of the regulation.

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## Compliance Indicators

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### Agency Indicators

1. The licensee or home child care visitor confirms that a person has been appointed to be responsible for the day-to-day operation and management of the home child care agency;

**Or**

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

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 or home child care visitor 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. There is at least one home child care visitor employed

**And**

The home child care visitor is observed to be monitoring and providing support at each premises where the licensee oversees the provision of home child care.

## Part 1.2 Implementation of Policies, Procedures and Individualized Plans

### 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.

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### Intent

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In other sections of the regulation, there are requirements for specific policies, procedures and individualized plans to be in place (these are explained throughout the manual).

The policies, procedures and individualized plans required by the regulation have been put in place to support the health, safety, and well-being of children and others in a home child care premises and to support children’s development. For the policies, procedures and individualized plans to be effective and achieve what they set out to achieve, they must be put into effect or action. To this end, subsection 6.1(1) requires licensees to **implement** the required policies, procedures and individualized plans.




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## Clarifying guidance


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The requirements in section 6.1 apply to all policies, procedures and individualized plans required under the regulation (all of these are explained throughout the manual).

Licensees are required to develop an **individualized plan** for a child with:

1.	An <b>anaphylactic allergy</b>		See section 39 of the regulation for the requirement
2.	<b>Medical needs</b>		See section 39.1 of the regulation for the requirement
3.	<b>Special needs</b>		See subsection 52(1) of the regulation for the requirement

 These **sample policies and procedures** are available on the ministry’s [Child Care Licensing System](#) under “Tools and Resources”.

 **Cross-reference:** the regulation requires licensees to have a parent handbook; certain types of information need to be in the handbook, including certain policies and procedures. See **section 45**.

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## Best practices

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To support compliance with the implementation of all required policies, procedures and individualized plans, licensees should review each policy, procedure and individualized plan with all employees of the agency and all individuals at each home child care premises the agency oversees (namely, home child care/in-home service providers, persons who are ordinarily residents of the premises or regularly at the premises, home child care visitors, volunteers and students) before children are placed in a home child care premises and the individuals start to interact with children.

The licensee may consider developing an ongoing tracking tool or chart to document when and who in the agency and each of the home child care premises has reviewed each policy, procedure and individualized plan.

### Updates to policies and procedures

Any updates made to required policies, procedures or individualized plans should be explained to all employees of the agency and all individuals at each home child care premises that the agency oversees and parents as soon as possible after an update is made.

Parent handbooks should also be updated as soon as reasonably possible when a licensee's required policies and procedures are revised.

When a program advisor inspects a home child care agency, they may ask which policies, procedures or individualized plans have been updated since the last inspection. This helps the program advisor determine what they need to review and what should be implemented in the home child care premises at the time of inspection.

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## Compliance Indicators

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

### And / Or

All individuals identified in the regulation (namely, home child care/in-home service providers, persons who are ordinarily residents of the premises or regularly at the premises, volunteers and students and employees of the home child care agency) verbally confirm that they follow the policies, procedures and individualized plans at the home child care agency and at each home child care premises that the agency oversees.

## Part 1.3 Policies and Procedures for Monitoring Compliance and Contraventions

### Ontario Regulation 137/15

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

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

### And

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

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


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## Intent


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The policies, procedures and individualized plans required by the regulation have been put in place to support the health, safety, and well-being of children and others in a home child care premises and to support children's development. For the policies, procedures and individualized plans to be effective and achieve what they set out to achieve, they must be followed by all persons (other than children) in the home child care agency and each of the home child care premises that the home child care agency oversees at all times.

Subsection 6.1(7) (a) and (b) requires licensees to have written policies and procedures that explain how the licensee will **monitor** instances of compliance and instances of non-compliance (also called **contraventions**) by all individuals identified in the regulation (namely, home child care/in-home service providers, persons who are ordinarily residents of the premises or regularly at the premises, volunteers and students and employees of the home child care agency) with the required policies, procedures and individualized plans. Such written policies and procedures must also include a description of how the licensee will address both instances of compliance and contraventions.

 **Cross-reference:** in addition to requirements that licensees must monitor all individuals identified in the regulation for contraventions of required policies, procedures and individualized plans, the regulation also sets out that licensees cannot permit anyone in a home child care premises that the home child care agency oversees to commit a prohibited practice. See **subsection 48(1)** of the regulation.

Subsection 6.1(8) requires the licensee to keep **records** of their written policies and procedures around compliance and contraventions.

 **Cross-reference:** the regulation has requirements around record retention. See **section 82**.

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## Clarifying guidance

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Subsections 6.1(7) (a) and (b) and 6.1(8) apply to all policies, procedures, and individualized plans under the regulation; there are no exceptions.



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
## Best practices

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In developing policies and procedures that set out how compliance and contraventions will be monitored, recorded and addressed, licensees should consider:

- How ongoing monitoring is to be conducted and by whom
- What template will be used to record compliances or contraventions
- Procedures that set out how contraventions will be addressed
- How often recorded observations should be reviewed with each home child care/in-home service provider, persons who are ordinarily residents of the premises or regularly at the premises, student or volunteer and employees of the home child care agency
- Whether all policies, procedures and individualized plans will have the same monitoring policies and procedures

The licensee may refer to the ministry's approved checklist (Standard Home Visitor Checklist) as a tool to monitor and record compliance and contraventions of all policies, procedures and individualized plans under the regulation. The licensee may provide to a ministry program advisor the completed checklists and notes on how non-compliance was addressed during the licensing inspection.

 **Cross-reference:** the regulation requires home child care visitors to use the ministry approved checklist (Standard Home Visitor Checklist). See **subsection 26(2)**.

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

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## Compliance indicators

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### Agency Indicators

1. The licensee has developed written policies and procedures that explain how compliance and contraventions with respect to policies, procedures and individualized plans under the Regulation are monitored on an ongoing basis, recorded and addressed;

**Or**

The licensee has adopted and completed all customizable areas of the standard policy provided by the ministry.

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.

## Part 1.4 Access to Child and Premises

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

- 10(1)** No person providing child care, or operating a premises at which child care is provided, shall prevent a parent from having access to his or her child except,
- (a) if the person believes on reasonable grounds that the parent does not have a legal right of access to the child; or
  - (b) in the circumstances prescribed by the regulations.
- (2) No person providing child care at a premises, or operating the premises, shall prevent a parent from entering the premises while child care is provided there for his or her child except,
- (a) if the person believes on reasonable grounds that the parent does not have a legal right of access to the child;
  - (b) if the person believes on reasonable grounds that the parent could be dangerous to the children at the premises;
  - (c) if the parent is behaving in a disruptive manner; or
  - (d) in the circumstances prescribed by the regulations.

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### Intent

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Section 10 of the CCEYA is in place to prohibit a child care provider from blocking a parent's access to their child, unless the child care provider believes that the parent has no legal right of access. It also prohibits a child care provider from blocking access by a parent to the **premises** (in other words, the place/location where the child care is being provided), unless the provider believes the parent has no legal right of access to the child and/or that the parent may be dangerous or disruptive.

These requirements apply to both unlicensed and licensed child care providers/operators, including home child care agency licensees.

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### Clarifying Guidance

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Licensees are strongly encouraged to communicate with home visitors and providers about what constitutes "reasonable grounds" based on the advice of their independent legal counsel.



It is an offence under the CCEYA to contravene or fail to comply with section 10 of the Act per section 78(1)(5) of the Act.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 10 of the CCEYA may lead to an administrative penalty of **\$1,000**; see **section 78** of O. Reg. 137/15 and **item 9 of Table 1** under that section.

The amount of the administrative penalty increases if contravention of section 10 is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.



**Cross-reference:** the regulation has requirements around record retention. See **section 82**.

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## Compliance indicators

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1. The licensee and home child care provider verbally confirms that no person providing child care at premises or operating a premises has prevented a parent from having access to his or her child, except if the person believes on reasonable grounds that the parent does not have a legal right of access to the child.
2. The licensee and home child care provider verbally confirm that no person providing child care nor operating a premises has prevented a parent from entering the premises while child care is being provided except,
  - a) if the person believes on reasonable grounds that the parent does not have a legal right of access to the child;

**Or**

  - b) if the person believes on reasonable grounds that the parent could be dangerous to the children at the premises;

**Or**

  - c) if the parent is behaving in a disruptive manner.

## Part 1.5 Duty to Provide Receipt for Payment

### *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.

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### Intent

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Section 15 of the CCEYA is in place to ensure that those who are paying for child care get a receipt for the services provided. This section also sets out that child care providers are not allowed to charge a fee when providing parents with a receipt. Providing receipts is important for a number of reasons for both the licensee and parents (for example, receipts may be necessary to do tax paperwork).

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### Clarifying guidance

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Where a parent has a private arrangement for child care with a home child care provider who is contracted with a home child care agency and pays fees for child care directly to the provider, the child is considered a privately-placed child. All children receiving child care at a home child care premises must be provided with a receipt, regardless of whether a child is placed in the home for child care by a home child care agency or is privately-placed. The home child care provider is responsible for providing a receipt, free of charge, to the parents of privately-placed children.



It is an offence under the CCEYA to contravene or fail to comply with section 15 of the Act per subsection 88.1(2) of the regulation.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 15 of the CCEYA may lead to an administrative penalty of **\$500**; see **section 78** of O.Reg. 137/15 and **item 13 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.



Receipts are a type of record and ministry officials can ask to see these records when conducting an inspection. Licensees must have a system to store copies of receipts.



**Cross-reference:** the regulation has requirements around record retention. See **section 82**.

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## Compliance indicators

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### Agency Indicators

1. The licensee verbally confirms that, upon request, the 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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# Part 2 – Canada-Wide Early Learning and Child Care (CWELCC) System

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## Part 2.1 Application to CWELCC system

Ontario Regulation 137/15



**77.1** (1) A licensee who wishes to enrol in the Canada-Wide Early Learning and Child Care System shall apply to the local service system manager for enrolment in accordance with the process established by the local service system manager and shall provide any documents requested by the local service system manager.

(2) The local service system manager shall enrol an applicant in the Canada-Wide Early Learning and Child Care System unless,

- (a) there are reasons to believe that the child care centre or home child care agency is not financially viable or will not be operated in a manner that will be financially viable;
- (b) there is reason to believe that the licensee will use the funding for improper purposes or;
- (c) the operation of the child care centre or home child care agency in the service area is inconsistent with the service system manager's directed growth plan.

(3) A licensee that is enrolled shall comply with the terms of any agreement that it enters into with the local service system manager in relation to the Canada-Wide Early Learning and Child Care System, including terms regarding the use of the funding and wage requirements.

(4) A licensee shall keep a copy of any agreement referred to in subsection (3) at the child care centre or home child care agency, as the case may be.

(5) In the event of a conflict between this Regulation and the terms of an agreement referred to in subsection (3), this Regulation prevails.

(6) For greater certainty, if a licensee that is a corporation transfers shares of the corporation that would be sufficient to allow the person acquiring the shares to make a change to the corporation's board of directors, the licensee remains enrolled and subject to the agreement referred to in subsection (3).

(7) For greater certainty, if a licensee sells substantially all of its assets, and the purchaser wishes to enrol in the Canada-Wide Early Learning and Child Care System, it shall apply for enrolment in accordance with this section.

(8) In this section, “directed growth plan” means a plan developed by a service system manager to create new child care spaces in the service system manager’s jurisdiction in accordance with the principles set out in the document provided by the Ministry to the service system manager entitled, “Ontario’s Access and Inclusion Framework 2023”, dated June 2023.

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## Intent

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Section 77.1 sets out the rules for enrolment in the CWELCC system, including the reasons a service system manager is allowed to deny an applicant enrolment.

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## Clarifying guidance

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Every licensee who wants to be part of the CWELCC system must apply for enrolment following the process set out by their local service system manager; contact information for all 47 service system managers is included in this [list of the service system managers](#). This process may be somewhat different across the province and licensees are encouraged to visit their service system manager’s website for more information.


After a service system manager receives a CWELCC application from a child care applicant or existing licensee, they review the application details and determine whether the program is eligible for enrolment in CWELCC. They may follow-up with the licensee for more information or to confirm specific program details.


There are three reasons for which a service system manager can deny enrolment in CWELCC (as specified in subsection 77.1(2) of the regulation):

- the program is not financially viable or will not be financially viable
- there is reason to believe that CWELCC funds would not be used properly
- the child care program is not consistent with the service system manager’s directed growth plan

If the service system manager decides to enrol a licensee’s program in CWELCC, they will work with the licensee to execute a service agreement. The licensee must comply with any terms and conditions in this agreement and keep a copy of the service agreement at the home child care agency.

For more information on the rules related to funding and eligibility for CWELCC, see the [Ministry of Education’s funding guidelines](#).

 **Cross-reference:** The regulation has requirements around keeping records. See **subsection 82(1)**.

 **Cross-reference:** The regulation has requirements for communicating with parents and staff if a licensee is leaving the CWELCC system. See **section 77.3** of the regulation.

## Part 2.2 Eligibility for Canada-Wide Early Learning and Child Care System

### Ontario Regulation 137/15

**13.1** (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 the following with a director:

1. If the person intends to apply for enrolment in the Canada-Wide Early Learning and Child Care System, advice provided by a service system manager to the person within the preceding six months regarding whether the person would be enrolled in the Canada-Wide Early Learning and Child Care System under subsection 77.1 (2) based on the information provided by the person to the service system manager.
2. If the person does not intend to apply for enrolment in the Canada-Wide Early Learning and Child Care System, evidence that the person has notified the service system manager of their intent to apply for a licence and that they will not be applying for enrolment in the Canada-Wide Early Learning and Child Care System.

(2) Every person who applies for a licence to operate a home child care agency under section 20 of the Act shall, at the time of application, file with a director the advice or evidence described in subsection (1).

(3) Every licensee who applies for the renewal or revision of a licence to operate a child care centre or home child care agency shall file with a director the advice or evidence described in subsection (1) if the director so requires. O. Reg. 565/22, s. 1.

(4) Any advice provided by a service system manager for the purposes of this section shall be based on the information the service system manager has at the time the advice is provided and does not constitute a decision or promise made for the purposes of subsection 77.1 (2)

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### Intent

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Section 13.1 requires all home child care agency licence applicants to provide the ministry with information about their plans to enrol in the CWELCC system. If the applicant plans to enrol in the CWELCC system, this information must include advice from the local service system manager that indicates whether the proposed program would be eligible to receive CWELCC funding.

When submitting their application in CCLS, licence applicants will be required to state whether or not they intend to enrol in CWELCC.

If the applicant does not intend to enrol, the service system manager will receive a notification from CCLS that there is a new home child care agency licence application that will not be applying for CWELCC. This satisfies the regulatory requirement in [section 13.1](#) to provide the ministry with evidence that the SSM has been notified that the program does not intend to enrol in CWELCC.



If the applicant intends to enrol, CCLS will send their application to the local service system manager who can provide the required advice directly in CCLS.

Where the applicant would like to have home child care premises in multiple service system areas, the applicant must indicate the number of proposed homes in each service system area in CCLS and obtain advice from each service system manager regarding eligibility to receive CWELCC funding from each SSM.

## Part 2.3 Base Fees for CWELCC-enrolled licensees

### Ontario Regulation 137/15



**77.2 (1)** A Licensee that is enrolled in the Canada-Wide Early Learning and Child Care System shall ensure that a base fee higher than the amount determined under subsection (2) is not charged in respect of an eligible child enrolled at a child care centre it operates or at a home child care premises that it oversees.

(2) A base fee is the lowest of the following amounts:

1. \$22 per day.
2. The base fee charged on December 31, 2024, if the licensee was enrolled in the Canada-Wide Early Learning and Child Care System on that day.
3. The applicable amount set out in a Table to this section, if the licensee was not enrolled in the Canada-Wide Early Learning and Child Care System on December 31, 2024.

(3) A base fee that is different from the base fee determined in accordance with subsection (2) may be charged in respect of an eligible child if the Minister has authorized the local service system to enter into an agreement with the licensee to permit the different base fee.

(4) If a base fee higher than the base fee determined under subsection (2) or (3) has been prepaid in respect of an eligible child, the licensee shall ensure that a credit or refund is issued of the difference between the amount that was prepaid and the amount of the base fee determined under subsection (2) or (3).

(5) Any credit or refund required under subsection (4) shall be given within 60 days after,  
(a) December 31, 2024, if the licensee was enrolled on that day; and  
(b) the day the licensee is notified by a local service system manager of the enrolment date, if the licensee was not enrolled on December 31, 2024.

(6) If a child in respect of whom a credit was provided under this section ceases to receive child care at a child care centre the licensee operates or at a home child care premises that it

oversees, the licensee shall ensure that a refund is provided of any remaining amount within 60 days after the day the child ceases to receive care.

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## Intent

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Section 77.2 sets out the rules that CWELCC-enrolled programs must follow when they are setting parent fees.

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## Clarifying guidance

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This provision applies only to those licensees who are participating in the CWELCC system and their base fees.

The rules around base fees set out in this provision must be used for **all** eligible children, regardless of how they are placed in homes (whether they are enrolled in a home child care program through an agency or privately placed).



It is an offence under the CCEYA to contravene or fail to comply with section 77.2 of the regulation, per paragraph 88.1(10) of the regulation.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 77.2 of the regulation may lead to an administrative penalty of **\$750 × number of children for whom a fee higher than the applicable base fee was charged or not credited or refunded**. See **section 78** of O. Reg. 137/15 and **item 22 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention of is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.

## What is a base fee?

**Base Fee:** any fee charged for the provision of child care, including any fees for services or items required by O. Reg 137/15 and any other mandatory parent fees. Only base fees must be reduced under the CWELCC system.

**Non-Base Fee:** any fee charged for optional items or optional services (for example, transportation) or any fees charged where the parent fails to meet the terms of the agreement with the licensee (for example, late fees).

Examples of base and non-base fees are provided in the chart below:

Base Fee	Non-Base Fee
Play materials, equipment and furnishings: cot, crib, bedding, play materials	Late pick up fees for child care provided beyond operational hours outlined in the parent handbook
Supervision by adult during operational hours	Bank processing fees (such as for non-sufficient funds)
Development and implementation of individualized plans (medical, special needs, anaphylaxis)	Field Trips (if optional)
Registration fee, deposits, administration fees – any fees that are <b>mandatory</b> for a parent to pay in order to receive child care, even if the fee is received and processed by a third party (for example, a billing company)	Transportation (if optional)
Food (where required by regulation for children under 44 months <b>and</b> where mandatory for parents)	Diapers, sunscreen (if optional)

## Fees for Child Care

Since March 2022, child care fees have been reduced gradually over time at programs that are enrolled in the CWELCC system.

The first step in fee reductions took place between April and December 2022 when licensees were required to reduce their fees by 25%.

On December 31, 2022, licensees were required to reduce fees by another 37%. These two calculations work out to a total reduction of 52.75%.

Base fees for eligible children in CWELCC enrolled child care programs must now be \$22 per day or less.

On January 1, 2025, specific rules took effect for programs that were already enrolled in CWELCC:

- CWELCC-enrolled programs charging more than \$22 per day for eligible children must reduce fees to \$22 per day
- CWELCC-enrolled programs charging \$22 per day or less for eligible children must maintain their fees as of December 31, 2024
- New programs enrolling in CWELCC in 2025 must set base fees in accordance with specific amounts set out in tables in the regulation

CWELCC-enrolled licensees must consider **all** mandatory fees charged to parents/guardians when calculating their overall base fee. This includes all costs parents/guardians are required to pay, such as registration fees and any other one-time or recurring fees. This information is critical in determining whether they are compliant with the cap of \$22 per day.

Licensees can charge a one-time fee, like a registration fee, as well as charging a daily fee for child care. The total cost of the one-time fee plus the daily fees should average \$22 or less per day over a year.

To figure out how much the one-time fee adds to the daily fee, licensees must divide the one-time fee by the number of days they provide service in a year.



For the purpose of spreading out the one-time fee, a “year” starts on the day the one-time fee is charged.

For example, if a child care program charges a \$500 registration fee and has 250 service days in a year:

- They divide \$500 by 250 days, which equals \$2 per day.
- This means the \$500 fee adds \$2 to the daily fee of child care.
- So, the daily fee for parents can only be \$20 to stay under the \$22 limit.

New home child care agencies can use the number of service days in a typical year to do this calculation. Licensees who are not enrolled in CWELCC may continue to set their own parent fees.

### Refunding or crediting prepaid overpayments

Where necessary, licensees must ensure parents are refunded for any overpayments. An overpayment is the difference between the “old” base fee and the “new” base fee being charged to parents. They may occur in situations where a parent pays child care fees in advance. For example, some parents pay an annual tuition fee.

Licensees who enrol in the CWELCC system in 2025 must provide refunds for overpayments to parents by March 2, 2025, which is **60** calendar days after the effective day for the rules for new fees.

New licensees who enrol in the CWELCC system in 2025 must provide a refund/credit within 60 days of being notified by a local service system manager that they have successfully enrolled.



To help licensees understand the new cost-based funding approach which is effective as of January 1, 2025, the ministry has created [online webinars](#) that provide a high-level walk-through of the new approach through representative case examples.

For more information about the new funding approach and how it impacts your home child care agency, please speak to your local [service system manager](#).



**Cross-reference:** the regulation has requirements around keeping records. See **subsection 82(1)**.

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## Compliance Indicators

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### Agency Indicators

1. The licensee verbally confirms that parents of eligible children are not charged a base fee higher than set out under 77.2(2)(1-3) or ss. 77.2(3) provided below:
  - (2) The base fee is the lowest of the following amounts:
    - \$22 per day
    - The base fee charged on December 31, 2024, if the licensee was enrolled in the Canada-Wide Early Learning and Child Care System on that day
    - The applicable amount set out in a Table to this section, if the licensee was not enrolled in the Canada-Wide Early Learning and Child Care System on December 31, 2024.
  - (3) A base fee that is different from the base fee determined in accordance with subsection (2) may be charged in respect of an eligible child if the Minister has authorized the local service system to enter into an agreement with the licensee to permit the different base fee.
2. The licensee verbally confirms or provides written confirmation that confirms that any credit or refund required under subsection (4) was given within 60 days after,
  - December 31, 2024, if the licensee was enrolled on that day

**And**

- the day the licensee is notified by a local service system manager of the enrolment date, if the licensee was not enrolled on December 31, 2024.
3. There is written evidence or the licensee verbally confirms that ALL children who had a credit with the licensee and ceased receiving child care at home child care premises were refunded any remaining amount within 60 days after the day the child ceased receiving care.

## Part 2.4 Notice of Disenrollment

### Ontario Regulation 137/15



**77.3 (1)** If a licensee intends to disenroll from the Canada-Wide Early Learning and Child Care System, the licensee shall ensure that notice of the disenrollment is provided to the following persons at least 30 days before the disenrollment date:

1. A parent of every eligible child enrolled at a child care centre the licensee operates or at a home child care premises that it oversees.
2. Every employee of a child care centre or home child care agency the licensee operates.
3. Every home child care provider in each home child care premises that the licensee oversees.

(2) If a licensee is advised by a service system manager that it will be disenrolled from the system, the licensee shall ensure that notice of the disenrollment is provided to the persons mentioned in subsection (1),

- (a) if the advice is given less than 30 days before the disenrollment date indicated by the service system manager, within three business days after the day the licensee receives the advice; and
- (b) otherwise, at least 30 days before the disenrollment date indicated by the service system manager.

(3) A parent who receives a notice of disenrollment shall not be penalized for withdrawing their child from the child care centre or the home child care premises as long as the parent gives notice of the withdrawal to the licensee or home child care provider, as the case may be,

- (a) within 30 days after receiving the notice of disenrollment; and
- (b) at least 30 days before the date the parent would like to withdraw the child.

(4) Clause (3) (b) applies despite any agreement between the licensee or home child care provider and the parent, unless the agreement authorizes the parent to give the licensee less than 30 days notice of the withdrawal of their child.

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## Intent

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Section 77.3 sets out the rules that licensed child care programs must follow if they leave the CWELCC system.

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## Clarifying guidance

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These requirements only apply to those licensees who are enrolled in the CWELCC system.

Licensees who voluntarily choose to leave/disenroll, from the CWELCC system must tell the following people at least 30 days before their last day as a CWELCC enrolled program:

- Parents of all eligible children enrolled in the program, whether through the agency or privately
- All employees of a home child care agency
- All home child care providers that the licensee oversees

The same rules apply for programs that are told they are being disenrolled from the CWELCC System by their service system manager, unless they are not given a full 30 days notice by their service system manager.

If a program is told they are being disenrolled less than 30 days before the disenrollment date, they must notify parents within 3 **business** days of receiving this information.

Families who are notified that their program is disenrolling from the CWELCC system must be allowed to withdraw their child without being penalized. To do so, families must provide notice of withdrawal to the licensee within 30 days of receiving the notice of disenrollment notice **and** provide at least 30 days notice before their child's last day in the program.



All of the rules related to parent fees continue to apply until a program has officially left the CWELCC system. This means that licensees cannot raise parent fees during the 30 days after they have told families they are leaving the CWELCC system.



**Cross-reference:** The regulation sets out the fee rules that CWELCC-enrolled programs must follow. These rules still apply to licensees enrolled in CWELCC until they officially leave the program. See part 2.3 of this manual and **section 77.2** of the regulation.



The references to a number of days mean calendar days, unless otherwise stated (such as, three business days). For example, 30 days means 30 calendar days.



## Example

The following is a sample timeline to illustrate these requirements.

Licensee of ABC Home Child Care Agency has decided to disenroll from the CWELCC system effective March 1, 2025.

On January 20, 2025, the licensee notifies families, employees of the agency (such as the home child care visitor and an administrator), and home child care providers that they are leaving the CWELCC system and parent fees will increase on March 1, 2025.

On January 22, 2025, a child's parents contact the licensee and gives a notice of withdrawal, stating that their child's last day in care will be February 28, 2025.

The child withdraws from the program without any penalty.



**Cross-reference:** The regulation has requirements around keeping records. See **subsection 82(1)**.



**Cross-reference:** The regulation has requirements around having a parent handbook and what types of information must be included in the handbook (at a minimum). A licensee's parent handbook must include information about the base fee and any non-base fees that may be charged, and whether or not the licensee is enrolled in CWELCC. See **subclause (a)(iii) of subsection 45(1)** of the regulation.

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## Compliance Indicators

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### Agency Indicators

1. Where a licensee intends to disenroll from CWELCC, there is written confirmation that the licensee provided a notice of the disenrollment at least 30 days before the disenrollment date to the following individuals:
  - The parent of every eligible child enrolled at a home child care premises that it oversees.
  - Every employee of the home child care agency the licensee operates.
  - Every home child care provider in each home child care premises that the licensee oversees.



2. Where a licensee has been advised by the service system manager that they will be disenrolled from CWELCC, there is written confirmation that the licensee provided a notice of the disenrollment to the parent of every eligible child enrolled at a home child care premises that it oversees, every employee of the home child care agency the licensee operates, and every home child care provider in each home child care premises that the licensee oversees , and the notice was provided:
- within three (3) business days after the day the licensee received the notice from the service system manager if the advice was given less than 30 days before the disenrollment date

**OR**

at least 30 days before the disenrollment date indicated by the service system manager if more than 30 days was provided

3. There is written evidence or the licensee provides verbal confirmation that the licensee did not penalize any eligible parent that gave 30 days notice of withdrawal (less if withdrawal policy allows) within the 30 days of the licensee advising of disenrollment in the Canada-wide Early Learning and Child Care System.

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## Part 3 – Group Size and Supervision

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### Part 3.1 Number of Children

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

6(1) No person shall operate a premises where child care is provided except under the authority of a licence to operate a child care centre.

#### Exceptions

6(3) Subsection (1) does not apply in respect of the provision of child care in any of the following circumstances:

#### home child care

1. The child care provided at the premises meets the following criteria:
  - i. The child care is provided,
    - A. by one child care provider for no more than six children at any one time or, if a lesser number is prescribed in accordance with subsection (6), no more than the prescribed number of children at any one time
  - ii. There is an agreement between a home child care agency and the child care provider that provides for the agency's oversight of the provision of care.
  - iii. The home child care agency has been advised of all of the children at the premises.
  - iv. The group of children does not include,
    - A. in the circumstances described in sub-subparagraph i A, more than three children who are younger than two years old,
    - C. if the director authorizes under section 27 the provision of child care for more children who are younger than two years old than the number that applies for the purposes of sub-subparagraph A or B, more than the number specified by the director.

#### Ontario Regulation 137/15

9 (1) Every licensee shall ensure that the number of children receiving child care, including the children of the home child care provider, in each premises where the licensee oversees the provision of home child care does not exceed the number specified in the Act.

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## Intent

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Paragraph 1 of subsection 6(3) of the statute provides a rule about the number of children allowed in care at each home child care premises.

Subsection 9(1) of O. Reg. 137/15 is in place to reiterate the requirements and intent of the rules around the number of children allowed in a home child care premises set out in the statute. To promote the safety and well-being of children receiving care in home child care premises, there is a limit on how many children can be in home child care premises at any one time. No more than six children under the age of 13 years, including the provider's own children under four years old, are allowed with no more than three children who are younger than two years old.

Licensees must be advised of **all** children receiving child care at the home child care premises, including privately-placed children. These requirements support home child care agencies to make informed decisions when they are placing children in home child care premises.

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## Clarifying guidance

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In all cases, whether the agreement between the licensee and the provider sets out a capacity that is less than the maximum number of children permitted under the CCEYA or not, agency-enrolled, privately placed children and the provider's own children (where applicable) are required to be counted towards the maximum capacity.

The CCEYA does not set out requirements for the capacity or age(s) of children that may receive care from an in-home services provider.

A provider cannot have more than three children who are younger than two years old at any one time unless approved by the director under the CCEYA. The Act gives the authority to the director to allow a specific home child care location contracted with an agency to provide care to more than three under two years of age.

### Example

Home child care provider A, who does not have their own children at their home, agrees to watch a neighbour's child (age 3 years) for 2 hours at the home child care premises during the hours A is providing child care to four other children.

The neighbour's child is considered to be in child care as a privately-placed child, therefore, A must count the neighbour's child towards the total number of children receiving home child care.

Children receiving child care (4) + neighbour's child (1) = 5

**Total number of children = 5**



**!** The home child care agency must be advised of all children at each home child care premises. There must be up-to-date records of all children receiving child care, no matter how often or how long they are receiving child care for and regardless of whether they are agency-placed or privately placed; see **section 72** of the regulation for the requirements around children's records.

Under section 2 of the CCEYA, a **child** is defined as a person who is younger than 13 years of age.

**!** A home child care provider's own child is NOT considered to be a child in care, except for the purpose of counting the maximum number of children at the home child care premises. In regards to record retention, licensees are only required to obtain and retain records regarding immunization and health assessment, as may be relevant in accordance with section 57.



Contravention of section 9 of the regulation may lead to an administrative penalty of **\$2,000 times the number of children that exceed the number specified in section 9**. See **section 78** of O.Reg. 137/15 and **item 19 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.

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## Compliance Indicators

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### Location Indicators (Home Child Care Premises)

1. There are no more than six children observed to be receiving care at the premises at any given time, including the home child care provider's own children (where applicable).

#### And / Or

Completed home visitor checklists indicate that the total number of children receiving care, including the provider's own children where applicable does not exceed six children.

#### Or

The home child care provider and/or home visitor confirm that the total number of children receiving care, including the provider's own children where applicable does not exceed six children.

**Or**

Attendance records indicate that, at any one time, there are no more than six or the prescribed number of children receiving care at the premises, including the provider's own children (where applicable).

2. There is an agreement between a home child care agency and the child care provider that provides for the agency's oversight of the provision of care.

**And**

The home visitor confirms the home child agency and visitor have been advised of all of the children at the premises.

3. There are no more than three children under 2 years of age observed to be receiving care at any given time including the provider's own children.

**And / Or**

Completed home visitor checklists indicate that there are no more than three children under 2 years of age receiving care at any given time including the provider's own children.

**Or**

The home child care provider and/or home visitor confirm there are no more than three children under 2 years of age receiving care at any given time including the provider's own children.

4. If director approval has been granted for the premises for more than three children under two years of age to receive care, the number of children under two years of age observed to be receiving care does not exceed the maximum number specified in the approval at any given time.

**And / Or**

Where director approval has been granted for the premises for more than three children under 2 years of age, completed home visitor checklists indicate that the number of children under 2 years of age does not exceed the maximum number specified in the approval at any given time.

**Or**

Where director approval has been granted for the premises for more than three children under 2 years of age, the home child care provider and/or home visitor confirm the number of children under 2 years of age does not exceed the maximum number specified in the approval at any given time.

### **Location Indicators (In-Home Services)**

1. Child care is provided for a child at his or her home, or at another place where residential care is provided for the child.

#### **And**

There is an agreement between a home child care agency and the child care provider that provides for the agency's oversight of the provision of care.

#### **And**

The home visitor confirms the home child agency and visitor have been advised of all of the children at the premises.

## **Part 3.2 In-home services**

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

#### **In-home services**



**6.0.1** (1) Every provision in this Regulation that applies in respect of home child care, including requirements that apply to home child care providers or home child care agencies, shall also apply in respect of in-home services with the exception of the following:

1. Section 9 (home child care group size).
2. Section 25 (compliance with health and safety standards).
3. Section 28 (temperature).
4. Subsections 36(1), (2) and (3) (child illness and accident).
5. Subsections 42(1) and (2) (requirements re food and drink).
6. Section 44 (special arrangements).

7. Subsections 47(3) and (4) (program requirements re activity, rest, sleep, outdoor play, etc.).

8. Section 50 (safe arrival and dismissal policy).

(2) For the purpose of subsection (1), any reference to “home child care” in a provision of this Regulation, including in a definition, shall be read as a reference to “home child care or in-home services”.

(3) Despite subsections (1) and (2), a reference in Table 1 or 2 to section 78 to a contravention shall not be read as including contraventions of provisions that apply in respect of in-home services pursuant to this section.

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## Intent

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Section 6.0.1 provides exceptions to certain rules and requirements that apply to home child care because there is a need to individualize matters related to basic needs of children receiving in-home services (such as, eating and sleeping).

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
## Clarifying guidance

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In-home services is a type of child care overseen by a home child care agency.

Although most of rules and requirements that apply to home child care also apply to in-home services, in-home services is different from “home child care” as the child care provider goes to the child’s home to provide child care, whereas home child care is operated in a provider’s own home or other location. Note that an in-home services provider cannot care for other children who do not reside at the residence. If other children attend, the premises is considered to be offering home child care, not in-home services.

In-home services gives parents the option to have child care provided in their home overseen by a home child care agency.

 **Cross-reference:** the Act sets out a definition of “in-home services”. See **paragraph 3 of subsection 6(3)** of the Act.

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## Compliance Indicators

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### Location Indicators (In-Home Services)

1. Child care is provided for a child at his or her home, or at another place where residential care is provided for the child.

**And**

There is an agreement between a home child care agency and the child care provider that provides for the agency's oversight of the provision of care.

**And**

The home visitor confirms the home child agency and visitor have been advised of all of the children at the premises.

## **Part 3.3 Maximum Capacity**

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

- 9(2)** Every licensee shall establish a maximum capacity in accordance with the Act for each premises where the licensee oversees the provision of home child care and this capacity shall be set out in the agreement between the licensee and the home child care provider.
- 9(3)** Every licensee shall, before placing a child at a premises where the licensee oversees the provision of home child care, consider whether the placement would provide safe accommodation for the child and for any children already at the premises, and for that purpose shall consider the following:
1. The ages of the children in the group.
  2. Any special needs or medical needs of the children in the group.
  3. The ability of each child to evacuate independently in an emergency.
  4. The experience and qualifications of the home child care provider.
  5. The physical environment of the premises, including the total amount and distribution of space in the premises.

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### **Intent**

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Subsection 9(2) and 9(3) are to be read together.

When setting the maximum capacity, the agency should take into consideration the individual characteristics of the home child care premises and providers to help safeguard the safety and well-being of children receiving care.



These provisions only apply to home child care providers and do not apply to in-home services providers.

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## Clarifying guidance

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While the CCEYA sets out the overall maximum number of children who can receive child care in a home child care premises in sub-subparagraph 1 i A of subsection 6(3) (in other words, no more than six children), subsection 9(2) of the regulation requires a home child care agency to set an actual maximum number of children for each particular home child care premises (and document this number in the written agreement), which must not exceed the maximum set out in subsection 9(3) of the Act.

### Example

L is a new home child care provider who signed a new contract with a home child care agency. L has two cats and lives on their own. L was a middle school teacher in their home country but does not have any education completed in Canada. The only experience related to children that L has is the 6-month volunteer experience at an elementary school as a lunch time supervisor. L will be providing child care at their own home, which is a two storey house with a narrow set of stairs. L has extra rooms on the second floor that will be proposed as play spaces for children. L has expressed that they prefer to provide child care to only a few children.

Before placing children at L's home, things the licensee should consider include, but are not limited to:

- L's experience and qualifications
- the ability of each child to evacuate independently in an emergency
- the physical environment of the home premises
- children/families comfort level being around cats
- L's preference for the number of children

How many children can be placed in a home child care premises comfortably and safely should be considered using the factors set out in subsection 9(3); in addition to looking at these factors when calculating the maximum number of children who are to receive child care in a particular home child care premises, the actual maximum capacity must also include the home child care provider's own children under the age of four years, agency enrolled-children and children enrolled directly by the home child care provider (in other words, privately-placed children), if the written agreement allows for this practice.

Municipalities may have zoning by-laws that place different limits on the number of children allowed in home child care premises. Licensees must consult with their local municipalities for additional information and ensure that they comply with local requirements.



## Example

Home child care provider B's own child (age 9 years) brings a friend after school (age 9 years) to play at the home child care premises during the hours B is providing child care to five children.

The friend of the provider's child is considered to be in child care as a privately-placed child, therefore, B must count the friend towards the total number of children receiving home child care. However, B's own child is not counted towards the total number of children because they are older than 4 years of age (See part 3.3. regarding counting a provider's own children).

Children receiving child care (5) + B's own child's friend (1) = 6

**Total number of children = 6**



Contravention of section 9 of the regulation may lead to an administrative penalty of **\$2,000 times the number of children that exceed the number specified in section 9**. See **section 78** of O. Reg. 137/15 and **item 19 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.



**Cross-reference:** the regulation has requirements about an agreement between a home child care agency and each home child care providers the agency oversees. The home child care agency is required to keep a copy of each agreement. See **section 75**.



**Cross-reference:** the Act sets out that providing home child care can only be done if there is an agreement between a home child care agency and a child care provider that provides for the agency's oversight of the provision of child care. See **subparagraph 1 ii of subsection 6(3)** of the Act.



**Cross-reference:** the number of children receiving child care, including the children of the home child care provider, must not exceed the number specified in the Act. See **sub-subparagraph 1 i A of subsection 6(3)** of the Act.

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## Compliance indicators

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### Agency Indicators

1. The licensee has established a maximum capacity set out in an agreement between the licensee and the home child care provider for each premises where it oversees the provision of home child care
2. The licensee is able to explain or demonstrate:
  - (1) how the ages of the children were considered when placing them in a group at any premises;
  - (2) how children's special needs or medical needs were considered when placing them in a group at any premises;
  - (3) how each child's ability to evacuate independently was considered when placing them in a group at any premises;
  - (4) how the experience and qualifications of all providers was considered when deciding to place children at any premises;

**And**

- (5) how the physical environment of each premises was considered when deciding to place children at any premises.

## Part 3.4 Counting Provider's Children

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

**6(5)** For the purposes of counting children at a premises under paragraphs 1 and 2 of subsection (3), a child care provider's own children who are at the premises shall be counted, except as follows:

1. A child who is four years old or older shall not be counted on any day.
2. If the child care is provided on or after September 1 in a calendar year, a child who will attain the age of four in that year shall not be counted on any day.

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## Intent

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Subsection 6(5) of the statute provides additional rules about counting children, specifically a home child care provider's own children.

Children under four years old (as of December 31 in a school year) are not old enough to attend kindergarten in a school, so it is expected that they will be at the premises for most of the day. Also, younger children generally require a higher degree of care and supervision compared to older children.

These provisions only apply to home child care providers and are not relevant in relation to in-home services providers.

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## Clarifying guidance

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Providers must include their own children under the age of four years, who are on the premises, for the purposes of counting the total number of children at a premises. If the child care is provided on or after September 1 in a calendar year, any of the provider's own children who will turn the age of four years in that year do not have to be counted in the total number of children at a premises.

### Example

Home child care provider C provides child care to 5 children plus their own child at the home child care premises. C's own child turns four years old on November 7.

#### Before September 1:

Children receiving child care (5) + C's own child (1) = 6  
**Total number of children = 6**

#### After September 1:

Children receiving child care (5)  
**Total number of children = 5**

When the ages of children receiving child care at a home premises vary, home child care providers need to consider each individual child's abilities and interests; [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#) helps providers to plan for and create environments and experiences that respond to the varied abilities and each child's unique characteristics of children enrolled.



While not all home child care/in-home services providers are early childhood educators, everyone can access the College of Early Childhood Educators' [Practice guideline: Dual Relationship](#).

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## Compliance indicators

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### Location Indicators

1. The total number of children observed at any given time does not exceed six, including the home child care provider's own children who are younger than 4 years of age (unless it is on or after September 1 and the provider's child will turn 4 in the calendar year.)

**Or**

Attendance records indicate that, at any given time, there are no more than six children receiving care, including the home child care provider's own children who are younger than 4 years of age (unless it is on or after September 1 and the provider's child will turn 4 in the calendar year.).

## Part 3.5 Supervision by an Adult

### 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.

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### Intent

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Adult supervision of children is necessary to maintain a safe child care environment, to prevent or minimize the risk of injuries and to maintain a high level of quality in a child care program. This provision is in place to protect the safety and well-being of children by requiring that they be always supervised by an adult while receiving child care in a home child care premises.

This provision applies to both home child care providers and in-home services providers.

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### Clarifying guidance

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#### Age of adult

The Ministry recognizes an individual who is at least 18 years old as an “adult” for the purposes of O. Reg. 137/15. Therefore, **individuals who are not yet 18 years of age cannot be left alone to supervise children.**

If licensees develop hiring policies, they are strongly encouraged to speak with a lawyer to ensure that any relevant legal requirements are met (e.g., human rights, labour, truancy).



It is an offence under the CCEYA to contravene or fail to comply with section 11 of the regulation per subsection 88.1(4) of the regulation.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 11 of the regulation may lead to an administrative penalty of **\$2,000**; see **section 78** of O. Reg. 137/15 and **item 20 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.

Children must be actively supervised by an adult at all times including:

- throughout the whole period that child care is being provided
- when children are either on or off the premises of the home child care premises (such as when they are at a community playground, travelling as part of a field trip, etc.)
- when children are in a vehicle, even if the children are in car seats or have their seatbelts on

Licensees are encouraged to ensure the supervising adult is a person whom children receiving child care are familiar with (for example, a person who is ordinarily a resident or regularly at the home child care premises). Also, the licensee must ensure the supervising adults meet all other requirements set out in the regulation (for example, vulnerable sector check requirements).

Where there are repeated incidents of children going unsupervised, the ministry may take additional progressive enforcement action against the licensee. The ministry looks at a number of factors when determining what progressive enforcement action to take including considering whether contraventions of section 11 are associated with complaints and/or serious occurrences and what types of corrective action, if any, the licensee has taken to reduce the likelihood of contraventions of section 11 in their home child care premises (for example, the ministry may consider whether/how the licensee has started to support and train employees of the home child care agency and home child care/in-home services providers). Ministry staff may also provide additional oversight and monitoring with patterns of non-compliances that are not improving in a meaningful and timely manner.



**Cross-reference:** the regulation has a set of specific requirements around sleep supervision. See **section 33.1**.



**Cross-reference:** the regulation has requirements around serious occurrences. See **section 38(1)**.



**Cross-reference:** the regulation has a set of specific requirements around duty to obtain a vulnerable sector check (**section 60 (2)**) and exceptions (**section 61**).

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## Best practices

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Adults who are supervising children should be **actively** supervising children which means they should minimize distractions (for example, use of personal electronic devices) that could take their focus/attention off of the children.

Licensees should discuss with supervising adults who will be doing what in terms of supervision (in other words, their roles and responsibilities when it comes to supervision). When there are other individuals (such as a person who is ordinarily a resident or regularly at the home child care premises, students, volunteers or parents) joining activities that they are not normally part of, they must be made aware of who needs to do what in terms of supervision.

To minimize the risk of serious harm/injury or instances of children going missing, supervising adults should:

- make sure they are familiar with the physical layout of the home child care premises and the outdoor space used by the children
- know which children are in attendance at any particular time of the day
- do frequent head counts of children to ensure that all of those who are at the home child care premises for the day are present during various activities
- position themselves to be able to see all children
- anticipate what may happen next to be able to assist children and step in if there's potential danger or a risk of children getting away from the group
- be extra vigilant when on field trips, going on a walk, or during times of transition as children may not know what to do or where they should be going when taking part in activities that are not typically part of their day-to-day routines in the home premises

In general, supervising adults need to understand how much supervision needs to be provided to individual children by understanding their skills and abilities. Supervising adults may need to provide greater attention to children who require a higher degree of supervision compared to

their peers due to their age/developmental stage or due to special and/or medical needs. Similarly, extra supervision/attention should be given to children who are new to the home child care premises until they become familiar with the regular routines, the layout of the premises and outdoor space, etc.

Those responsible for supervising children should focus on maintaining children's physical safety as well as their psychological and emotional safety. Supervising adults need to look out for and address any instances of children teasing, intimidating or bullying other children.

## Supervision of school-age children

[How Does Learning Happen? Ontario's Pedagogy for the Early Years](#) sets out that children are to be viewed as capable and competent individuals. There may be situations where it is safe and appropriate for school-age children to be independent for a short period of time with guidance and support from adults.



**Cross-reference:** the regulation has separate requirements regarding supervision around water. See **section 30.1**.



**Cross-reference:** the regulation has requirements around safe arrival and dismissal policy. See **section 50**.



**Cross-reference:** the regulation has separate requirements around sleep supervision. See **section 33.1**.



Early childhood educators are reminded that failing to adequately supervise a child who is under the professional supervision of an early childhood educator is considered **professional misconduct** under the *Early Childhood Educators Act, 2007* – refer to section 2 of [Ontario Regulation 223/08 \(Professional Misconduct\)](#)



The College of Early Childhood Educators has produced resources around supervision – see the College's [Practice Note: Professional supervision](#) and [College Talk: Enhancing children's safety through professional supervision](#).

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## Compliance indicators

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



## Part 3.6 Supervision of Volunteers and Students



### 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.



(1.1) Subsection (1) does not apply in respect of a student who is on an educational placement with the licensee and is also an employee.

(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.

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### Intent

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**Volunteers** and **students** play an important role in supporting home child care providers and in-home services providers and enriching children's daily experiences at licensed home child care programs.

To protect the health, safety and well-being of children in the program and ensure licensees are meeting all requirements in the regulation, section 11.1 is in place to require home child care /in-home services providers to always be present with children in child care and prohibit children being left alone with a volunteer or student

Subsection 11.1(2)(a)(b) and (c) require that policies and procedures set out the roles and responsibilities for all three types of people who are at the home child care agency and home premises:

- Licensee and home child care visitor
- home child care/in-home services providers – those who are responsible for supervising the students or volunteers in the premises
- students and volunteers



There can be people enrolled in a high school or college/university program who are doing a placement associated with such a program. The regulation refers to them as **students** and **students on an educational placement with the licensee**.

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## Clarifying guidance

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Since Subsection 11.1(1) requires that every volunteer or student is supervised by an employee or home child care provider at all times, the licensee should ensure that home child care providers are willing to have volunteers or students at the premises, before arranging for their placement.



**Cross-reference:** information about the requirement regarding the supervision of volunteers and students and the related policies and procedures required must be included in the parent handbook. See clause **45(1) (a.1)** of the regulation.



**Cross-reference:** licensees must implement and ensure that the written policies and procedures relating to the supervision of volunteers and students are implemented by home child care/in-home services providers, volunteers, students, persons who are ordinarily residents or regularly at the premises, home child care visitors and employees of the home child care agency and are monitored for compliance and contraventions. See **section 6.1** of the regulation.



Contravention of subsection 11.1(1) of the regulation may lead to an administrative penalty of **\$1,000**; see **section 78** of O. Reg. 137/15 and **item 0.1 of Table 2** under that section.

The amount of the administrative penalty increases if the contravention of is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

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## Best practices

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When developing their required written policies and procedures regarding students and volunteers, licensees should consider:

- which home child care agency employee will be designated to orient and mentor the volunteer or student
- how home child care agency employees, home child care/in-home services providers, volunteers and students are made aware of who is responsible for the implementation of the policy and supervision of volunteers and students

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## Compliance indicators

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### Agency Indicators

1. The licensee has developed a supervision policy and procedures for volunteers and students that includes the following:
  - a) every volunteer and student is supervised by a home child care provider or in-home services provider at all times;
  - b) no volunteer or student is permitted to be alone with any child;
  - c) roles and responsibilities for the licensees and home child care providers/in-home services providers;
  - d) roles and responsibilities of volunteers and students.

**Or**

The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry.

### Location Indicators

1. It is observed that volunteers and/or students are supervised by a home child care provider or in-home services provider at all times;

**And**

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

**And**

Home child care providers and/or in-home services providers verbally confirm that no volunteer or student is left unsupervised with children.

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# Part 4 – Building, Equipment and Playground

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## Part 4.1 Compliance with Local By-laws etc.

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Ontario Regulation 137/15



**25** Every person who applies for or holds a licence to operate a home child care agency under section 20 of the Act shall ensure that each premises the person oversees in which child care will be or is provided complies with clauses 13 (1) (a), (b), (c) and (d).

**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 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 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;

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### Intent

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There are laws and requirements that apply to child care in Ontario that are set out in statutes other than the CCEYA, such as those regarding health, building standards, etc. The Ministry of Education is not responsible for the administration of such other statutes.

Section 25 requires licensees to comply with the laws, requirements, by-laws over the course of their operations, not just at the time the application was made.

Section 13 is in place to make sure that the ministry can see proof that applicants/licensees have met other legal requirements that may be relevant to the operation of a home child care agency and each home child care premises that the agency has an active agreement with. This tells the ministry that the home child care premises is safe and suitable for children to be there.

These provisions only apply to home child care providers and do not apply to in-home services providers.

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## Clarifying guidance


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
When a licensee is considering approving spaces within home child care premises as an approved play space to provide care, the licensee must ensure each home child care premises and the home child care agency (only if child care is provided at the agency head office location), complies with the requirements of the [local public health unit](#) and local authorities such as those which are responsible for fire protection and building and zoning. A licensee is required to provide this confirmation:


- before a licence is issued
- when the licensee asks the ministry for a revision or renewal of their licence


Local by-laws vary among municipalities and First Nations and can change over time. To ensure compliance with the CCEYA and O. Reg. 137/15 and help make sure there will be timely processing of their request for a new licence or renewal or revision of an existing licence, all applicants and licensees must check with their local government to confirm what by-laws are relevant.

 **Cross-reference:** most rules/requirements that apply to home child care premises also apply to in-home services, but there are some exceptions. These exceptions are set out in **section 6.0.1**.

 **Cross-reference:** the regulation requires the temperature in each home child care premises is maintained at a level of at least 20 degrees Celsius. See **section 28**.

 **Cross-reference:** the regulation requires that children do not have access to poisonous and hazardous substance or firearms and ammunition. See **section 31**.

 **Cross-reference:** the regulation includes requirements around bodies of water at a home child care premises including that any standing or recreational body of water on the home child care premises is inaccessible to children under six years old. See **section 30.1**.

 **Cross-reference:** the regulation requires that written fire evacuation procedure is established and implemented at each home child care premises. See **subsection 68(3)** and **section 6.1**.

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## Compliance indicators

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### Agency Indicators

1. The licensee or applicant confirms that each premises the home child care agency oversees where care is or will be provided complies with (a), (b), (c) and (d) listed in subsection 13(1).

## Part 4.2 Inspections by a Home Child Care Visitor



### Ontario Regulation 137/15

- 26(1)** Every licensee of a home child care agency shall ensure that before a premises is used as a premises where the licensee is to oversee the provision of home child care, the premises, including the outdoor play space, is inspected by a home child care visitor employed by the licensee to ensure compliance with the Act and this Regulation and, where the premises is so used, that further inspections are carried out without prior notice to the home child care provider, at least once in every quarter of each calendar year, and at such other times as the director may require.
- (2) The home child care visitor shall use any checklist provided by the director in performing an inspection of a home child care premises
  - (3) The licensee shall ensure that a record is made of each inspection conducted under subsection (1).

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## Intent

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A licensee of a home child care agency has a responsibility to monitor compliance with the CCEYA and the regulation. To fulfil this responsibility, the home child care visitor employed by the licensee must conduct an initial inspection prior to children receiving child care at a home premises and at least once in every quarter of each calendar year through unscheduled and unannounced inspections of all active home child care premises with which the agency has an agreement.

Please note that these provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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These inspections must be conducted without any prior notice to the home child care provider to ensure the home child care visitor is inspecting an accurate representation of the daily routines and practices within the home child care premises. If a home child care premises is “inactive”, the quarterly home visitor inspection is not required.



For licensing purposes, an “active” home is one in which children are currently receiving care. Conversely, an “inactive” home is one in which there are no children currently in care, but there may be an agreement in place (for example, the provider has no children enrolled right now but could have one in the future).

The standard home visitor checklist developed by the ministry reflects requirements under the CCEYA and supports consistency in interpretation and compliance with the regulations. When non-compliances are cited during the home child care visitor inspections, licensee must take steps to immediately address and rectify any issues.

The ministry’s standard home visitor checklist must be completed fully for all home child care premises inspections conducted by the home child care visitor of a licensed home child care agency. This includes inspections conducted for the premises where in-home services are provided, as well as the premises where only privately placed children are enrolled.

If completing the standard home visitor checklist for a home child care premises within one day is not possible, licensee may choose to conduct multiple visits during a quarter and complete sections of the home visitor checklist each time.

In addition to completing the standard home visitor checklist, the home child care agency licensees may choose to create a separate document with additional content (for example, the requirements of local bylaws and the agency’s specific policies and procedures) for home visitors to review as part of the quarterly inspections.

Home child care visitors should inspect all the rooms used for the care of children, at a minimum. The licensee should determine whether additional rooms are to be inspected based on their use, accessibility to children and other safety concerns.

In addition to monitoring compliance with regulatory requirements, the required quarterly inspections can also be an opportunity for the home child care visitor to:

- observe and provide support for positive child-child and adult-child interactions;
- engage in conversation with each home child care provider about children’s learning and development and the different ways in which the agency’s program statement could be implemented;
- recognize the accomplishments of home child care providers who not only meet but exceed requirements; and
- actively support home child care providers through the provision of information, resources and training.

The standard home visitor checklist may be saved electronically or printed in smaller segments as long as the checklist/sections of the checklist are available for inspection and the writing is clear enough to be read. However, the content in the ministry's standard home visitor checklist must not be edited or otherwise changed.

Copies of the completed standard home visitor checklists are not required at each home child care premises; rather, home child care agencies must store these records in a secure location.



If the agency's policies don't allow certain items in the standard home visitor checklist, the items can be marked "N/A" as they will not apply.

For example, if the agency prohibits a child from carrying his or her own asthma medication or emergency allergy medication, the checklist question for ss. 40(2) in the standard home visitor checklist should be marked "N/A".

Where items cannot be observed at the time of the inspection, providers may be asked to verbally confirm their practices.

The standard home visitor checklist template is available in CCLS under "tools and resources".



**Cross-reference:** the regulation requires a licensee of a home child care agency to employ at least one home child care visitor to provide support and monitor each home child care premises. See **section 6(5)**.



There can be more than one home child care visitor employed by a home child care agency. It is up to each licensee to determine how many home visitors will be employed, based on the agency's operational needs.



**Cross-reference:** the regulation requires that a home child care visitor employed by a home child care agency meets certain qualification requirements. See **subsection 6(5)** and **section 56**.



**Cross-reference:** the regulation requires that a licensee keep all records, reports or other documents required by the regulation in a secure location for at least three years, unless otherwise specified. See **subsection 82(1)**. Unless otherwise specified, these required records, reports and other documents may be kept in either a hard copy or electronic format. See **subsection 82(2)**.



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## Compliance indicators

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### Agency Indicators

1. There is written evidence demonstrating that each premises was inspected by a home visitor prior to being used for home child care or in-home services, quarterly thereafter and where the director has required an inspection of the premises.
2. The home visitor used a checklist provided by the Ministry of Education when conducting required inspections.

### And

The home visitor completed the checklist in full for all required inspections.

3. There is a checklist for each inspection conducted by a home visitor.

## Part 4.3 Written Agreement between Agency and Home Child Care Provider or In-home Services Providers

### Ontario Regulation 137/15

[27\(1\) Every licensee shall ensure that each written agreement referred to in subsection 75 \(1\) sets out the responsibilities of the licensee and the home child care provider under this section with respect to equipment, play materials and furnishings.](#)

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### Intent

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Subsection 27(1) is in place to make sure that there is a mutual understanding and agreement between an agency and its home child care providers and in-home services providers with respect to who is responsible for the provision and maintenance of equipment, play materials and furnishings in supervised homes, even if the agency does not provide or loan equipment to home child care providers.

This provision applies to both home child care providers and in-home services providers.

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## Clarifying guidance

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When developing a written agreement with home child care/in-home services providers, licensees may consider including the following information in the written agreement:

- how the equipment, play materials and furnishings links to the four foundations of the *How Does Learning Happen?* framework;
- expectations for providers, including who is responsible for providing and maintaining equipment, play materials and furnishings to meet the requirements set out in the CCEYA and O. Reg. 137/15 (for example, maintain equipment and furnishings in safe condition and in good repair, etc.)
- information about liability and specify who is responsible for repairing or replacing equipment, play materials and furnishings if it becomes damaged or broken;
- which equipment, play materials and furnishings is included in and excluded from the written agreement (for example, cribs, play pens, cots, highchairs, etc.)

Licensees may also consider reiterating other requirements set out in the regulation in the written agreement. For example:

- the requirement to ensure that play materials in each premises are provided in numbers that are adequate, are of sufficient variety to allow for rotation, are available and accessible, are of such type and design to allow children to make choices and are appropriate to support learning and development (**subsection 27(2)**)
- the requirement to provide sleep equipment for each child younger than 18 months (i.e., infant child) and each child 18 months old and up and including five years old who receives home child care at the premises (**subsection 27(3)**) and
- the requirement to ensure that play materials, equipment and furnishings are maintained in a safe condition and kept in a good state of repair (**subsection 27(4)**)



When developing a written agreement with home child care/in-home services providers, licensees should refer to the **Tips and Instructions for creating compliant agreement between the home child care agency and home child care provider** document, which is available in CCLS under “tools and resources”.



**Cross-reference:** the regulation sets out that “unless otherwise specified in this Regulation, any record, report or other document required under this Regulation, or any other regulation made under the Act, may be made or kept in either a hard copy or electronic format”. See **subsection 82(2)**.

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## Compliance Indicators

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### Agency Indicators

1. Each written agreement includes the licensee’s and home child care provider’s or in-home services provider’s responsibilities with respect to equipment, play materials and furnishings.

## Part 4.4 Play Materials

### Ontario Regulation 137/15

**27(2)** Every licensee shall ensure that play materials in each premises where the licensee oversees the provision of home child care are,

- (a) provided in numbers that are adequate to serve the number of children receiving child care at the premises;
- (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.

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## Intent

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Subsection 27(2) is in place to ensure all children are provided 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, and physical).

These provisions apply to both home child care providers and in-home services providers.

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## Best practices

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### Tips for choosing play materials

When choosing developmentally appropriate play materials (which can include natural materials such as leaves, branches and toys, games, etc.) for indoor play space and to use in the outdoor play space, licensees and providers should choose play materials and toys that:

- engage children, draw them in and spark children's curiosity and help children to learn and develop in all areas (social, emotional, cognitive, communicative, and physical)
- support making the environment a good **third teacher**, as outlined in [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#)
- offer children opportunities to use complex thinking and creativity
- let the children make choices, work together to solve a problem and share materials with each other
- challenge children to take manageable risks that help grow their competence and skills



It is not recommended that free-standing play structures (for example, a moveable indoor slide) be used in home child care premises. These structures can be dangerous in a home child care premises because they are not anchored to the ground. If a licensee is thinking about allowing providers to use free-standing play structures in home child care premises, they should first check to see if their insurance company has any concerns. If the licensee proceeds to permit such a play structure in home child care premises, they must ensure that the age range for use and safety instructions provided by the manufacturer of the play structure are followed.

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## Compliance Indicators

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### Location Indicators

1. It is observed that there are enough play materials to serve the number of children receiving care at the home child care or in-home services premises.

Or

The home child care visitor or provider explains how the play materials are adequate to serve the number of children receiving care at the home child care or in-home services premises.

2. The play materials are observed to be available and accessible to children throughout the day.
3. Alternate play materials are observed to be available on site for rotation.

**Or**

The home child care visitor or provider explains how the play materials are rotated to meet the children's needs and interests.

4. The play materials are observed to be of a nature that 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).
5. There is evidence of play materials that are appropriate to support learning and development of each child that may include adaptations to toys/equipment/materials to meet each child's needs. (e.g., left-handed scissors/chubby markers, paint brushes).
6. The home child care visitor or provider describes how the nature of the play materials support the implementation of the program statement.

## **Part 4.5 Equipment and Furnishings**

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

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

1. For each infant who receives home child care at the premises, a cradle, crib or playpen, and bedding.
2. For each child 18 months old up to and including five years old who receives home child care at the premises for six hours or more, a cot or bed and bedding, unless otherwise approved by a director.

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### **Intent**

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Subsections 27(3) is in place to ensure that each premises has the appropriate equipment and furnishings necessary for the ages and abilities of children in attendance, and that each child is provided with bedding (such as crib or cot sheets) to rest comfortably, and bedding is not shared between children.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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The licensee is responsible for confirming that each premises has the required equipment and furnishings for the children in attendance, regardless of whether the child is placed privately or through the agency that oversees the premises. This does not mean that the agency must provide this equipment, but the agency must confirm that there are written policies and procedures that set out who is responsible for the provision of furnishings and equipment.

If a licensee chooses to provide equipment or furnishings to be used during rest periods, licensees must also consider equipment that may be necessary during meal and snack times (for example, highchairs, booster seats) or outdoor time for non-walking children (for example, strollers).



In the case where a child who is 5 years old or less unexpectedly falls asleep, the provider should move the child to a sleep furnishing and provide bedding.

For children who are 6 years old or older, there are no requirements in the regulation regarding the type of sleep furnishing on which the child may sleep or rest on.



For the purpose of the Act, an “infant” refers to a child who is younger than 18 months of age.



**Exemption:** The language around “unless otherwise approved by a director” in paragraph 27(3)2 allows licensees to request approval from a ministry director to use something other than a cot for children of a certain age (age 18 months up to and including 5 years) who receives home child care at the premises for more six hours or more. Director approvals will be considered for an alternate sleep equipment such as **resting mats** (sometimes also called nap mats) for:

- children who have special needs or medical needs who may not be able to use or tolerate cots

**OR**

- children who take short rest periods or quiet time but do not typically sleep when in the home child care premises

**OR**

- other circumstances as determined on a case-by-case basis



## Guidelines for seeking director approval for resting mats (as an alternative to cots)

Before asking a ministry director for approval to use resting mats, licensees should ensure that:

1. the request is being made only for children with special or medical needs or for children who do not typically nap/sleep at the home child care premises (but they may lay down to rest)
2. parents have indicated that they would provide permission to use resting mats for their children
3. there is a carpeted area in the home child care premises on which the resting mats would be placed



If a director approval is granted, licensee may consider providing guidelines for selecting types of alternate sleep equipment in the written agreement with home child care providers, while considering comfort for the child, ability to clean and sanitize according to recommendations made by the medical officer of health, parent preference, etc.



**Cross-reference:** the regulation has program requirements around sleep, rest, and quiet time for children. See **subsections 47(3), 47(4) and 47(5)**.



**Cross-reference:** the regulation has program requirements around sleep policies and procedures. See **subsection 33.1(2)(c)**.



**Cross-reference:** the regulation requires that each child younger than 12 months of age is placed for sleep in a manner consistent with the recommendations set out in the document called [Joint Statement on Safe Sleep: Reducing Sudden Infant Deaths in Canada](#). See **subsection 33.1(1)**.



**Cross-reference:** licensees must follow any direction provided by the local medical officer of health around anything that may affect the health and well-being of children in home child care premises that the agency oversees. See **subsection 32(1)** of the regulation.

Cots and cribs are never to be used as play, feeding or diaper-changing areas. Once a child has awakened, they should be removed from the cot/crib.

Children should never nap or sleep in any type of furniture/equipment other than what is permitted by the regulation. If a child falls asleep somewhere other than a crib/cradle or cot, such as in an infant swing or high chair, the provider should pick them up and place them safely in their crib/cradle or playpen or on their cot soon as possible.



**Cross-reference:** licensees must follow any direction provided by the local medical officer of health related to laundry schedules and cleaning, sanitizing and disinfecting items in a home child care premises including furniture/equipment, bedding, etc. See **section 32(1)** of the regulation.



**Cross-reference:** the regulation requires that each child younger than 12 months of age be placed for sleep in a manner consistent with the recommendations set out in the document called [Joint Statement on Safe Sleep: Reducing Sudden Infant Deaths in Canada](#) unless the child's doctor says in a written note this is not appropriate for the child. See **subsection 33.1(1)**.

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## Best practices

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Cots should be placed least 45.7 cm (18 inches) apart from each other and with an aisle of at least 91.4 cm (36 inches wide) to help ensure all children and the home child care provider can safely evacuate in case there is an emergency.

Licensees, home child care visitors and home child care providers should be familiar with the [Joint Statement on Safe Sleep: Reducing Sudden Infant Deaths in Canada](#) which is published by the **Public Health Agency of Canada**. This publication provides recommendations around safer sleep practices; one such recommendation is that bedding such as pillows, duvets, quilts, comforters, and bumper pads should not be placed in an infant's crib or cradle.



The Government of Canada is responsible for recalling consumer products and issuing safety alerts. Licensees and home child care visitors should be familiar with the federal government's [website for recalls, advisories and safety alerts](#). This website has an option to sign-up for notifications about new and updated recalls and alerts.

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## Compliance indicators

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### Location Indicators

1. There is a cradle or crib or playpen for every child under 18 months receiving care at the home child care or in-home services premises.



## And

There is bedding for every child under 18 months receiving care at the home child care or in-home services premises.

2. There is a cot or bed for every child 18 months old up to and including five years receiving care at the home child care or in-home services premises for six hours or more.

## And

There is bedding for every child 18 months old up to and including five years receiving care at the home child care or in-home services premises for six hours or more.

## Or

The alternate sleep equipment arrangements for children 18 months old up to and including five years are approved by the director are being followed.

## Part 4.6 Play materials, equipment, furnishings in safe condition and good state of repair

### Ontario Regulation 137/15

**27(4)** Every licensee shall ensure that the play materials, equipment and furnishings in each premises where the licensee oversees the provision of home child care are maintained in a safe condition and kept in a good state of repair.

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### Intent

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Subsection 27(4) requires licensees to make sure that play materials, equipment and furnishings, including cots, cradles and cribs in the home child care premises that the agency oversees, are maintained in a **safe condition** and kept in a **good state of repair**.

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### Clarifying guidance

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When looking to make sure play materials, equipment and furnishing are in safe condition and good state of repair, ministry program advisors look to see whether:

- there are any missing, broken or otherwise compromised parts/components
- they are visibly soiled/dirty
- they work as intended



The Government of Canada is responsible for recalling consumer products and issuing safety alerts. Licensees and home child care visitors should be familiar with the federal government's [website for recalls, advisories and safety alerts](#). This website has an option to sign-up for notifications about new and updated recalls and alerts.

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## Compliance indicators

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### Location Indicators

1. The play materials, equipment and furnishings are observed to be maintained in a safe condition and kept in a good state of repair, including free of hazards that could potentially endanger the health and safety of children.

## Part 4.7 Indoor temperature

### Ontario Regulation 137/15

**28** Every licensee shall ensure that in each premise where the licensee oversees the provision of home child care, the temperature is maintained at a level of at least 20 degrees Celsius.

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### Intent

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Section 28 is in place to support the health and comfort of children and others in the home child care premises by requiring that the child care centre is kept at a minimum temperature.

This provision only applies to home child care providers and does not apply to in-home services providers.

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### Clarifying guidance

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The regulation does not speak to the maximum temperature of a home child care premises. However, it is strongly recommended that an air conditioning unit is installed by a professional in each home child care premises.

If air conditioning is not an option during hot weather, licensees, home child care visitors and home child care providers should think about how to include cooling activities into the daily program (for example, providing a sprinkler during outdoor play time) and take steps to prevent children from overheating. If windows in the home child care premises are being opened, precautions need to be in place to ensure children cannot climb into the window opening or otherwise hurt themselves due to a window being open.

Any air conditioning or heating units being used in a room/area of the home child care premises where children may be present must be secured. The units' electrical cords should be tied/taped down or otherwise inaccessible to children so that they do not pose a tripping or strangulation risk to children.



**Cross-reference:** the regulation requires home child care premises to have all items that could cause harm to a child, such as poisonous and hazardous substances, are inaccessible to children. See **subsection 31(a)**.

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## Compliance indicators

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### Location Indicator

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

## Part 4.8 Balconies

### Ontario Regulation 137/15



**29** Every licensee shall ensure that in each premises where the licensee oversees the provision of home child care, no child who receives home child care at the premises is permitted to be on a balcony unless an adult is present on the balcony.

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## Intent

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Section 29 is in place to safeguard the health and safety of children at a home child care premises by requiring that they are never left alone on balconies.

This provision applies to both home child care providers and in-home services providers.

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## Best practices

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Home child care visitors and providers may also consider the following to ensure safe use of balconies:

- Balconies are clear of equipment/furniture and other objects that children could climb
- Balcony railings are checked regularly to ensure they are secure
- Balcony doors are kept locked at all times, unless it is being used



**Cross-reference:** the regulation requires that children are supervised by an adult at all times. See **section 11**.

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## Compliance Indicators

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### Location Indicators

Where the premises has a balcony:

1. No child is observed to be on a balcony without an adult being present on the balcony.

#### And

The home child care provider or in home services provider verbally confirms that children are not allowed to be on the balcony unless an adult is present.

## Part 4.9 Outdoor Play Supervision

### Ontario Regulation 137/15

**30** Every licensee shall ensure that outdoor play in each premises where the licensee oversees the provision of home child care is supervised in accordance with plans agreed upon by the home child care provider in that premises, a parent of each child receiving child care at the premises and a home child care visitor.

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### Intent

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Section 30 is in place to support the safety and well-being of each child, by requiring supervision plans for outdoor play to be developed and agreed upon by the home child care provider or in-home services provider, home visitor and parents.

The plan should be based on factors such as age and unique needs of individual children, as well as the premises where outdoor play will take place.

Having parents, home child care providers, in-home services providers and home visitors involved in creating and agreeing to the supervision plans supports that all individuals have a common understanding of and expectations for how outdoor play will be supervised.

This provision applies to both home child care providers and in-home services providers.

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### Clarifying guidance

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Licensees must ensure that all children are supervised by an adult at all times. This includes when children are engaged in outdoor play.

Supervision plans must indicate where outdoor play will be taking place (for example, provider's own fenced backyard, a community playground, a park in the neighbourhood, and more).



When developing an outdoor play supervision plan, licensees should refer to the **Tips and Instructions for developing compliant outdoor play supervision plan** document, which is available in CCLS under “tools and resources”.



**Cross-reference:** the regulation requires that children are supervised by an adult at all times. See **section 11**.



**Cross-reference:** the regulation has program requirements around how long children must spend outside, depending on how long children receive child care in a day (more than or less than six hours). See **subsection 47(4)**.

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## Best Practices

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If the child care provider, the child's parent and the home child care visitor agree, the licensee can think about including information to the child's outdoor supervision plan, about school-aged children who may be allowed to walk to and from school. It can also include how the provider will make sure these children are supervised properly.

It is recommended that the licensee add a section to the outdoor play supervision plan for the child's parent, the child (if they are old enough), the home child care provider, and the child care visitor to sign and date. This shows they have reviewed and agree with the plan.



**Cross-reference:** the regulation has requirements around safe arrival and dismissal policy. See **section 50**.



**Cross-reference:** the regulation requires licensees to have up-to-date records of children. Where children are permitted to be released from the child care program at a specified time on their own, without supervision, the child's records must include a written permission signed by the parent. See **section 72(1)(5)**.

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## Compliance Indicators

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### Location Indicators

1. There are outdoor play supervision plans available for each child receiving care at the home child care or in-home services premises.

#### And

The outdoor play supervision plans show evidence of agreement by a home visitor, the home child care provider or in-home services provider and a parent of each child receiving care (for example, signature of home visitor, provider and parents).

#### And

The outdoor play supervision plan is observed to be followed.

#### Or

The home child care provider or in-home services provider verbally confirms that each outdoor play supervision plan is followed.

## Part 4.10 Bodies of Water



### Ontario Regulation 137/15

- 30.1(1)** Every licensee shall ensure that in each premises where the licensee oversees the provision of home child care, no child under six years old who receives home child care at the premises is permitted to use or have access to any standing or recreational body of water on the premises.
- (2) If a licensee that oversees the provision of home child care at a premises permits children who are six years old or older who receive home child care at the premises to use or have access to a standing or recreational body of water at the premises, the licensee shall,
- (a) ensure that, at all times when the children use or have access to the body of water, a lifeguard is present who meets the requirements of clauses 17 (6) (a) and (b) of Regulation 565 of the Revised Regulations of Ontario, 1990 (Public Pools) made under the *Health Protection and Promotion Act*; and
  - (b) have written policies and procedures regarding children's use of and access to the body of water.

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## Intent

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Section 30.1 is in place to protect the health, safety and well-being of children with respect to standing and recreational bodies of water.

These provisions apply to both home child care providers and in-home services providers.


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## Clarifying guidance

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Licensees must ensure that no child under six years of age is permitted to use or have access to:

- any **standing body of water** (for example, pond, lake, etc.); or,
- **recreational body of water** (for example, any type of above ground pool, in-ground pool, hot tub, whirlpool, wading pool, “kiddie” pool, etc.), located on the premises of any single or multi-dwelling private residence, including a provider’s own house, townhouse complex or apartment building where the provider resides, for children under the supervision/care of provider in his/her capacity as a child care provider during operating hours.

 Filled bathtubs, sinks, toilets, washing machines, water/sensory tables, etc. are not considered bodies of water. However, bathtubs, sinks, toilets, washing machines and even things like buckets filled with water pose a drowning risk to children and require additional measures for supervision. It is strongly recommended that licensees of home child care agencies develop procedures that set out precautions to reduce the risk of accidental drowning in situations that do not involve “bodies of water”.

### Children six years of age or older

Licensees who permit children six years old or older to use or have access to a standing or recreational body of water must have a lifeguard present and written policies and procedures regarding children’s use of and access to the body of water.

If the home child care provider or in-home services provider is a certified lifeguard, they can serve as the lifeguard. However, they must consider how the entire group of children will be supervised when they are acting as the lifeguard.



Instructions and tips for developing compliant **bodies of water policies and procedures document** is available in CCLS under “tools and resources”.



**Cross-reference:** the regulation requires that children are supervised by an adult at all times. See **section 11**.



**Cross-reference:** the regulation requires that outdoor play is supervised in accordance with outdoor play supervision plan agreed upon by the home child care provider, the parent of the child receiving care and the home child care visitor. See **section 30**.



**Cross-reference:** licensees must have and implement a policy and procedures regarding children's use of and access to the body of water. See **subsection 30.1(2)(b)** and **section 6.1** of the regulation.

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## Compliance Indicators

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### Agency Indicators

If the licensee permits children who are six years or older to use or have access to bodies of water at a premises where the licensee oversees the provision of home child care:

1. There are written policies and procedures regarding children's use of and access to the bodies of water.

### Location Indicators

1. No child under six years old who receives home child care at the home child care or in-home services premises is observed to use or have access to any standing or recreational body of water on the premises.

### And

The home child care provider or in-home services provider verbally confirms that no child under six years old who receives home child care at the premises is observed to use or have access to any standing or recreational body of water on the premises.

2. Where a child who is six years old or older, who receives home child care at the premises or in-home services premises, is permitted to use or have access to a standing or recreational body of water at the premises there is a lifeguard present;

### And

The lifeguard is at least 15 years of age;

### And

The lifeguard holds a current/valid lifeguard certificate that is not dated more than two years prior to the date on which they are acting as a lifeguard.



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## Best Practices

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When developing written policies and procedures regarding use of and access to bodies of water for children six years or older, licensees may consider the following:

- lifesaving equipment (for example, life jackets)
- additional adult supervision
- parental consent

It is recommended that licensee require home child care providers and in-home services providers to consult with their insurance providers about the appropriate coverage for activities involving standing and recreational bodies of water on and off the premises.

If a home child care provider or in-home services provider wishes to attend and use public pools or other bodies of water, off premises, the ministry recommends that children only attend regulated public pools, beaches, etc. where there is a qualified lifeguard(s) on duty at all times.



The requirement to supervise children at all times (**section 11** of the O. Reg. 137/15) applies to all off-premises activities, including field trips to pools, beaches, etc.



Licensees may also consider developing policies and procedures if children will be allowed to use off-premises bodies of water. Licensees may consider the following:

- lifesaving equipment (for example, life jackets)
- additional adult supervision
- parental consent
- supervision by a lifeguard
- age and abilities of each individual child

Licensee may consider safer water-based activities for children, like splash pads, sprinklers, or water tables, under close supervision of adults at all times.

All licensees, home child care providers, in-home services providers and parents are encouraged to familiarize themselves with basic water/swimming safety practices and precautions.

## Resources:

[Parachute - Drowning Prevention](#)

[Canadian Pediatric Society - Caring for Kids Water Safety](#)

[Red Cross Swimming and Water Safety Tips](#)

[Life Saving Society Prevent Drowning and Water-Related Injury](#)

## Part 4.11 Hazardous Materials

### Ontario Regulation 137/15

**31** Every licensee shall ensure that in respect of each premises where the licensee oversees the provision of home child care,

(a) all items that could cause harm to a child, such as poisonous and hazardous substances, are inaccessible to children; and

(b) all firearms and ammunition are locked up and the key, if any, is inaccessible to children.

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## Intent

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Section 31 is in place to protect the health, safety and well-being of children receiving child care by ensuring that all items that could cause harm to a child, such as poisonous and hazardous substances, including firearms and ammunition, are not accessible to children.

These provisions apply to both home child care providers and in-home services providers.

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## Best Practices

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To make sure that children can't access harmful items, such as poisonous and hazardous substances or firearms and ammunition when receiving child care at a home child care or in-home services premises, licensees are to consider, review and discuss the following with all home child care and in-home services providers:

- Identification of substances and materials that could cause harm to a child (including but not limited to recreational/medical cannabis, alcohol, a provider's own medication, cleaning supplies and more).
- Identification of plants (both indoor and outdoor) that may be poisonous.
- Storage of all materials that are unsafe for children in a locked cupboard or container that is out of sight and reach of all children.

- Storage of all types of weapons (for example, bows and arrows, swords, knives) in a place that is inaccessible to children regardless of the purpose (for example, hunting, cultural practices or display).
- Procedures for safe storage of firearms as outlined in the [Firearms Act \(Canada\)](#).
- Safe storage practices for all items that could cause harm to a child, including hazardous and poisonous materials with all persons (namely, ordinarily residents and/or regularly present at the home child care premises, volunteers, students).
- Identifications of risks of electrocution, tripping and drowning and how to reduce risks (for example, “baby proofing” electrical outlets, making sure there are no wires from appliances, etc. that are sticking up from the ground, closing toilet seats, etc.).

## Resources

[Ontario Poison Centre](#)

[Cannabis and Kids](#)

[Cannabis poisoning in children](#)

[Government of Canada - Home and Garden Safety](#)

[Storing, Transporting and Displaying Firearms](#)

[Use household chemicals safely](#)



Health Canada has launched a new toll-free number, 1-844-764-7669, in collaboration with four Canadian poison centres, to make it easier for people in Canada to access critical medical advice for poisoning. Licensees, home child care visitors and home child care/in-home services providers are encouraged to save this number in the event of a poisoning.

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## Compliance Indicators

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### Location Indicators

1. All items that could cause harm to a child, such as poisonous and hazardous substances are observed to be inaccessible to children in the home child care or in-home services premises.
2. If present in the home, firearms and ammunition are observed to be locked up.

### And

Any keys for locked up firearms and ammunition are observed to be inaccessible to children.

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# Part 5 – Health and Medical Supervision

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## Part 5.1 Medical Officer of Health Directions, Inspections

Ontario Regulation 137/15



**32(1)** Every licensee shall ensure that any direction 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 or a premises where the licensee oversees the provision of home child care is carried out by the staff of the child care centre or home child care agency or by the child care provider at a home child care premises.

(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,

(a) a copy of the report is kept on the premises of the child care centre or home child care agency; and

(b) if the report includes any direction or order,

- i. a copy of the direction or order is sent immediately to a program adviser, and
- ii. a program adviser is immediately notified of any enforcement action taken against the licensee in relation to the direction or order.

(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) or any inspector or program adviser.

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### Intent

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Subsection 32(1) is in place to support the health, safety and well-being of children and others in the home child care premises that the agency oversees by requiring the licensee, employees of the home child care agency and/or home child care/in-home services providers to follow the direction of a medical officer of health.

Subsections 32(2) and 32(3) are in place to make sure that ministry program advisors are aware of situations when local authorities are requiring licensees to do something and to make sure that program advisors can look at any paperwork from local authorities if they need to.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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The term **medical officer of health** is the formal way to refer to a local public health unit; they are the public health experts in Ontario.

While the ministry has a relationship with other ministries and other levels of government, on the ground, public health units and fire departments may not have a direct relationship with ministry directors and program advisors. Subsection 32(2) is in place to ensure that ministry officials have important information about the centre or its operations by requiring licensees of centres to share any significant and relevant information with the ministry.

Public health units and fire departments have the power to enforce the laws and standards that they are responsible for. If a licensee is given an **order** or **direction** from a public health unit and/or the local fire department has taken enforcement action against the licensee, the licensee must provide their program advisor with copies of all the paperwork (in other words, the **records**) related to the order, direction or enforcement action that happened.

Licensees are only required to provide formal orders and/or directions issued by the local public health unit or fire department which are made under the authority of the *Health Protection and Promotion Act* or the *Fire Prevention and Protection Act*. This **does not include regular inspection reports**, even if the inspection report includes a non-compliance that must be rectified.

This section also requires licensees to keep records of inspections done by staff of the Ministry of Education as well as inspections done by the medical officer of health or local fire department. Per subsection 32(3), all reports (**even those that are not provided to the program advisor**) must be kept on site and made available for inspection if a ministry official requests to see them.



Licensees of home child care agencies are not required to make copies of inspection records for keeping at each home child care premises.



**Cross-reference:** the regulation has requirements around record retention. See **subsection 82(1)**.

If there is a suspected outbreak of a communicable disease, the licensee, employees of the home child care agency and/or home child care provider/in-home services provider should contact their local public health unit right away and await instructions.

If an unplanned closure of a home child care premises happens because a local public health official requires a home child care premises to shut down for a period of time because of an outbreak, licensees need to follow the requirements around reporting a serious occurrence for an unplanned disruption of the normal operations of a home child care premises that poses a risk to the health, safety or well-being of children receiving child care.

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## Best practices

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Ensuring the health and safety of children and providers is paramount and implementing proper infection prevention measures plays a crucial role in maintaining a healthy and safe environment. Regular handwashing, proper sanitization of play materials and surfaces, practicing good respiratory hygiene are simple yet effective ways to prevent the spread of illness.

Public Health Ontario provides the Infection prevention and control (IPAC) self-assessment checklist for congregate living settings and it is available here:

[Welcome | Public Health Ontario](#)

Contact information for local medical officers of health is available here:

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

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## Compliance Indicators

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### Agency Indicators

1. Any direction provided to home child care agency staff, home child care providers and in-home services providers in a written report from the local medical officer of health has been carried out, if applicable.
2. The licensee verbally confirms that no reports have been made by a local medical officer of health, the fire department, a program advisor and/or any inspector.
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.

### Or

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

4. The licensee confirms that no reports have been made by the local medical officer of health or the local fire department.
5. Where a report includes any direction or order, a copy of the report was sent to the program advisor within 2 business days.

### And / Or

Where a report includes any enforcement action or order taken against the licensee made by the local medical officer of health or the local fire department, the program advisor was notified immediately (i.e., within one business day).

## Part 5.2 First Aid Kit and Manual

### 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.

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### Intent

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Even with the training child care providers have and the requirements in the CCEYA that are there to prevent harm or injury, accidents and injuries can still happen. It is normal and expected that, while exploring the world around them and figuring out what things they can do physically, children sometimes get minor injuries as they engage in active exploration and play, learn about their environment, and work on their fine and gross motor skills.

Section 34 is in place because having a well-stocked and accessible first-aid kit means home child care/in-home services providers can quickly help an injured child to help improve the outcome of the injury (while waiting for emergency medical help, if required).

This provision applies to both home child care providers and in-home services providers.

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### Best practices

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When deciding where to put first-aid kits, licensees, home child care visitors, home child care/in-home services providers should think about the layout of the home child care premises and how easily and quickly home child care/in-home services providers would be able to reach the first-aid kit when needed.

It is recommended that there be first aid supplies on every level of the home child care premises where children spend time, kitchens and in or near the outdoor play space. When figuring out how many first-aid supplies should be in these areas, licensees should consider how many children are receiving child care at each premises.



It is recommended that the licensee specifies whether the licensee or child care provider is responsible for purchasing supplies and keeping the first-aid kit stocked. This information can be included in the required written agreement between the agency and home child care/in-home services provider.



**Cross-reference:** the regulation has requirements around written agreement that sets out responsibilities of the licensee and the home child care provider. See subsection **27(1)**.



**Cross-reference:** there are requirements and rules around first-aid kits for employers in a provincial law called the [Workplace Safety and Insurance Act, 1997](#). Licensees should check the [Workplace Safety and Insurance Board](#) website for information about this law, including around [Regulation 1101 \(First Aid Requirements\)](#).

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## Compliance Indicators

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### Location Indicators

1. There is a first-aid kit and manual readily available at the home child care or in-home services premises.

#### And

The home child care provider or in-home services provider verbally confirms that the first-aid kit and manual are readily available to them by promptly identifying the location of the first-aid kit and manual.

## Part 5.3 Immunization of Children



### 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 directed 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.



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## Intent

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Section 35(1) is in place to protect children and others at the home child care premises from getting and spreading vaccine-preventable diseases. Some of these diseases spread the easiest in children and children are at high risk of getting very sick if they get infected with a vaccine-preventable disease.

Home child care premises are places where it is easy to pick up vaccine-preventable diseases because children are interacting with other people and toys and other objects are being shared.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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**Immunization** is another way to say vaccination.

Local medical officer of health is the formal way to refer to a **local public health unit**.

Section 35 does not apply to children who are in school (either public or private) because they are already subject to immunization requirements set out in the [\*Immunization of School Pupils Act\*](#).

For children who are not yet in school, whether they are privately-placed or agency placed, to attend a child care program overseen by a licensed home child care agency, they must be vaccinated as recommended by the local medical officer of health that serves the area of the province where the home child care premises are located. The licensee must keep any direction provided by the local medical officer of health for the purposes of subsection 35 (1) on file.

A child would not be subject to the health assessment and immunization requirements in either of these circumstances:

- there is a medical reason why the child cannot be immunized

**OR**

- the parent of the child objects to immunization of the child based on their religious beliefs or conscience

If either of these circumstances apply, the parent needs to give the licensee paperwork that documents this. The paperwork has to be done on one of two ministry-issued **standard forms** - **Statement of Conscience or Religious Belief** or **Statement of Medical Exemption under the *Child Care and Early Years Act, 2014***; each form has two versions – one for employees, volunteers and students and one for parents of children.



The forms are public and available in both English and French on the Government of Ontario's [Central Forms Repository](#) as well as in CCLS under "tools and resources".



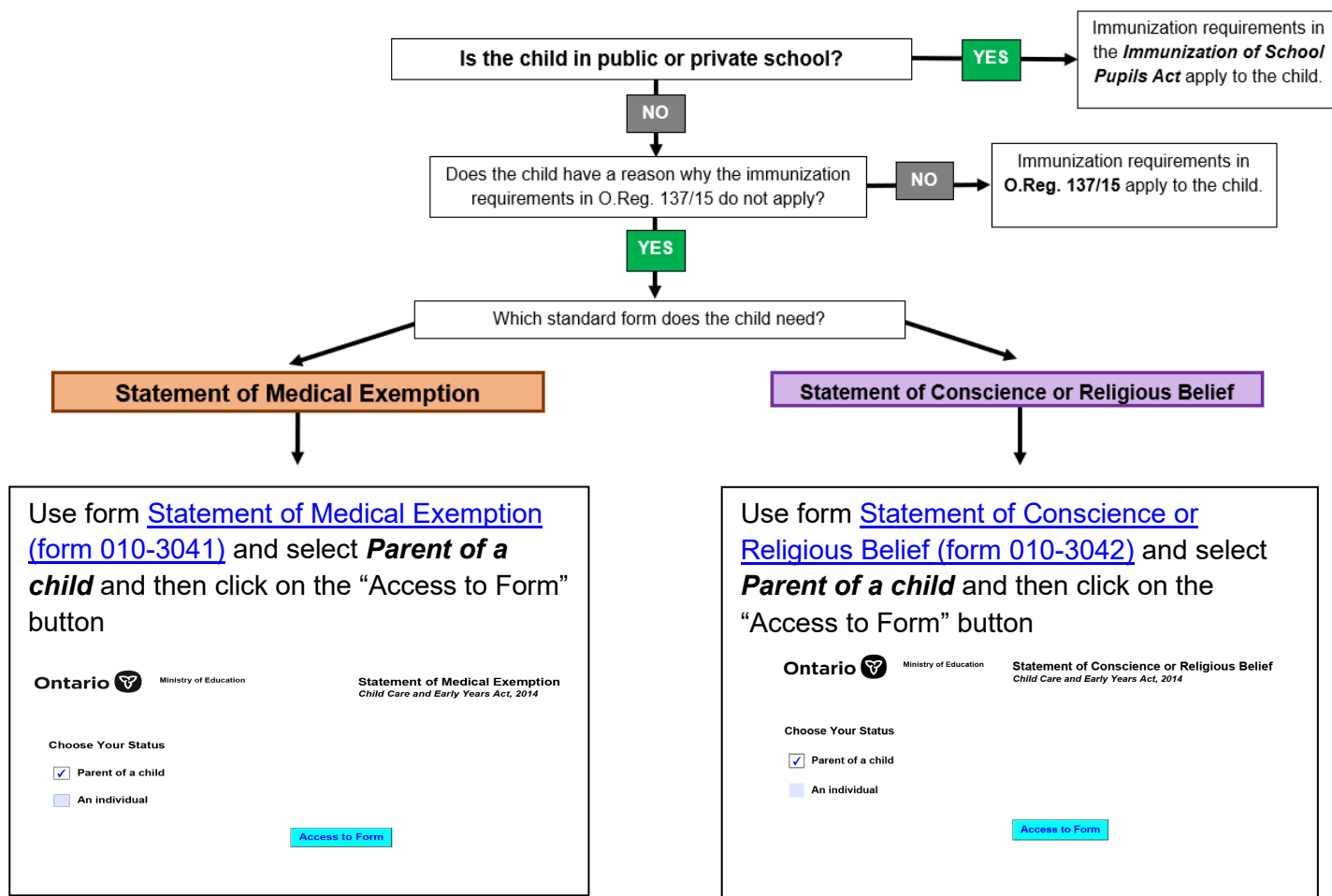
Parents need to use the **parent of a child version** of the form made under the *Child Care and Early Years Act, 2014* that they will be submitting to the child care centre. The standard forms made under the *Immunization of School Pupils Act* should not be used. The chart on the following page shows how to make sure parents provide the right information.




The standard ministry-issued form for religious/conscience objections must be completed by a **commissioner for taking affidavits** (for example, a notary public). Commissioners for taking affidavits can be located by searching the internet or looking in a local business directory. Licensees should refer parents to Ontario's [Find a notary public or commissioner of oaths for taking affidavits](#) website.



Statement of medical exemption forms must be completed by a doctor or nurse practitioner.



 **Cross-reference:** the regulation has requirements around children's records and records retention. See **section 72** and **section 82**.


## Clarification about what is required in a children's record that a licensee must keep


### For children who are not in school:


- All paperwork around immunization – **either** proof of immunization **or** one of the two completed standard forms – must be kept in a child's record and ideally should be on file by the time the child begins attending the licensed program.

### For children who go to school:

- The child's record for the home child care should not contain paperwork around immunization because the child's school would already maintain this paperwork as required under the *Immunization of School Pupils Act, 1990*. Licensees should note in a child's record that they go to school in order to explain why there is no immunization paperwork in the child's record.

 Immunization records, including any completed forms around medical reasons or religious/conscientious objections to immunization are required for the home child care provider's own child(ren) pursuant to s. 57 of O. Reg. 137/15.

 **Cross-reference:** the regulation requires that all required children's records (in other words, those set out in **subsection 72(1)**), including around immunization, be kept at each home child care premises as well as the home child care agency. See **clause (b) of subsection 72(2)**.

 **Cross-reference:** a medical officer of health (or their designate), once they have shown their identification, is allowed to inspect and ask for copies of certain information in a child's record in the home child care agency and/or premises, including immunization paperwork for the child. See **subsection 72(6)** of the regulation.

This means that **both** Ministry of Education officials and the local public health unit can ask to see paperwork around immunization in a child's record in a home child care premises and/or at the home child care agency.

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## Best practices

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If a child's parents need to provide a completed standard form around reasons why the child cannot be immunized, licensees should make sure that the parents understand what is required and make sure the parents have access to the internet so they can get the form they need.

Licensees, employees of the home child care agency, home child care/in-home services providers should not provide their own personal opinions about a child's vaccination status because this information is personal and private. Should a licensee wish to obtain further information in relation to human rights in Ontario, they may wish to seek independent legal advice.

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## Compliance Indicators

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### Agency Indicators

1. Children who are not in school 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
  - b) [The Statement of Medical Exemption](#) form.

## Part 5.4 Daily Observation of Children



### 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.
- (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.

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## Intent

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Subsection 36(1) is in place to help prevent or minimize the spread of illness/infection by requiring children coming into home child care premises to be observed for symptoms that indicate they are sick **before** they start playing with or being around other children.

Subsections 36(2) and 36(3) are in place to make sure children who appear to be sick are separated from other children and are picked up by a parent or that they receive medical attention if a parent cannot pick up the child immediately.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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Sample template for **child's symptoms of illness record** is available in CCLS under "tools and resources".



**Cross-reference:** the regulation requires licensees to ensure that employees of the home child care agency and home child care/in-home services providers follow the direction of a medical officer of health with respect to any health/well-being matter. See **subsection 32(1)**.



**Cross-reference:** the regulation requires licensees to 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, a copy of the report is kept on the premises of the child care centre or home child care agency; and if the report includes any direction or order, a copy of the direction or order is sent immediately to a program advisor, and a program adviser is immediately notified of any enforcement action taken against the licensee in relation to the direction or order. See **subsection 32(2)**.



If a licensee, home child care visitor, home child care/in-home services provider, individual who is ordinarily resident or regularly at the premises, volunteer or student suspects that a child is, or may be, in need of protection from abuse or neglect, they must report this suspicion to the local Children's Aid Society in accordance with section 125 of the [Child, Youth and Family Services Act, 2017](#) (CYFSA). Subsection 125 (1) of the CYFSA lists all of the situations that must be reported to a Children's Aid Society.

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## Best practices

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Licensees should check with their local public health unit and/or go to [Public Health Ontario](#) to get information about different diseases/infections and their symptoms and share this information with employees of the home child care agency and home child care/in-home services providers.

Providers should be familiar with this information and pay close attention to any signs/symptoms of illness, changes in children's behaviour, daily routine, or their personality.

### Understanding different symptoms of being ill

It is important for those who interact with children in the child care program to know when a child has symptoms due to a chronic (in other words, long-standing and potentially permanent) condition versus symptoms due to a new, temporary condition. For instance, if a child is coughing, it may be due to an existing chronic condition such as asthma or it may be a symptom of an illness such as a cold. Licensees should discuss the importance of monitoring symptoms of children with child care providers and parents. If the licensee chooses to collect any health information from a parent about their child, they must follow all applicable legislation regarding personal health information and privacy.

### Sudden changes in behaviour

In addition to looking for and documenting signs/symptoms of ill health such as fever, rash or symptoms related to digestion, throughout the day, home child care/in-home services providers should be aware of and look for any sudden or gradual changes in a child's behaviour, sleeping or eating patterns, or signs that a child has lost some previously acquired skill(s) (for example, the child stopped being able feed themselves, stopped using language, etc.). Home child care/in-home services providers should talk to the parents of a child who has had a sudden and dramatic change in behaviour immediately, since this can be a sign of a change in the child's health status.

Licensees and home child care/in-home services providers should encourage parents to share information about their child's restless night, lack of appetite or other atypical behaviour when they drop off their child at the home child care premises for the day. 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 sickness.

Home child care/in-home services providers should pay extra attention to the following signs/symptoms in children:

- higher than normal body temperature, flushing, becoming "clammy" and/or slowing down of movement/activity
- a sudden appearance that may be related to a cold such as coughing and/or discharge coming from the nose

- vomiting or diarrhea
- red eyes or ears and/or discharge coming out of eyes or ears
- skin rashes or infections that have suddenly appeared
- unusual irritability, fussiness, and restlessness

Extra attention should be paid to younger children whose language skills are not fully developed and to children with special needs, as these children may have a harder time explaining to an adult that they are not feeling well.

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

Providers should communicate with parents as soon as it's obvious that the child has signs/symptoms of being sick, particularly with younger children 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.

## Communicable diseases

When a child has been exposed to a communicable disease in a home child care premises such as measles (for instance, the child was in the home child care premises when a person with a communicable disease was also there), licensees are to notify their local public health unit immediately and follow the direction provided by the local public health unit. Both home child care/in-home services providers and parents should observe all children who were exposed to the communicable disease for any signs and symptoms during the incubation period.

[Ontario Regulation 135/18](#), made under the *Health Protection and Promotion Act*, specifies which **communicable diseases** must be reported to the local **medical officer of health** (which is the formal way to refer to a local public health unit). Licensees should check with their local medical officer of health to determine when and how these diseases, or suspected occurrences of these diseases, should be reported.

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## Compliance Indicators

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### Location Indicators

1. The home child care provider is seen to observe children in order to detect symptoms of ill health as they enter the premises and before the children interact with other children

Or

The home child care provider verbally confirms that children are observed daily in order to detect symptoms of ill health as they enter the premises and before the children interact with other children

## Part 5.5 Accident Reporting



### 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.

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### Intent

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Subsection 36(4) is in place to ensure that when injuries happen, there is a record of what happened because this information may be important in the future and parents need to know what happened. For example, if a child falls when in the playground and bumps their head, if the child later has symptoms of a concussion, it is important that parents and doctors know about the circumstances of the fall.

Additionally, licensees and employees of the home child care agency who were not present during the accident which led to the child being injured need to know about the accident so they can support the home child care provider and the child's family, where needed.

The provider must complete an **accident report** and let the child's parents know about the child's injury by providing the parent with a copy of the accident report.

These provisions apply to both home child care providers and in-home services providers.

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### Clarifying guidance

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

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

The CCEYA or its regulations do not define what is considered to be an "injury" that requires an accident report be completed. It is up to each licensee to determine what type of events would reasonably constitute an "injury" such that an accident report must be filled out and to ensure all of their home child care/in-home services providers are aware of the criteria for what needs to be reported in an accident report. Licensees can consult with their insurance provider, lawyer and/or local health authorities to determine what constitutes an "injury" for this purpose.





Sometimes there are no signs/symptoms in the child that an accident happened. Situations where children have sustained a hard hit to their head or are struck by something hard/heavy on their head should be recorded as an accident even if there are no signs/symptoms present. Hits to a child's head can sometimes result in a concussion, which is very serious.



Sample **accident report template** is available in CCLS under “tools and resources”.



**Cross-reference:** an accident report is a record. The regulation has requirements around record retention. See **subsection 82(1)**.



**Cross-reference:** the regulation requires a daily written record be maintained. See **section 37**.

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## Best practices

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### Tips for completing an accident report

Licensees should include, at a minimum, the following information in an accident report:

- the child's name
- who filled-out the accident report
- date and time of the accident
- location of accident
- description of accident
- description of the injury that happened because of the accident and how bad the injury was
- what the home child care/in-home services provider did to respond to the accident and, if first aid was administered, what that first aid was
- how the copy of the accident report was provided to the parent (for example, the accident report should note that a copy of the report was given to the parent as a hard copy or a copy of the accident report was sent over an email)
- when the report was provided to the parent (this serves as confirmation that the report was given to the parent)

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## Compliance Indicators

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### Location 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.

#### Or

Where copies of accident reports are kept at the agency head office, the home child care provider or in-home services provider verbally confirms that an accident report is made for any child who is injured while receiving care at the premises.

#### And

Where copies of accident reports are kept at the agency head office, the home child care provider or in-home services provider verbally confirms that all accident reports contain a description of the injury and any first aid administered.

#### And

Where copies of accident reports are kept at the agency head office, the home child care provider or in-home services provider verbally confirms that a copy of the accident report has been provided to the child's parents.

## Part 5.6 Daily Written Record

### 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) *omitted – refers to child care centre*
  - (b) *omitted – refers to child care centre*
  - (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 unless a parent has already been notified of the incident pursuant to the requirements in section 36.

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## Intent

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Section 37 is in place to support the health, safety and well-being of staff and children by requiring licensees to maintain a daily written record for each home child care premises that the agency oversees and, as part of that **daily written record**, there must be a brief description of any incident that may have happened that affected the health, safety and well-being of someone in the home child care premises.

Having a **summary of an incident** is important; licensee and employees of the home child care agency who were not present during the incident, need to have access to information about the incident that needs to be in the daily written record, so they can support the home child care provider and the child's family, where needed.

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## Clarifying guidance

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The daily written record needs to be **filled out every day**, no exceptions, even if nothing unusual happened.

If a serious occurrence takes place or there is an accident report provided to a parent, this needs to be noted in the daily written record but the note in the daily written record does not need to go into a lot of detail. For example, if a serious occurrence took place, home child care/in-home services providers can note that this happened in the daily written record by writing down "a serious occurrence occurred involving X; see file for details".

Licensees can choose what their daily written record looks like and what is in it but, at a minimum, the daily written record must contain a dated entry for each day, at each home child care premises the home child care agency oversees. If there is nothing to report for that day, the entry can simply say that the day was uneventful.

Subsection 37(2) requires licensees to let the parent of a child know when any incident that affected the child's health, safety or well-being has happened. If the parent already knows about the incident because they were given an accident report, they don't need to be notified about the incident for a second time.



**Cross-reference:** the regulation has requirements around accident reporting, including a requirement to give parents a copy of an accident report. See **subsection 36(4)**.



An **accident** and **incident affecting the health, safety or well-being of a child** are not always the same thing

- An **accident** is a situation where a child is injured. For example, if a child falls and scrapes their knees and their knees are bleeding, this is an accident.
- An **incident affecting the health, safety or well-being of children** can be:
  - an accident or when something happens that could make a child sick in the future or the child has become sick (in other words, the child is unwell but it's not because of an accident). For example, if the child develops a fever and starts vomiting when at the home child care premises, this is an incident affecting the health, safety or well-being of the child.
  - A situation that affects more than one child. For example, a gas leak resulting in an evacuation affects everyone in the home child care premises and should be noted in the daily written record.

An incident is not always an accident but an accident is always an incident. That is why every time an accident happens, it needs to be documented with an accident report **and** noted in the daily written record.

Differences between an accident and an incident

	Accident	Incident
What	An accident report is required when a child is <b>injured</b> ; <b>a copy of an accident report needs to be provided to the parent of the child who was injured</b>	An incident is when <b>something happens that affects the health, safety or well-being</b> of a person at the home child care premises. The something can be an accident or it can be about a child getting sick or otherwise hurt or harmed. If the incident is not an accident, parents need to be notified but an accident report wouldn't be filled out

	Accident	Incident
Who	Only required for <b>children</b> , regardless of how they are placed (in other words, both agency and privately placed children)	Required for an incident that affected a <b>child AND/OR the home child care/in-home services provider</b> at the home child care premises
When	As soon as possible after the accident happens	As soon as possible after the incident happens
Is parent notification required?	<b>Yes</b> ; parent must be notified of an accident that resulted in their child being injured.	<b>It depends</b> ; if the parent has already been given an accident report, this is considered notifying the parents  Otherwise, the parents must be notified
How must parent notification be done?	Parents must be notified by giving them a <b>copy of the accident report</b>	There is <b>no rule</b> about how to notify a parent about an incident that happened – it can be verbal, over email/text or parents can be given a copy of the notes about the incident that were included as part of the daily written record
Intersection with a daily written record	Accidents must be noted in the daily written record <b>in addition to</b> filling out an accident report. The note in the daily written record about an accident doesn't need to go into a lot of detail; staff can write "child X had an accident on the playground; see child's file for the accident report".	Incidents (including accidents) must be noted in the daily written record
Examples	<ul style="list-style-type: none"> <li>- child fell and scraped their elbows in the home provider's backyard during outdoor play.</li> <li>- child hit their head hard on the bench at the local park during the morning walk. Mom called immediately.</li> <li>- during lunch, child was accidentally scratched by another child.</li> </ul>	<ul style="list-style-type: none"> <li>- a child began coughing after nap and developed a fever of 101.8 °F</li> <li>- a child choked on food for a few seconds during lunch</li> <li>- a child broke out in hives after eating boiled eggs</li> <li>- home provider cut themselves badly while preparing the lunch meal for children</li> </ul>



**Tips and instructions for creating compliant daily written record** is available in CCLS under “tools and resources”.

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## Compliance indicators

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### Location Indicators

1. There is a daily written record for all days where care is provided.

#### And

The daily written record contains a summary of any incident affecting the health, safety or well-being of children and any person providing child care at the home child care or in-home services premises.

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, home child care visitor and/or provider verbally confirm that parents are promptly notified when there is an incident that affects the health, safety or well-being of their child.

## Part 5.7 Serious Occurrences



### 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,
- (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 summary of the report is kept in accordance with section 82.

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## Intent

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Section 38 is in place to make sure that home child care agencies report serious occurrences to ministry program advisors so they are aware of the situation and, if necessary, program advisors can help the agency address the serious occurrence in the best and most appropriate way possible.

Additionally, in some situations, information collected about serious occurrences can help to reduce the chance of a similar serious occurrence from happening again in the future.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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Licensees must have a serious occurrence policy and procedures to deal with **serious occurrences** (which are defined in Section 1 of the regulation), including how they are to be identified, responded to and reported to both third parties (for example, a Children's Aid Society) and the ministry.

The licensee can develop their own written policies and procedures with respect to serious occurrences or they can choose to adopt the standard policy developed by the ministry.

A licensee's serious occurrence policy and procedures document must, at a minimum, include:

- **what is considered a "serious occurrence"** (this is the list of categories under the definition of "serious occurrence" in section 1 of the regulation)
- the **step-by-step instructions** (in other words, the procedures) on how employees of the home child care agency, home child care/in-home services providers are to respond to a serious occurrence (for example, immediate medical attention must be provided) and who to notify (for example, call fire and police services, Children's Aid Society, etc.)

- **information on how to report a serious occurrence** (namely, the licensee's policy and procedures document must say that all serious occurrences must be reported to the ministry through CCLS within 24 hours of the licensee becoming aware of the serious occurrence)

Required procedures should set out the specific steps that home child care/ in-home services providers, volunteers and students, persons who are ordinarily residents of the premises or regularly at the premises, and employees of the home child care agency need to take when a serious occurrence happens.

## Procedures for missing children

A child going missing is very dangerous and serious.

The procedures for what to do when a child has gone missing need to be very clear and speak to how parents will be contacted.

When developing protocols around missing children, licensees should take into consideration if any steps need to be modified based on the age of the missing child.

Procedures around missing children should include **who does what and when** including, but not limited to:

Steps to be taken **immediately** by the home child care/in-home services providers:

- **alert all adults at the home child care premises** that a child is missing
- **search the entire premises**, including outdoor play areas such as front and back yards
- ensure the remaining children are supervised at all times
- notify the home child care agency
- **alert the child's parents** (parents may have additional information about child's whereabouts)
- **call 911** (or local emergency services if the centre is in an area of the province which does not have 911)



Licensees or their designates are required to report serious occurrences to their program advisor through CCLS within 24 hours. However, there may be situations when CCLS is not accessible (for example, because of an internet outage). If, after a serious occurrence, a licensee or designate cannot access CCLS for some reason, 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. Licensees and their designate should make sure they know the contact information – including the phone number– for the ministry program advisor assigned to the home child care agency.



## Serious Occurrence Summary of the Report (in CCLS this is called the “Serious Occurrence Notification Form”)

In addition to the requirement that licensees must report to the ministry any serious occurrence within 24 hours of the licensee becoming aware of the occurrence, they must also post a **summary of the serious occurrence for a minimum of 10 business days in an obvious, visible place in the home child care premises. Parents must be able to see the summary.** The summary must:

- describe what happened (essentially, a brief description of the serious occurrence) **without using any information that could identify any persons involved in the serious occurrence**
- explain what action was taken to address the serious occurrence
- be updated if any new information becomes available about the serious occurrence.



When counting “business days”, Saturdays and Sundays and a weekday that is a statutory holiday are not to be counted.



Sample **serious occurrence notification form template** is available in CCLS under “tools and resources”.



The serious occurrence categories in CCLS are more detailed than the definition in the regulation; See [Appendix A: Reportable Serious Occurrences](#) for more information.

In addition to needing to meet the requirements around serious occurrences under the CCEYA, any suspicion of **abuse** of a child or **neglect** of a child triggers reporting requirements under the [Child, Youth and Family Services Act, 2017](#) (CYFSA).

If a licensee, home child care visitor, home child care/in-home services provider, volunteer or student suspects that a child is, or may be, in need of protection from **abuse** and/or **neglect**, they must report this suspicion to the local Children’s Aid Society in accordance with section 125 of the CYFSA. Subsection 125(1) of the CYFSA lists all of the situations that must be reported to a [Children’s Aid Society](#).

All licensees, staff, students and volunteers should read the following documents: [Reporting Child Abuse and Neglect: It’s Your Duty](#) and [Submit a complaint about child welfare services](#).



Under the CYFSA, certain people who work with or around children, including an operator or employee of a child care centre or provider of licensed child care, have a heightened responsibility to report suspicions of child neglect and/or abuse. If such a person does not report a suspicion and the information on which it was based was obtained in the course of the person's professional or official duties, the failure to report the suspicion is considered an offence under the CYFSA and the individual may be fined up to \$5,000.

## Professional misconduct - registered early childhood educators

Registered early childhood educators (RECEs) are subject to the College of Early Childhood Educators' [Code of Ethics and Standards of Practice](#) as well as all applicable statutes, regulations, by-laws and legally binding policies that are relevant to their professional practice.

The [Early Childhood Educators Act, 2007](#) and its [Professional Misconduct Regulation](#) set out 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."

## Employer's mandatory reporting obligations

The *Early Childhood Educators Act, 2007* (ECEA) requires employers of early childhood educators to submit reports to the College of Early Childhood Educators (CECE) in certain circumstances. The ECEA sets out what kind of situations warrant such a report to be made to the College. In addition, the ECEA specifies the required timelines for such reporting and sets out information the College must provide to employers in response to any reports that are received. Licensees should familiarize themselves with the ECEA, especially the content around requirements for employers. For more information, please visit Ontario's e-Laws website to view the [ECEA](#) and visit the [College of Early Childhood Educators' website](#).

**Note:** It is recommended that home child care agencies follow the protocols set out in the ECEA regarding mandatory employer reporting to the College even where the home child care provider is not an employee of the agency.



Contravention of clause 38(1)(b) of the regulation may lead to an administrative penalty of **\$2,000**. See **section 78** of O. Reg. 137/15 and **item 1 of Table 2** under that section.

The amount of the administrative penalty increases if the contravention of clause 38(1)(b) is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.



**Cross-reference:** licensees must implement and ensure that the written policies and procedures relating to serious occurrences are implemented by home child care/in-home services providers, volunteers and students, persons who are ordinarily residents of the premises or regularly at the premises, and home visitors and are monitored for compliance and contraventions. See **section 6.1**.



**Cross-reference:** in addition to requirements around serious occurrences, the regulation has requirements around telephone service or an alternate means of obtaining emergency assistance. See **section 67**.

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## Best practices

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If appropriate, given the nature of the serious occurrence, the licensee, home child care visitor, home child care/in-home services providers should explain what happened to everyone in the home child care premises, including explaining to children if they are old enough to understand.

Licensees and home child care visitors should also look at what led to the serious occurrence and figure out if there are any steps that can be taken to reduce the chance that something similar will happen again. If there were hazards or other risks that played a role in the serious occurrence, they should be identified and quickly addressed.

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## Compliance Indicators

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### Agency Indicators

1. The licensee has developed written serious occurrence policies and procedures that address at a minimum, how to identify, respond to and report a serious occurrence.

**Or**

The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry.

2. A review of CCLS confirms that all serious occurrences were reported within 24 hours of the licensee or home child care visitor 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 becoming aware of the occurrence.

## Location Indicators

1. If a serious occurrence was reported within the last 10 business days, a notification form is posted in a conspicuous place at the premises where home child care/in-home services is provided (including any allegation of abuse or neglect).

Or

Where a serious occurrence was reported more than 10 business days ago, the home child care provider or in-home services provider verbally confirms that notification form(s) were posted in a conspicuous place at the premises for 10 business days.

## Part 5.8 Anaphylactic Policy



### 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 has an anaphylactic policy that includes the following:
1. A strategy to reduce the risk of exposure to anaphylactic causative agents, including rules for parents who send food with their child to the centre or premises.
  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. Omitted – refers to child care
    - 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.
  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.

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## Intent

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**Anaphylaxis** is a serious allergic reaction that can be life-threatening.

Section 39 is in place to help the needs of children with anaphylactic allergies and reduce the chances that a child will have an anaphylactic reaction while at the home child care premises.

The requirements in section 39 of the regulation were made to align with similar requirements which apply to publicly-funded schools under a different law called [Sabrina's Law, 2005](#).

These provisions apply to both home child care providers and in-home services providers.


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
## Clarifying guidance


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There are no exceptions to the requirements in section 39. Licensees must develop policies and procedures with respect to anaphylactic allergies (or adopt the standard policy developed by the ministry) **even if**:

- there are currently no children in the home child care premises that have an anaphylactic allergy
- the home child care premises only operates for a few hours a day

 **Cross-reference:** licensees must implement and ensure that all individualized plans, including those for children with anaphylaxis and the emergency procedures in the individualized plan, are implemented by home child care/in-home services providers, volunteers and students, persons who are ordinarily residents of the premises or regularly at the premises, home child care visitors and employees of the home child care agency and are monitored for compliance and contraventions. See **section 6.1**.

 **Cross-reference:** the regulation has requirements around drugs/medication including that drugs/medication must be inaccessible to children at all times. See **subclause 40(1)(b)(iii)**.

 **Cross-reference:** the regulation has a requirement that where special dietary and feeding arrangements have been made a parent, licensee must carry out the arrangements in accordance with the written instruction of a parent of the child. See **section 44**.



**Cross-reference:** the regulation requires home child care agency to have a parent handbook and that the handbook must contain the rules set out in the agency's anaphylactic policy for parents who send food with their child to the premises (as well as other things). See **clause 45(1)(a.1.1)**.



**Cross-reference:** the regulation requires licensees to maintain a "children's record" for every child receiving child care at home child care premises the agency oversees; as part of a child's record, there must be written instructions signed by a parent of the child for any medical treatment or drug/medication that could be given to the child when at the home child care premises. See **paragraph 72(1)(10)**.



Sample **individualized plan and emergency procedures template for a child with an anaphylactic allergy** is available in CCLS under "tools and resources".

## **Asthma medication and emergency allergy medications containing epinephrine (such as "EpiPens")**

### **For children who **can** give themselves medication**



There is an **exception** to the requirement for medication to be inaccessible to children. (See subsection 40 (2) of the Regulation.)

Licensees can allow children who have the skills and independence to give themselves medication (also called **self-administer**) to carry their own **emergency allergy medication for anaphylactic allergies** such as an "EpiPen".

This exception is allowed as long as:

- allowing children to carry emergency allergy medication is not in conflict with the home child care agency's medication administration policy
- and**
- the child's parents have given permission for the child to give themselves their own medication and that permission is included as required in the child's record at the home child care premises where the child receives child care and at the home child care agency
- and**
- home child care/in-home services providers make sure that when the child is going on a field trip or leaving to go to school, the child has their medication with them.

## For children who **cannot** give themselves emergency allergy and asthma medication

For children who are not old enough or don't have the skills to self-administer asthma or emergency allergy medication, home child care/in-home services providers must ensure it is always easy to grab but still out of children's reach.

Home child care/in-home services providers must also ensure that emergency asthma and allergy medication is in the provider's possession when leaving the home child care premises (for example, walking children to school, going on a field trip).

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### Best practices

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Home child care/in-home services providers may want to provide opportunities for children at the home child care premises to learn about allergies and things that cause allergies and that are not permitted at the premises.

It is recommended that home child care/in-home services providers post a list of known allergies (food and non-food) and food restrictions of the children who receives child care at the premises in the food preparation/eating areas and play activity/rooms, or have the list in an area that is readily accessible to the home child care/in-home services provider.

Additional information on anaphylaxis can be obtained through Health Canada's [Food allergies and gluten-related disorders](#) website.

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### Compliance Indicators

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#### Agency Indicators

1. The licensee has developed a written anaphylactic policy that includes the items listed in subsections 39 (1) and (2).

**Or**

The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry.

#### Location Indicators

1. Each agency-enrolled child with an anaphylactic allergy has an individualized plan developed with input from the child's parent and with any regulated health professional who is involved that includes emergency procedures;

**And**

Each agency-enrolled 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.

## **Part 5.9 Children with Medical Needs**



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

- 39.1(1)** Every licensee shall develop an individualized plan for each child with medical needs who,
- (a) *Omitted* – refers to child care centres.
  - (b) is enrolled with a home child care agency and receives child care at a premises where it oversees the provision of home child care.
- (2) The individualized plan shall 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.
- (3) The plan shall include,
- (a) steps to be followed to reduce the risk of the child being exposed to any causative agents or situations that may exacerbate a medical condition or cause an allergic reaction or other medical emergency;
  - (b) a description of any medical devices used by the child and any instructions related to its use;
  - (c) a description of the procedures to be followed in the event of an allergic reaction or other medical emergency;
  - (d) a description of the supports that will be made available to the child in the child care centre or premises where the licensee oversees the provision of home child care; and
  - (e) any additional procedures to be followed when a child with a medical condition is part of an evacuation or participating in an off-site field trip.
- (4) Despite subsection (1), a licensee is not required to develop an individualized plan under this section for a child with an anaphylactic allergy if the licensee has developed an individualized plan for the child under section 39 and the child is not otherwise a child with medical needs.



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## Intent

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Section 39.1 is in place so there is a plan to support children with medical needs and to maximize their inclusion in all activities in the home child care program.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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A **child with medical needs** has a specific meaning in the regulation. The definition is a *child who has one or more chronic or acute medical conditions such that he or she requires additional supports, accommodation, or assistance*.

For example, a child with diabetes may require that an adult checks the child's blood sugar levels with a glucose monitor several times a day – this child is considered a child with medical needs.

**Individualized plans for a child with medical needs** must be in place when a child starts attending the home child care premises. Licensees should talk with parents about any needs a child may have related to a medical condition before the child starts receiving home child care.

An individualized medical plan must be developed in consultation with the parent of the child and any regulated health professional – these are professionals such as doctors, speech-language pathologists, physiotherapists, etc. – involved in the child's health care if the parent believes one of these types of professionals should be consulted.

Licensees are required to maintain the confidentiality of a child's medical history including any diagnosis. Sensitive or confidential medical information and detailed reports from medical professionals should not be included in the individualized plan required by section 39.1 unless parents agree to this (provide **consent**) in writing.

### Support persons hired by parents

Where a parent chooses to hire an individual to support their child while in care at the child care program, the child's individualized support plan must also include information pertaining to the support this individual will be providing the child, including whether the parent has provided consent for the individual to be left alone with the child.



If a child has an anaphylactic allergy and no other medical condition and an individualized plan for the anaphylactic allergy is already in place per section 39, licensees do **not** have to also develop an individualized medical plan as required by section 39.1.



**Cross-reference:** licensees must implement and ensure that all individualized plans, including the emergency procedures in that individualized plan are implemented by home child care/in-home services providers, volunteers and students, persons who are ordinarily residents of the premises or regularly at the premises and home child care visitors and are monitored for compliance and contraventions. See **section 6.1**.



**Cross-reference:** before placing a child at a premises, licensees must consider any special needs or medical needs of the children in the group. See **paragraph 9(3)2** of the regulation.



Sample **individualized plan template for children with medical needs** is available in CCLS under “tools and resources”.

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## Compliance Indicators

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### Agency Indicators

1. Each agency-enrolled child with medical needs has an individualized plan developed.

**Or**

The licensee has adopted and completed all customizable areas of the template provided by the Ministry.

2. There is written evidence that the plan was developed in consultation with the child’s parent/guardian and any regulated health professional involved in the child’s care.

**Or**

Staff verbally confirms that the plan has been developed in consultation with the child’s parent and any regulated health professional involved in the child’s care.

3. Each individualized plan includes:

- (a) steps to be followed to reduce the risk of the child being exposed to any causative agents or situations that may exacerbate a medical condition or cause an allergic reaction or other medical emergency;

**And**

- (b) description of any medical devices used by the child and any instructions related to use;

**And**

- (c) description of the procedures to be followed in the event of an allergic reaction or other medical emergency;

**And**

- (d) a description of the supports that will be made available to the child while in care;

**And**

- (e) any additional procedures to be followed when a child with a medical condition is part of an evacuation or participating in an off-site field trip.

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## Best practices

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It is best for the licensee to include information in the parent handbook about the requirement for individualized plans for children with medical needs and how frequently these plans will be reviewed and updated.



### Tips for writing an individualized plan for a child with medical needs

The following examples may assist the licensee in developing the individualized medical plan.

Category	Example
Steps to reduce risk of exposure to causative agents or situation that may exacerbate medical condition or cause an allergic reaction or other medical emergency	<ul style="list-style-type: none"><li>• Limiting child's outdoor time and exposure to sun</li><li>• Use of protective clothing</li><li>• Pureeing food to minimize choking</li></ul>
Description of medical devices and instructions related to use	<ul style="list-style-type: none"><li>• Blood glucose reader: prep, storage and sanitation of device</li><li>• Insulin injections: use of needles, storage of insulin, disposal of needles</li><li>• Feeding tube: prep, storage and sanitation of device</li></ul>

Category	Example
Procedure to be followed in the event of an allergic reaction or other medical emergency	<ul style="list-style-type: none"> <li>• Administer Benadryl or other allergy medication such as epinephrine, contact parents and seek immediate medical attention</li> <li>• Administer fever reliever and contact parent</li> <li>• Seek emergency medical attention and contact parent</li> </ul>
Description of supports available to the child	<ul style="list-style-type: none"> <li>• Adaptive feeding chair</li> <li>• Occupational therapist or other person providing support</li> </ul>
Procedures to be followed in the event of an evacuation or participation in an off-site field trip	<ul style="list-style-type: none"> <li>• Ice packs for medication or items that require refrigeration</li> <li>• Carrying case for devices</li> </ul>

All sections of the template must be completed with relevant information or clearly marked as not applicable.

## Part 5.10 Administration of Drugs and Medication



### 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
- (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).



(3) The following items do not constitute drugs or medication for the purposes of this section, except where the item is a drug, as defined in the *Drug and Pharmacies Regulation Act*, prescribed for a child by a health professional:

1. Sunscreen.
2. Moisturizing skin lotion.
3. Lip balm.
4. Insect repellent.
5. Hand sanitizer.
6. Diaper cream.



- (4) In respect of an item described in subsection (3) that does not constitute a drug or medication of the purposes of this section, a licensee shall ensure that,
- (a) the item is administered to a child only if a parent of the child has given written authorization for the administration of the item;
  - (b) the item is stored in accordance with the instructions for storage on the label and the container or package is clearly labelled with the child's name and the name of the item; and
  - (c) the item is administered to a child only from the original container or package and in accordance with any instructions on the label and any instructions provided by the parent of the child.

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## Intent

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Mistakes around storing and/or the giving (also called **administration**) of drugs/medication (which will be referred to as medicine in this part of the manual) can seriously hurt a child and/or can worsen the condition that requires the medicine.



Licensees are not required to administer medicine to children. However, if a licensee determines that home child care providers can administer medicine to children, specific requirements must be met. If the licensee does not allow the administration of medication in the program, no one in home child care premises can give children medicine.


Section 40 is in place to make sure that, if a licensee agrees to give medicine to a child, this is done in a safe and appropriate way to reduce the chance of the child, or other children, being harmed.




- so it works the way it is supposed to and to prevent children from eating medicine or otherwise hurting themselves with medicine, subclause 40 (1) (b) requires medicine to be stored properly and in a way that children cannot get to the medicine.
- to reduce the chance of making mistakes with the giving of medicine, subclause 40 (1) (c) requires that only one person or a designate be in charge of the giving of medicine to children.
- to make sure children are given the right amount of medicine at the right time, subclause 40 (1) (d) requires parents to give written permission before medicine can be given to children. The written permission must include detail on the amount of medicine (dose) to be given and when the dose is to be given.
- to make sure children get the right dose, to avoid mix-ups in situations where more than one child is getting the same medicine and to make sure medicine is still useable, subclause 40 (1) (e) requires that medicine be stored in original containers and labelled with the child's name, the name of the medicine, the dosage, the date of purchase and the date of expiration, if applicable, and instructions for storage and administration.



**Exemption:** to prevent the need for parents to give written permission every time their child needs to be given over-the-counter sunscreen, moisturizing skin lotion, lip balm, insect repellent, hand sanitizer or diaper cream), subsection 40 (4) allows licensees to give these products to children as long as parents have given their written permission one time (this is called **blanket authorization**).

## Clarifying guidance

Requirement	Guidance/detail
40(1)(a)(i) – requirement to have a written procedure about giving medicine	<p data-bbox="423 323 1425 443">The licensee must develop written procedures for the administration of any drug or medication. The ministry has a template that licensees can use or licensee can write their own procedures.</p> <p data-bbox="423 491 1414 611">A “drug” or “medication” does not have to be prescribed by a doctor or other health professional. A “drug” or “medication” has a Drug Identification Number.</p> <ul data-bbox="475 659 1455 905" style="list-style-type: none"> <li>• A <a href="#">Drug Identification Number (DIN)</a> 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.</li> </ul> <p data-bbox="423 953 1430 1115">The written procedures should note what to do if a child is given the wrong dose of their medicine or if a child takes/is given medicine that is not theirs (this can be referred to as accidental administration of medicine).</p> <div data-bbox="423 1163 1464 1318">  <b>Cross-reference:</b> the regulation requires home child care agencies to have policies and procedures about serious occurrences, which are defined in the regulation. See <b>section 38</b> and <b>subsection 1(1)</b>.         </div>

Requirement	Guidance/detail
<p>40(1)(a)(ii) – requirement to have a written procedure about keeping records of medicine being given</p>	<p>A licensee’s procedure around record-keeping must always address:</p> <ul style="list-style-type: none"> <li>• how and where home child care/in-home services providers will note down in writing every time that a child was given medicine <ul style="list-style-type: none"> <li>○ the procedures must indicate that writing down when medicine/product is taken by a child must <u>always be completed</u>. This includes when <ul style="list-style-type: none"> <li>▪ home child care/in-home services providers give a child medicine that is not covered by blanket authorization</li> <li>▪ a child gives themselves asthma medication or emergency allergy medication</li> </ul> </li> </ul> </li> <li>• how any accidental administration of medicine will be recorded</li> <li>• how the records around given medicine will be maintained</li> </ul> <div data-bbox="423 842 1469 1167" style="background-color: #f0f0f0; padding: 10px; margin-top: 10px;"> <p> <b>Cross-reference:</b> the regulation requires that up-to-date “children’s records” are maintained for every child receiving child care at home child care premises overseen by a home child care agency. As part of a child’s record, there must be written instructions signed by a parent of the child for any medical treatment or drug/medication that could be given to the child during the hours the child receives child care. See <b>subparagraph 72(1)(10)</b>.</p> </div> <div data-bbox="423 1209 1469 1402" style="background-color: #f0f0f0; padding: 10px; margin-top: 10px;"> <p> <b>Cross-reference:</b> paperwork is needed because of subclause 40(1). The regulation has requirements around record retention and also clarifies that a record can be either a hard-copy or in electronic format (in other words, paper or electronic). See <b>section 82</b>.</p> </div>
<div data-bbox="131 1436 191 1486" style="float: left; margin-right: 10px;">  </div> <p>Section 40 applies to all products containing a <b>Drug Identification Number (DIN)</b>. A DIN is an eight-digit number assigned by Health Canada to a drug product. 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. Many different types of products including vitamins, medicated ointments, prescription medication and over-the-counter products such as pain medicine have a DIN.</p> <p>If a parent is asking a licensee to give a child medicine or other product, licensees must ask to see what the medicine/product is to check to see if it has a DIN before deciding.</p>	



Requirement	Guidance/detail
40(1)(b) (i) and (iii), (iv) rules/ requirements around storing medicine and making sure medicine is inaccessible to children	<p><b>Clarification on medicine that needs to be refrigerated</b></p> <p>Drugs and medications that must be kept in a fridge must be inaccessible to children at all times and should be separate from food/beverages in the fridge, if possible.</p>
40(1)(b) (ii) – how to administer the medicine*	<p><b>This requirement needs to be read together with 40(1)(d).</b></p> <p>Subsection 40(1)(b)(ii) requires medicine to be given to a child in accordance with the instructions on the label <b>AND</b> with the instructions about the when the medicine is to be given and how much is to be given in the parent’s written authorization that they have to give the licensee because that’s the requirement in 40(1)(d).</p>
40(1)(c) – only one person in charge of giving medicine	<p>The licensee’s written procedures must document the person in charge of giving medicine. If another person is responsible for giving medicine in certain circumstances, this must also be documented in the procedures.</p>

Requirement	Guidance/detail
40(1)(d) – parents must give written authorization*	<p>Medicine can only be given to children if the licensee agrees to do so <b>and</b> the child’s parent gives permission in writing (this is called <b>written authorization</b>). The parent’s written authorization needs to include:</p> <ul style="list-style-type: none"> <li>• a schedule for when (for example, give the child medicine at lunch) and/or how frequently (for example, give the child the medicine every 2 hours)</li> <li>• how much a dose of medicine is</li> </ul> <p>If medicine needs to be taken on an “as needed” basis, the parent’s written instructions must clearly explain what “as needed” means; for example, the parent’s written instruction can say that when a child begins wheezing, the child must take two puffs from their asthma medication. If a parent’s written instructions say “take as needed” this is not enough – the parent has to include information about the signs and symptoms that indicate that it’s time for the child to take their medicine.</p> <p>Parent’s written instructions are also needed for asthma medication or emergency allergy medication that children carry and can give themselves.</p> <p>Parents may also wish to provide specific written instructions for products that are listed in subsection 40(3). For example, a parent may wish diaper cream to only be applied after certain diaper changes instead of at every diaper change. This information should be provided in writing so the home child care/in-home services provider is aware of the instructions.</p>

Requirement	Guidance/detail
40(1) (e) – requirements around original containers and labelling	<p data-bbox="423 212 1469 327">Medicine can only be accepted only when it is in the original container. For example, loose pills cannot be provided in a zip-lock bag or a generic pill box.</p> <p data-bbox="423 380 1469 495">All of the following must be labelled and stored in a way that is consistent with the instructions on the label. Instructions on the label and the parent's instructions must be followed:</p> <ul data-bbox="480 548 1469 842" style="list-style-type: none"> <li>• medicine that is not covered by blanket authorization</li> <li>• products that are covered by a blanket authorization (these are over-the-counter [so not prescription] products listed in ss. 40(3): sunscreen, moisturizing skin lotion, lip balm, insect repellent, hand sanitizer and diaper cream)</li> <li>• asthma medication or emergency allergy medication that children carry and can give themselves</li> </ul> <p data-bbox="423 894 1469 1136">Home child care/in-home services providers must check that the parent's written instructions match any instructions printed on the original container of medicine. Confirming that the two sets of instructions match will prevent any confusion as to which instructions should be followed and support providers to give the medication correctly.</p> <p data-bbox="423 1188 1469 1346">If parents of children in a home child care have authorized use of a shared product, such as hand sanitizer, the ministry's program advisors will not require the product to include the names of children on it (unless necessary).</p> <p data-bbox="423 1398 1469 1682">Providers can only give a dosage of medicine to a child while at the home child care premises that the providers themselves measured out at the home child care premises from the original container the medicine was in. It is not acceptable for providers to give a dosage that a parent has brought in from home because the providers have no way of knowing whether the dosage is the right amount and the providers cannot be sure that the dosage came out of the original container the medicine came in.</p> <p data-bbox="423 1734 1469 1808">If providers notice that a child's medicine has expired, they must notify the child's parent as soon as possible.</p>

Requirement	Guidance/detail
40(3) and (4) – certain products can have blanket authorization	<p>Most children, at one point or another while at the home child care premises, will need to use one of the six products that are covered by a blanket authorization (these are the products listed in ss. 40(3): sunscreen, moisturizing skin lotion, lip balm, insect repellent, hand sanitizer and diaper cream)</p> <p>In order to avoid accidental administration of the product, licensees must ensure that providers are aware when a parent <b>does not provide</b> written authorization for the use of these items at the home child care premises. If the explanation is due to an allergy, the rules respecting allergies apply.</p>

\* Where there is misalignment or contradiction between the dosage on a medicine's label and the dosage on the medical authorization form provided by the parent (for example, the label indicates that the dosage is 12 ml but the medical authorization provided by the parent indicates that the dosage is 20 ml), the licensee is to confirm with the parent which dosage should be administered to the child.

- If the dosage on the label is correct, the licensee must have the parent correct the information on the form.
- If the dosage on the medical authorization form is correct, the licensee must obtain a doctor's note from the parent that clearly indicates the child's name, the name of the drug or medication and the instructions to be followed by the licensee.

In cases where the difference is clearly due to the amount of time the child spends at the home child care premises vs. at home, the above documentation is not required (for example, if the label indicates that the child is to receive 4 doses of an antibiotic each day, but the medication authorization form indicates that the centre is to administer antibiotics once at 11am daily).



Sample **authorization form template for drug/medication administration** is available in CCLS under "Tools and Resources".

## Children with medical needs with an individualized plan that speaks to medication

If a child in the child care program is a child with medical needs and has a individualized plan in place, the written authorization from a parent to administer drugs and medication to a child, along with required details (such as the name of the medication, dosage, schedule, signs and symptoms and parent signature), may be set out in a **written authorization form** or in the individualized plan.

In other words, the written authorization only needs to be documented once. Where licensees use an individualized plan for this purpose but use ministry templates that make reference to a medical authorization form, licensees must amend the applicable written policies and procedures to reflect this practice.

### For children who can give themselves medication



There is an **exception** to the requirement for medication to be inaccessible to children.

Licensees can allow children who have the skills and independence to give themselves medication (also called **self-administer**) to carry their own:

1. **Asthma medication** (usually called a “puffer” or “inhaler”)
2. **Emergency allergy medication** such as an “EpiPen”

### **No other medication may be carried by a child.**

This exception is allowed as long as licensees have written procedures about self-administration of medicine by children which includes the following:

- allowing children to carry their own asthma or emergency allergy medication is not in conflict with the home child care agency’s medication administration policy  
**and**
- the child’s parents have to give written permission for the child to give themselves their own medication and that permission is included as required in the child’s record at the home child care premises  
**and**
- home child care/in-home services providers make sure that when the child is going on a field trip or leaving to go to school, the child has their medication with them  
**and**
- anytime a child self-administers medicine, providers need to note this in the daily written record



Contravention of subclause 40 (1) (b) (ii) and clause 40 (1) (d) of the regulation may lead to an administrative penalty of \$2,000. See **section 78** of O. Reg. 137/15 and **item 2 of Table 2** under that section.

The amount of the administrative penalty increases if the non-compliance is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

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## Best practices

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Whenever possible, parents should be encouraged to give their children medicine at home if it makes sense and is safe to do so. For example, if a child needs to take medicine only once a day with food, parents should try to give the child the medicine when they are at home and having breakfast or dinner.

If a child must receive medicine while they are receiving child care, it is best to take the child to a quiet, well-lit area. This approach can limit the chance of interruption/distraction and help home child care/in-home services providers ensure the appropriate dose is provided. It may also help the child stay calm.

### Unused medicine

Any leftover or extra medicine should be returned in the original container to a parent of the child or safely thrown out with parental permission. In Canada, all drugstores accept unused and expired medicine for safe disposal. For more information, see Health Canada's [Safe Disposal of Prescription Drugs website](#).

### Accidental administration of medicine

While the requirements in section 40 are in place to prevent any harm to children, accidents can still happen. If at any time medicine is given to the wrong child or a child has been given the wrong dose of their medicine, this should be reported to the licensee and/or home child care visitor, who should then notify a parent of the child right away. Home child care/in-home services providers should follow any instructions on the label related to accidental administration, including calling 911 or going to the nearest emergency room if required.

If a child has any symptoms of ill health and/or says they are not feeling well after accidental administration of medicine, home child care/in-home services providers should call emergency services and follow the home child care agency's serious occurrence policy. The incident should be recorded as required by the regulation.

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## Compliance indicators

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### Agency Indicators

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

1. The licensee has developed a written procedure 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.

**Or**

The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry

### **Location Indicators**

1. All drugs or medications are stored according to the storage instructions on the label.
2. All drugs or medications are inaccessible to children at all times (with the exception of asthma or emergency allergy medication that a child may self-administer).

**And**

Where the licensee permits a child to carry his or her own asthma medication or emergency allergy medication, there is a parent's written authorization for the child to carry his or her own emergency allergy or asthma medication.

3. All drugs or medications are administered according to the instructions on the label and written parental authorization.

**Or**

The home child care provider or in-home services provider and/or home child care visitor verbally confirms and describes how drugs or medications are administered, and this aligns with the label instructions and written parental authorization.

4. Drugs and medications are observed to be dealt with by the home child care provider or in-home services provider.
5. 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.
6. Drugs or medications are administered from their original containers or as supplied by a pharmacist.
7. 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.
8. Where a licensee agrees to the administration of items listed under section 40(3), there is written authorization from a child's parent(s) for the administration of these items.
9. Where a licensee agrees to the administration of items listed under section 40(3), the items are stored in accordance with the instructions for storage on the label.

**And**

The container or package is clearly labelled with the child's name and the name of the item.

1. Where a licensee agrees to the administration of items listed under section 40(3), the items are only administered from the original container or package.

**And**

In accordance with any instructions provided by the parent of the child.

## Part 5.11 Animals

### Ontario Regulation 137/15



**41** Every licensee shall ensure that every dog, cat or ferret 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.

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### Intent

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Section 41 is in place to protect the health of persons by aligning the rules for rabies vaccination of animals in home child care premises with [Ontario Regulation 567 \(Rabies Immunization\)](#) made under the [Health Protection and Promotion Act](#).

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### Clarifying guidance

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**Inoculated** is another way of saying **vaccinated**.

**Being kept at** means the animal lives at the home child care premises or is visiting one time or is visiting over and over again.



There is **no exemption** to the requirement for all dogs, cats and ferrets kept at the premises to be inoculated against rabies. If a dog, cat or ferret is unable to receive the rabies vaccination, the animal cannot live at or visit the home child care premises.



**Cross-reference:** the regulation requires licensees to ensure that the employees of the home child care agency and home child care/in-home services providers follow the direction of a medical officer of health with respect to any health/well-being matter. See **subsection 32(1)**.



**Cross-reference:** proof of vaccination for animals is a record; the regulation has requirements around record retention. See **subsection 82(1)**.



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## Best practices

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### Prior to contact with animals

Licensees may wish to develop written policies and procedures for infection prevention and control and have them reviewed by the local medical officer of health.

Before a child is placed in a home child care premises that has animals or before introducing any animals into the home child care premises, parents should be consulted and asked to provide consent. They should be informed of both the benefits of engaging and interacting with animals, as well as the risks such as, allergies, infectious disease transmission and injury and how the home child care premises plans to mitigate those risks.

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

Home child care/in-home services providers, volunteers and students and children should learn appropriate ways to prevent infections and how to safely interact with animals, 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 used alcohol-based hand-rub) after touching animals, their food bowls, toys, bedding, etc.
- avoid touching their faces after animal contact until hand hygiene is performed



The Ministry of Health's [Recommendations for the Management of Animals in Child Care Settings, 2018](#) includes a list of animals not recommended in child care.

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## Compliance Indicators

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### Location Indicator

1. Where applicable, there is a certificate on the home child care or in-home services premises that indicates that each dog, cat and/or ferret has been inoculated against rabies.

## Part 5.12 Sleep Policies and Supervision



### 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 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.
- (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 or at a premises where it oversees the provision of home child care,



- (a) an employee or home child care provider periodically performs a direct visual check of each sleeping child who is in a licensed infant or toddler group, is in a licensed family age group and is younger than 24 months, or is at a home child care premises and is younger than 24 months, 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 or home child care premises 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) In determining the matters described in clause (2) (c) (vi) in respect of children who are enrolled with a home child care agency and who receive child care at a home child care premises, the licensee shall consider parents' input, the sleep environment at the premises and the proximity of the sleeping area or room to the child care provider when the child is sleeping.
- (4) Omitted – refers to child care centre

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## Intent

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Section 33.1 is in place to reduce the risk of very young children (under age 12 months) being hurt, or even dying, when they are sleeping. Major health and children's safety groups and Health Canada agree that placing infants on their back for sleep is best to reduce this risk.

In addition, monitoring sleeping children can reduce the risk of something bad happening because caregivers can look for any troubling signs in the child (such as a change in skin colour, change in breathing, signs of overheating, etc.) and react as needed.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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The licensee must review the recommendations in the most current version of the [Joint Statement on Safe Sleep: Reducing Sudden Infant Deaths in Canada](#) (the "Joint Statement").

The current recommendation in the *Joint Statement* is that children younger than 12 months of age 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).

The providers should understand that young children might not follow a fixed schedule for rest or sleep and should allow them to rest or sleep according to their needs.



The only exception to the requirement to place a child on their back for sleep is if a child's doctor writes a medical note that says that the child should not sleep on their back. This is what "unless the child's physician recommends otherwise in writing" in paragraph 33.1(1) means.



It is important to note that the [Joint Statement](#) says that once infants can roll from their backs to their stomachs or sides, those looking after them don't need to put them on their back even if they started off that nap/sleep time on their back (see page 3 of the *Joint Statement*).

The requirements in the regulation about how to supervise sleeping children in a home child care premises (such as those around sleep position and the performance and documentation of direct visual checks) also apply to home child care premises that provide overnight or extended hours care.

Where the licensee provides extended hours or overnight care, the licensee must outline in their sleep policy how frequently direct visual checks will be completed and documented during extended hours and overnight care.



Sample **documentation of direct visual checks for children template** is available in CCLS under "Tools and Resources".



**Cross-reference:** licensees must implement and ensure that the written policies and procedures relating to sleep supervision are implemented by home child care/in-home services providers, volunteers and students, persons who are ordinarily residents of the premises or regularly at the premises, home child care visitors and other employees of the home child care agency and are monitored for compliance and contravention. See **section 6.1** of the regulation.

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## Best practices

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For children 0-12 months of age, the *Joint Statement* (page 4) 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.

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## Compliance Indicators

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### Agency Indicator

1. The licensee has developed a written policy and procedures with respect to sleep that includes the items in 33.1(2)(c).

**Or**

The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry.

### Location Indicators

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

**Or**

Home child care provider or in-home services provider verbally confirms 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. A home child care provider or in-home services provider is observed to periodically perform a direct visual check of each sleeping child who is younger than 24 months, following the details outlined in the agency's policy and by being physically present beside the child while the child is sleeping

**Or**

A home child care provider or in-home services provider verbally confirms that they perform periodically direct visual checks of each sleeping child who is younger than 24 months, following the details outlined in the agency's policy and by being physically present beside the child while the child is sleeping and look for indicators of distress or unusual behaviours.

**Or**

There is documentation of direct visual checks being performed periodically conducted on each sleeping child who is younger than 24 months, following the details outlined in the agency's policy.

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

**Or**

A home child care provider or in-home services provider verbally confirms there is sufficient light in the sleeping area or room to conduct direct visual checks.

## Part 5.13 Electronic Monitoring Devices

### 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).

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### Intent

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Subsection 33.1(5) is in place 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 properly and picking up the sounds and/or images of all sleeping children.

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### Clarifying guidance

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Electronic monitoring devices must be checked each day to confirm that they are functioning properly.



Electronic monitoring devices **cannot be used instead of direct visual checks** of sleeping children. It does not matter if a home child care premises does or does not use electronic monitoring devices; home child care/in-home services providers must conduct direct visual checks of all sleeping children as required by the regulation.

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## Best practices

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The licensee should develop a procedure for the monitoring of electronic devices that addresses, at a minimum:

- how will the home child care/in-home services provider document the daily checks of the electronic monitors
- what steps home child care/in-home services providers will take if a monitoring device does not work, including reporting the malfunction to the home child care visitor and/or the licensee

The procedures for monitoring electronic devices should be explained before home child care/in-home services providers start providing home child care.

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## Compliance Indicators

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### Location 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 home child care providers at each premises.
3. It is observed that electronic monitoring devices are checked daily to ensure that it is working properly;

### Or

A home child care provider or in-home services provider verbally confirms that the electronic monitoring devices are checked daily to ensure that it is working properly;

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

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# Part 6 – Nutrition

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## Part 6.1 Requirements for Infants Under One Year

### 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.

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### Intent

Getting enough and the right kind of nutrition is needed so that children can grow and develop as expected. Child care providers play a very important role in meeting the nutrition needs of children.

What children under one year of age eat/drink, how much they eat/drink and when and how often they eat/drink varies from child to child, so a one-size fits all approach does not work.


That is why subsection 42(1) is in place. It is there to make sure that children under one year of age are getting the nutrients they need by requiring that what they are given to eat/drink while they receive home child care follow the parent's instructions.

This provision only applies to home child care providers and does not apply to in-home services providers.

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### Clarifying guidance

Children under one year old must be fed following the written instructions provided by their parents; there are no exceptions to this requirement.

 Unless parents give feeding instructions that are different, children under one year of age who are being given a bottle should be held in a **semi-upright position** when feeding, their heads should be supported and an adult should always hold the bottle until a child is able to do so by themselves.

Giving infants bottles when they are lying flat on their back is dangerous because this can cause choking and/or the child can breathe the breast milk/formula into their lungs.

**Bottles should never be propped up** against something or left in a child's mouth when they are falling asleep or asleep.





**Cross-reference:** the regulation prohibits people at the home child care premises from depriving a child of basic needs, including food and drink. The regulation also prohibits the force-feeding (of either solids or liquids) of children. See **section 48**.

Contravening section 48 is very serious. Licensees can be issued an administrative penalty (which is commonly referred to as a fine) of up to \$100,000 if there are contraventions of anything in section 48. For more information about administrative penalties, see **section 78** and **item 3 of Table 2 in section 78**. Contravention of/failure to comply with **section 48** is an offence under the CCEYA.



**Cross-reference:** the regulation requires that when parents send any food or drink for the children to the home child care premises, the container that holds the food or drink must be labelled with the child's name. Containers include bottles, sippy cups, formula mix packages, etc. See **clause 42(1)(b)**.



**Cross-reference:** the regulation requires licensees of home child care agencies to maintain up-to-date record for every child receiving child care. For any child under one year of age, their record must include written instructions from a parent about feeding the child and these instructions **must be signed by a parent**. See **paragraph 11 of subsection 72(1)**.

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## Best practices

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Home child care providers should pay attention to signs that children are hungry or full and should never force them to drink milk/formula and eat food/liquid.

When caring for very young children, different furniture and eating arrangements may be needed. It is helpful to have an area where children can be held and fed individually, especially when they still use bottles and can't hold them by themselves.

Solid foods and new foods with coarse texture can be introduced gradually in the first year of a child's life to correspond with the child's development and parent's instructions.

Even though children under one year of age may not eat what older children eat at child care, home child care providers should encourage parents to review the menu of food that older children will be eating. Parents may want to look out for food that is safe for their child under one year of age to eat (for examples, fruit being served to older children can be pureed or cut up into small pieces for a child who is starting to eat solid food).



**Cross-reference:** the regulation has requirements around planned menus in home child care premises and how it must meet the requirements set out in the most recent and relevant food guide published by Health Canada. See **section 43(4)**.

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## Compliance Indicators

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### Location Indicators

1. Records for all children under one year contain written instructions from a parent of the child with regard to feeding.

#### And

2. Children under one year are observed to be fed in accordance with the written instructions on file;

#### Or

The home child care provider verbally confirms that all children under one year are fed in accordance with the written instructions on file.

## Part 6.2 Food Labelling

### 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.

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## Intent

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Subsection 42(1) is in place so that children eat/drink what is intended for them when food/drink is brought into the home child care premises by parents from home.

Labelling containers for food/drink is very important for several reasons:

- children with a medical condition may be on a special diet (for example, a child may only be able to eat foods that have a certain consistency)
- children have allergies to things in food/drink or other intolerances or restrictions related to food/drink


- children can be part of a family that eats in a way that observes their religion, personal beliefs or personal preferences (for example, kosher food, halal food, vegetarian or vegan)
- children should never share bottles or sippy cups with other children for health reasons and also because some bottles/sippy cups may be specially designed because the child needs a modification to these items


This provision only applies to home child care providers and does not apply to in-home service providers.


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## Clarifying guidance

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 **Cross-reference:** licensees must follow any direction provided by the local medical officer of health around anything that may affect the health and well-being of children receiving care. See **subsection 32(1)** of the regulation.

 **Cross-reference:** most rules/requirements that apply to home child care premises also apply to in-home services, but there are some exceptions; these exceptions are set out in **section 6.0.1** of the regulation.

 **Cross-reference:** the regulation requires that an agency's anaphylactic policy include rules for parents who send food with their child to the home child care premises. See **paragraph 39(1)1**.

The rules about food being sent from home must also be included in the home child care agency's parent handbook. See **clause 45(1)(a.1.1)** of the regulation.

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## Best practices

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Licensees may wish to review the requirements of [Ontario Regulation 493 \(Food Premises\)](#) made under the *Health Protection and Promotion Act*. If a licensee is unsure as to whether or not these rules apply to the home child care premises the agency oversees, they may wish to contact their local medical officer of health.

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## Compliance Indicators

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### Location Indicators

1. Food or drink supplied by a parent is observed to be in a container labelled with the child's name.

## Part 6.3 Nutrition Requirements

### 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 in the case of a child who is 44 months or older.
  2. Between-meal snacks must be supplied and provided by the licensee or provider, except in the case of a child who is 44 months or older.
  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 most recent and relevant food guide published by Health Canada.
- 42(3)** Every licensee shall ensure that a child who receives in-home services at a premises overseen by the licensee shall be fed in accordance with written instructions from the child's parent.

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### Intent

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Subsection 42(2) is in place to make sure that, when children receive home child care, they are getting the right kinds of nutrition in the right amounts to facilitate healthy growth and development. Home child care providers play a very important role in meeting the nutritional needs of children because they can set up the environment in the home child care premises that encourages and supports good nutrition and eating habits.

Drinking water is important for children, particularly during hot summer months, and water suitable for drinking must be available at all times, including in between snacks and meal times.

Subsection 42(2) only applies to home child care providers and subsection 43(3) only applies to in-home services providers.

## Clarifying guidance



### Quick reference

The licensee must ensure the following are provided in each home child care premises		
A meal	Snacks	Drinking water
<p>To a child who is:</p> <ul style="list-style-type: none"> <li>Between 12 months – 44 months of age</li> </ul> <p><b>and</b></p> <ul style="list-style-type: none"> <li>is at the home child care premises during a meal time (this means broadly breakfast, lunch, dinner)</li> </ul> <p>Children over 44 months of age can bring their own meal from home – licensees must label these</p> <p><b>!</b> Licensees may choose to serve hot meals; however, it is not a regulatory requirement</p>	<p>In addition to required meals:</p> <ul style="list-style-type: none"> <li>In addition to supplying and providing required meals, 1 <b>snack</b> must be supplied and provided to children who are older than 1 year of age but younger than 44 months of age if they are in the home child care premises for less than 6 hours</li> <li>In addition to offering required meals, if children are there more than 6 hours, <b>two snacks</b> must be offered</li> </ul>	<p>Available at all times to all children over one year of age – there are <b>no exceptions</b></p>
<b>All meals and snacks must meet recommendations in the latest Health Canada food guide</b>		

The foundational resources required for menu planning are:

- [Canada's Food Guide](#)
- [Eating Well with Canada's Food Guide – First Nations, Inuit and Métis](#)

It is also important to remember that children's appetites vary from meal to meal and may change over time. Parents should be advised to consult with their child's doctor if the child has a pattern of refusing to eat.

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.

Licensees must ensure that meals and snacks that are brought from home for children who are 44 months and older are labelled and comply with the home child care agency's anaphylactic policy.



**Exception:** Despite the requirements in subsection 42(2), a licensee can agree with a parent to provide special dietary and feeding arrangements for their child. These special arrangements must be provided in writing to the licensee and the licensee must ensure that they are carried out. See **section 44** of the regulation.



**Cross-reference:** any special dietary and feeding arrangements in place for a child must be included in the child's record. See **subclause 72(1)(11)** of the regulation.



**Cross-reference:** most rules/requirements that apply to home child care premises also apply to in-home services, but there are some exceptions; these exceptions are set out in **section 6.0.1** of the regulation.



**Cross-reference:** the regulation prohibits people at the home child care premises from depriving a child of basic needs, including food and drink. The regulation also prohibits the force-feeding (of either solids or liquids) of children. See **section 48**.

Contravening section 48 is very serious and can cause a lot of damage to a child. Licensees can be issued an administrative penalty (which is commonly referred to as a fine) of up to \$100,000 if there are contraventions of anything in section 48. For more information about administrative penalties related to section 48, see **section 78** and **item 3 of Table 2 in section 78** of the regulation.



**Cross-reference:** licensees must follow any direction provided by the local medical officer of health around anything that may affect the health and well-being of children in the home child care premises. See **subsection 32(1)** of the regulation.



**Cross-reference:** the regulation requires licensees to have an anaphylactic policy which includes, among other things, rules that parents have to follow when sending food into the home child care premises from home. See **paragraph 39(1)(1)**.

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## Best practices

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### Tips for ensuring proper nutrition

It is important to provide:

- opportunities for children to develop a positive attitude toward a wide variety of foods
- opportunities for children to prepare and serve food
- opportunities to develop and enhance socialization skills, self-regulation, and language skills
- models about hunger cues; for example, staff can model saying things like “I’m hungry” and “I’m full”

Home child care/in-home services providers 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.



**Cross-reference:** the regulation requires licensees to maintain a daily written record and note any incidents that affect the health, safety or well-being of children (as well as others). See **subsection 37(1)**.

### Promoting good eating habits

Enjoying food and meal times depends to a great extent on the way food is offered and the behaviour modelled by adults. Home child care providers can have a positive influence on children 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 a 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
- eating with the children whenever possible and 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 (for example, let a child take their plates to the counter and bring their dessert back to the table)
- encouraging children to practice important skills such as feeding themselves
- setting a good example by having a positive approach to trying new foods
- being prepared for spills and calmly cleaning up while telling the children that everything is ok and that accidents sometimes happen
- encouraging interesting conversation and modeling language related to food, drink and eating to support communication development

## Snacks

- Snacks should be served at least 2 hours before a main meal is scheduled, otherwise children may not be hungry for the main meal. Afternoon snacks should take into consideration that many children may not eat dinner until 6:00 p.m. or later.
- Certain foods that are high in sugar or salt content (such as candy, dried fruit, cookies, chips, pretzels, etc.) are not consistent with Canada's food guide as they do not have a lot of nutrition and can cause cavities. Licensees should limit serving such foods to children.

## For children 44 months and older who bring meals/snacks from home, licensee should consider the following

When children over 44 months of age bring in their own lunches and snacks, it is best practice to:

- establish guidelines for the content of bagged lunches and examples of bagged lunches so that parents know that what they are sending from home meets the recommendations in the Canada Food Guide requirements
  - monitor the content of bagged lunches and talk to the child's parents if there are concerns with what is being sent from home
- consider how food/drink from a child's home will be properly stored so the food is maintained at a safe temperature (for example, need to plan for refrigeration or the use of cold packs)



- have a back-up plan if a child loses or forgets their lunch/snack or if what the child has brought into the home child care premises contravenes the home child care agency's anaphylactic policy
- consider having extra food or snacks available if a child's food from lunch is not very nutritious and/or if the child is still hungry because there wasn't enough food sent from home



The federal government's [Canada's food guide website](#) has helpful information about nutrition. [Local public health units](#) may also have resources about nutrition that are tailored for child care programs.

In addition, the Ontario Dietitians in Public Health group has free, publicly available [child care resources](#) including guides, tools and online learning modules. These resources were developed with the requirements around food/drink in O. Reg. 137/15 in mind.

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## Compliance indicators

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### Location Indicators (Home Child Care)

1. Children one year of age or older who are present at meal time are observed to be provided with a meal unless special dietary and feeding instructions are on file (see s. 44).

**Or**

Where the inspection takes place at a time other than meal time, the home child care provider verbally confirms that they provide all children one year of age or older who are present at meal time with a meal.

**Or**

There are other feeding arrangements for children 44 months or older (i.e., bagged lunches provided by parents).

2. Children one year of age or older are observed to be provided with between meal snacks unless special dietary and feeding instructions are on file (see s. 44).

**Or**

Where the inspection takes place at a time other than snack time, the home child care provider verbally confirms that they provide all children one year of age or older with between-meal snacks.

**Or**

There are other feeding arrangements for children 44 months or older (i.e., bagged lunches provided by parents).

3. Children who are in care for six hours or more are observed to be provided with at least two snacks

**Or**

Where the inspection takes place at a time other than snack time, the home child care provider verbally confirms that children who are in care for six hours or more are provided with 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**

The home child care provider confirms 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”.

### **Location Indicators (In-Home Services)**

1. A child receiving in-home services is observed being fed in accordance with the written instructions from the child’s parent.

**Or**

Where the inspection of in-home services takes place at a time other than snack or meal times, the provider verbally confirms that child/ren are fed in accordance with written instructions from the child’s parent.

## Part 6.4 Menus



### Ontario Regulation 137/15

**43(4)** Every licensee of a home child care agency shall ensure that each home child care provider in each premises where the licensee oversees the provision of home child care plans menus in consultation with a parent of the child and a home child care visitor and that the menu, and the meals and snacks that it provides, meet the requirements set out in the most recent and relevant food guide published by Health Canada.

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### Intent

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Subsection 43(4) is in place to make sure that parents know what their children are going to be eating at the home child care premises, so they can plan what and how much food to serve the child at home. Being able to plan and see the **menu** with the home child care provider and the home visitor will also tell the parent whether there is anything new on the menu that their child will be exposed to for the first time.

Also, careful menu planning helps to meet children's nutritional needs and to offer a wide variety of foods.

This provision applies to both home child care providers and in-home services providers.

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### Clarifying guidance

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Sample **home child care/in-home services premises menu template** is available in CCLS under "Tools and Resources".



**Cross-reference:** licensees must follow any direction provided by the local medical officer of health around anything that may affect the health and well-being of children in the home child care premises. See **subsection 32(1)** of the regulation.



In some areas of the province, local public health units require a dietitian to review a licensee's menus before the licensee can go ahead with offering that menu. Licensees and applicants for a licence should check with their local public health unit to see what requirements they have, if any, around reviewing menus.



To make sure children are getting the nutrition they need and are eating a variety of different foods, menu planning must be done carefully.

The federal government's [Canada's food guide website](#) has helpful information about nutrition. [Local public health units](#) may also have resources about nutrition that are tailored for child care programs.

In addition, the Ontario Dietitians in Public Health group has free, publicly available [child care resources](#) including guides, tools and online learning modules. These resources were developed with the requirements around food/drink in O. Reg. 137/15 in mind.

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## Compliance Indicators

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### Location Indicators

1. There is evidence on file that menus are planned in consultation with a parent of the child and a home visitor.

**Or**

The home child care provider or in-home services provider verbally confirms menus are planned in consultation with a parent of the child and a home visitor.

## Part 6.5 Special Dietary and Feeding Arrangements

### 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.

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### Intent

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Section 44 is in place to acknowledge that the requirements for nutrition in other parts of the regulation may not be appropriate for some children, including those with medical or special needs.

This provision only applies to home child care providers and does not apply to in-home services providers.

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## Clarifying guidance

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Parents of a child who has a special dietary and feeding arrangement must provide written instructions about how the child needs to be fed and/or what they can/cannot eat and drink.



When children who are 44 months or older bring in a snack or a meal (such as a brown bag lunch) this is not considered a “special dietary and feeding arrangement” because it is the default for all children this age.

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## Best practices

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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 explained in writing.



### Tips for developing special dietary and feeding arrangements

When asking parents for the written instructions for the child’s special dietary and feeding arrangements, licensees should ask the parents to include the following information:

- what food and drinks the parent will provide: for some children, it may only be the main meal being sent from home so the child will eat the snacks that other children are eating. Anytime a parent does not plan to bring all meals, snacks and drinks, the instructions need to note this
- if the arrangement results in the child eating different food and/or at different times than other children, how to make sure the child can still participate in meal times and snack time (if safe to do so) with other children so the child with the arrangement feels included
- what the child can or cannot eat or drink at special activities/events that serve food (for example, cake served as part of a birthday celebration)
- what happens when children are on a field trip and there is no refrigeration available or nowhere to safely prepare food
- what should happen if the child is still hungry after eating a meal from home; and,
- what would be the back-up plan if food/drink from home was forgotten or lost.

Licensees may also want to ask parents for an ingredient list of food/drink being brought in from home to check to see if an ingredient could trigger an allergic reaction in another child in the home child care premises

If the parents need to change the written instructions, they need to let the home child care providers and licensee know right away.

Licensees should consider having policies that require the parent-provided lunch to meet the nutritional requirements set out in the Canada's Food Guides as well as the licensee's anaphylactic policy.

Licensees must ensure that meals and snacks that are brought from home for children who are 44 months and older are labelled and comply with the home child care agency's anaphylactic policy.



**Cross-reference:** the regulation requires licensees to make sure that food or drink being sent to the home child care premises from home is labelled. See **subparagraph 42(1)(b)**.



**Cross-reference:** any special dietary and feeding arrangements in place for a child must be included in the child's record. See **subclause 72(1)(11)** of the regulation.



**Cross-reference:** the regulation requires licensees to have an anaphylactic policy which includes, amongst other things, rules that parents have to follow when sending food into the home child care premises from home. See **subparagraph 39(1)(1)**.

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## Compliance Indicators

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### Location 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 fed according to the written instructions.

**Or**

The home child care provider verbally confirms that written instructions are followed.

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# Part 7– Program for Children

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## Part 7.1 Parent Handbook

### 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 base fee and any non-base fees that may be charged, and whether or not the licensee is enrolled in the Canada-Wide Early Learning and Child Care System,



(iii.0.1) the payment methods that must be used when paying fees and the schedule for making payments,

(iii.0.2) the circumstances in which refunds or credits of fees will be provided,

(iii.1) 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);

(a.1.1) a copy of the rules set out in the anaphylactic policy described in section 39 for parents who send food with their child to the centre or premises;

(a.2) a copy of the licensee's policies and procedures required under section 45.1 regarding how parents' issues and concerns will be addressed;

(b) a copy of the program statement described in section 46;

(c) a list of the prohibited practices set out in section 48;

(c.1) a copy of the safe arrival and dismissal policy described in section 50;

(d) omitted – refers to child care centre

(e) a copy of the policies and procedures described in section 75.1

(1.1) If a licensee was licensed in respect of the child care centre or home child care agency on or before the agreement date, subclause (1) (a) (iii) does not apply to the licensee until

November 1, 2022 and instead the parent handbook must include information about the fee for services.

- (2) The licensee shall ensure that the handbook is made available free of charge 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.

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## Intent

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Section 45 is in place so that parents have important information about the operations of the home child care agency, the rules that need to be followed by everyone and the services that are offered.

Information in parent handbooks should be detailed but also easy to understand so that parents who are considering whether to enrol their child(ren) at a specific home child care agency have enough information to make the right choice for their child.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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The reference to **information about holidays observed** in section subclause 45(1)(ii) refers to days that a home child care agency and home child care premises the agency oversees will be closed outside of its typical schedule. For example, if an agency will be closed on some statutory holidays, the parent handbook must list every one of the statutory holidays when the agency and home child care premises the agency oversees will be closed. This information needs to be in the parent handbook so that the parents can plan ahead.

The parent handbook does not have to be provided in hard copy. An electronic version may be provided to current families as well as to parents considering enrolling their children.

If the home child care agency has parents of children who are not fully comfortable communicating in English or French (as the case may be), licensees should consider how to make sure that these parents understand what is in the handbook. For example, the licensee could ask the parent to bring in a friend or family member to translate or the licensee can use applications or internet tools to translate written content.



## Fee-related content in a parent handbook

Licensees must include all fees charged to parents in their parent handbook. They must list the actual dollar amount for their base fees and any non-base fees that may be charged. Parents must be able to determine which fees are mandatory/base fees and which fees are non-base fees and know exactly how much money they will be required to pay for child care.

The fees specified in the handbook must reflect the actual fees that are charged to parents. If a program is enrolled in CWELCC, the fees must follow the rules set out in the regulation related to base fees.

Licensees must also give parents practical information on the process for paying their fees, including:

- How to pay fees (for example, monthly cheques, payment through e-transfer, pre-authorized charge to credit card and more)
- When to pay fees (for example, payment must be made weekly, monthly, per semester or term)
- When refunds or credits will be provided

In addition, all licensees must include in the parent handbook whether or not they are enrolled in CWELCC. If they are not enrolled, they may wish to include additional information about whether or not they intend to enrol in the future as this will likely be information that parents will want to know.



All licensees must include the required information in their parent handbook (at a minimum), even if they are not enrolled in CWELCC.

## Updating parent handbooks

Parent handbooks must have current information. If something that needs to be in the parent handbook has changed, licensees must update the parent handbook immediately. For example, if the home child care agency updates its program statement, it should also replace the old version in the parent handbook with the updated program statement. Licensees should also have a way to tell parents that something in the handbook has been changed; licensees must be able to demonstrate that parents are informed of any updates at the time they are made.

If the home child care agency has a website, the licensee should have the most current version of its parent handbook online; this way it will be available to not only parents of children enrolled in the centre but also to parents who are thinking about enrolling the child in the home child care agency.

It is up to the licensee to decide how to inform parents about updates to the parent. Notifying parents of an update can be done over email, when talking to the parents at the end of the day and/or by posting a notice of the update somewhere in each home child care premises where it would be seen by parents.



**Tips and instruction for creating compliant home child care agency parent handbook** is available in CCLS under “Tools and Resources”.

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## Best practices

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While learning about statutory holidays (the ones where most places close for the day, including schools and banks) is common, families and home child care/in-home services providers may also hold other days/times of the year as ones that are special and important. Some child care programs may also close for holidays that are not recognized more broadly as statutory holidays in Ontario.

Home child care/in-home services providers can help and encourage children to learn about various special days and times of year for different cultures and different groups. When child care programs pause, engage with and learn about these important days and celebrations, it can help children, families and providers feel seen and respected, promoting a sense of belonging and community for everyone in the home child care program.

Supporting a feeling of belonging for everyone in the centre is one of the key foundations outlined in [How Does Learning Happen?: Ontario’s Pedagogy for the Early Years](#). When HLDH speaks of belonging, it *“refers to a sense of connectedness to others, an individual’s experiences of being valued, of forming relationships with others and making contributions as part of a group, a community, the natural world.”*

Licensees can help to form deep relationships between children, families, providers and communities which in turn supports everyone’s well-being. In addition to building and strengthening relationships, talking about, and connecting with children and parents to learn about important days and events is a way to implement the agency’s program statement in a meaningful way by creating opportunities for engaging and communicating with parents.



**Cross-reference:** the regulation has requirements around base fees for CWELCC-enrolled licensees. See **section 77.2 of the regulation**.



**Cross-reference:** the regulation requires that goals and approaches around parent engagement and communication be included in agency’s program statement. See **clause 46(3)(h)**.



**Cross-reference:** the regulation requires written policies and procedures that explain the expectations for how the agency's approaches in the program statement will be implemented. See **section 49**.

Which special days/times of year are honoured and celebrated varies from family to family. Licensees, home child care visitors, home child care/in-home services providers need to take time to carefully think about how to incorporate these special days/times of year into their programming. Talking with families, community members, Elders and others about what would be appropriate to include in the centre's program can help programs incorporate new information in ways that honour the diversity within and history of a group or a community.



Both the [Government of Ontario](#) and [Government of Canada](#) have websites with information on important and commemorative days/months.

### Other helpful information for families

The information set out in regulation that must be included in an agency's parent handbook is the minimum content that needs to be there. Licensees should consider including other important information that parents would want to know or would want to ask questions about such as:

- When the program has its arrival and departure periods and rest period (if applicable)
- Arrival and departure procedures (such as, how are children signed in/out of the home child care premises or how a parent should notify the home child care provider of their child's absence)
- Location of parking lots/spaces at or near the home child care agency
- What happens when there is bad weather, such as a snowstorm
- Nutrition policies and/or sample menus
- Copies of the licensee's policies and procedures that are not required to be in the handbook but could be information that parents would want to know including those relating to medication, serious occurrences, police record checks, etc.
- Links to resources (such as [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#) or [Child Care Information for Families](#))

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## Compliance Indicators

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### Agency Indicators

1. There is a parent handbook that includes information about:
  - the services offered and the age category served,
  - the times when the services are offered and the holidays observed,
  - the base fee and any non-base fees that the licensee charges
  - whether or not the licensee is enrolled in the Canada-Wide Early Learning and Child Care System
  - admission and discharge policy
  - activities off the premises
  - 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)
  - the payment methods that must be used when paying fees and the schedule for making payments
  - the circumstances in which refunds or credits of fees will be provided

### And

The parent handbook includes:

- a copy of the rules set out in the anaphylactic policy described in section 39 for parents who send food with their child to the home child care premises
  - a copy of the licensee's policies and procedures required under 45.1 regarding how parents' issues and concerns will be addressed
  - a copy of the program statement
  - a list of prohibited practices set out in section 48
  - a copy of the licensee's safe arrival and dismissal policy
  - a copy of the licensee's policies and procedures required under ss. 75.1 regarding the licensee's waiting list, if applicable.
2. The home child care visitor and/or home child care/in-home services provider verbally confirm that the handbook is available to parents of all children receiving care and parents who are considering enrolling their children;

### And

The home child care visitor and/or home child care/in-home services provider verbally confirm that parents are provided with an updated version of the parent handbook when modifications are made.

## Part 7.2 Parent Issues and Concerns Policies and Procedures



### Ontario Regulation 137/15

**45.1** Every licensee shall ensure that there are written policies and procedures that set out how parents' issues and concerns will be addressed, including details regarding,

- (a) the steps for parents to follow when they have an issue or concern to bring forward to the licensee;
- (b) the steps to be followed by a licensee and its employees in responding to an issue or concern brought forward by a parent; and
- (c) when an initial response to the issue or concern will be provided.

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### Intent


Section 45.1 is in place to ensure that parents know what they need to do to raise a concern about their child or the home child care and what happens when a parent lets the home child care agency know about their concern. This helps keep relationships transparent and respectful because parents have the information they need about the agency's operations.


Having policies and procedures in place around **parent concerns** also keeps things organized and predictable for the licensee, home child care visitor and home child care/in-home child care providers.

These provisions apply to both home child care providers and in-home services providers.

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### Clarifying guidance

 **Cross-reference:** the regulation requires child care centres to have a parent handbook and that the handbook contain the agency's policies and procedures about parent concerns (as well as other things). See **clause 45(1)(a.2)** in the regulation.

 **Cross-reference:** licensees must ensure that the written policies and procedures relating parents' issues and concerns are implemented by home child care/in-home services providers, volunteers and students, persons who are ordinarily residents of the premises or regularly at the premises, home child care visitors and other employees of the home child care agency and are monitored for compliance and contraventions. See **section 6.1** in the regulation.

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## Best practices

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### Tips for writing policies and procedures about parent concerns

When writing policies and procedures about parent concerns, it is best practice for the licensee to include very clear step-by-step instructions for both parents, home child care/in-home services providers and those at the home child care agency to follow when there is a concern. The policies and procedures should include, at a minimum, the following information that parents should know:

- **who** to talk to in the agency about a concern: for most home child care agencies, it makes sense for parents to talk to different people depending on the type of concern it is:

What is the concern about	Who to talk to about the concern
<ul style="list-style-type: none"><li>• the physical space of the home child care premises the child receives child care in</li><li>• another parent's or child's behaviour</li><li>• meals, snacks and drinks</li><li>• outdoor play areas</li></ul>	<b>Home child care/in-home services provider</b>  If a parent's concern is serious, the provider should let their home child care visitor know about the concern
<ul style="list-style-type: none"><li>• a provider and/or other persons at the home child care premises</li></ul>	<b>Home child care provider or home child care visitor</b>
<ul style="list-style-type: none"><li>• agency or operations related such as fees, placement, etc.</li><li>• the home child care visitor of the agency, employees of the agency</li></ul>	<b>Whoever holds the licence for the agency</b> (this can be a person or it can be a board of directors for a home child care agency)

- **what** will happen when the concern is communicated (for example, the home child care/in-home services provider, home child care visitor or licensee notes the concern in the daily written record, provider will let the parents know that the concern has been noted and will be addressed)
- **when** the parent can expect a response from the home child care provider or the home child care agency (within one business day is usually a good time frame)
- **how** the parent will be responded to about the concern (by email, in-person, etc.)
- the policies and procedures around parent concerns should include a statement about what parents should do if they have a concern regarding potential abuse or neglect (namely, the parent needs to contact a Children's Aid Society)

When developing their policies and procedures, licensees should ensure that they are in accordance with the [Ontario Human Rights Code](#) and may wish to seek input from legal counsel.

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## Compliance Indicators

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1. The licensee has developed a written policy and procedure that sets out how parental issues and concerns will be addressed.

**Or**

The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry.

**And**

2. Where the licensee has developed the written policy and procedure, it includes the steps that the parents are to follow when they have an issue or concern to bring forward to the licensee;

3. Where the licensee has developed the written policy and procedure, it includes the steps that the licensee and its employees are to follow when an issue or concern has been brought forward;

**And**

4. Where the licensee has developed the written policy and procedure, it includes when an initial response to an issue or concern will be provided.

## Part 7.3 Program Statement

### 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 and which is inclusive of all children, including children with individualized plans;
  - (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.

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## Intent

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Under the CCEYA, the Minister of Education has the power to issue a policy statement about programming and pedagogy.

The [current minister's policy statement](#) requires licensees to use [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#) (HDLH in this manual) to guide the programming in their child care programs. There are no exceptions to the requirement to follow the minister's policy statement.



While the terms **pedagogy** and **curriculum** are sometimes used interchangeably, they are **not the same thing**:

- Curriculum is about **what** is being taught
- Pedagogy is about **how** educators support learning and interact with children

HDLH is not a curriculum – it does not tell licensees the types of activities/experiences that should be offered to children. HDLH is a pedagogy because it is about **how** home child care/in-home services providers nurture, form relationships with and support children so they thrive, learn and develop. That is why pedagogy is so important – it has a big impact on children.

Because HDLH is about the **how** and not the what, all child care programs are able to use HDLH, even if they follow a standard curriculum.

As a whole, section 46 is in place to make sure everyone in the home child care program (namely, home child care/in-home services providers, volunteers and students, home child care visitors and other employees of the home child care agency) and parents know:

- **how** the home child care premises that the agency oversees delivers its programming and activities so that they are consistent with HDLH
- **how** providers will do things, interact with and speak to children and families so that the provider's actions are consistent with the agency's program statement and HDLH

A lot of research shows that high quality child care has significant, positive effects on children. Section 46 (and the implementation requirements in section 49) in combination with HDLH are in place to make sure that children are getting high quality programming in the child care programs they attend.

The part of subsection 46(1) that requires an annual review of the program statement is in place to make sure there is an ongoing check that the program statement is consistent with HDLH and the approaches/practices in the child care programs. The annual review gives licensees a chance to reflect on the program statement and to think about whether the program statement needs to be updated to address feedback from employees of the home child care agency, home child care/in-home services providers, students and volunteers and/or parents and/or to add information about new research and best practices.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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The licensee must develop a program statement that is consistent with HDLH and they must review the program statement at least once a year.

The program statement, at a minimum, should include the following:

- a statement that the programming in each home child care premises and the behaviour of the child care providers at each home child care premises is consistent with HDLH
- a statement that the agency's view of children is consistent with HDLH, which is that all children are capable, competent, curious and full of potential
- **goals that guide the licensee's program**
- a **minimum of one written approach** that will be used to achieve those items identified in clauses 46(3) (a) through (k)
  - The approach is the **how**. How are the items listed in 46(3) (a) through (k) going to be achieved?
  - Everything in the list in 46(3) (a) through (k) is an action or something that providers and others (namely, volunteers and students, persons who are ordinarily residents of the premises or regularly at the premises, home child care visitors and other employees of the home child care agency) *do* (each item starts with a verb) – this is intentional because the doing is the **how**. The approaches that are described in the program statement will most likely be about:
    - **how** providers and others will act, behave around and interact with children to meet a certain goal
    - **how** providers and others need to talk with and around children to meet a certain goal
    - **how** the learning environment needs to be set up to meet a certain goal
    - **how** programming needs to be delivered to meet a certain goal



There are 11 actions listed in clauses 46(3) (a) through (k), so an agency's program statement must have at least **11 approaches** (one for each action).

The licensee must ensure that all new employees of the agency, home child care/in-home services providers, students and volunteers review the program statement prior to interacting with children and at any time when the program statement is modified.



**Cross-reference:** the regulation requires that the licensee makes sure that the approaches described in the licensee's program statement are implemented by home child care/in-home services providers, volunteers and students, persons who are ordinarily residents or regularly at the premises, home child care visitors and other employees of the home child care agency. See **subsection 49(a)**.



**Cross-reference:** the regulation requires home child care agencies to have a parent handbook and that the handbook must contain the agency's program statement (as well as other things). Any updates to an existing program statement should be added to the parent handbook when the update is made, and licensee should let all parents know that an update was made. See **clause 45(1)(b)**.

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## Best practices

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*How Does Learning Happen?* is for everyone who is involved in providing child care and programming in the home child care premises. High quality programs use the key ideas in HDLH every day with each child receiving care. The key ideas in HDLH are:

- **view of children** is one where children are competent and capable of complex thinking and curious and rich in potential.
- **way of being, way of doing things** and **way of saying things** (the **pedagogical approach**):
  - Make all children feel and believe that they are welcome, appreciated and that they **belong** in the group of people that is made up of the children, the home child care/in-home services provider and others in the program
  - Protect and helps to improve children's mental and physical health and overall **well-being**
  - Make children feel and believe that it is always safe to talk about their feelings, questions and thoughts (or do other forms of **expression**) when they are around others in the child care program
  - Always make children feel and believe that they can freely play, explore and do inquiry to get the most possible **engagement**, which is when children feel fully involved in what is happening in the child care program and with the people in the program
- Pedagogical approaches in high-quality programs are ones where:
  - Children are able and supported to **explore** the world around them, to **play**, and to ask questions or look for more information when exploring or playing (this is called doing **inquiry**)

- Adults and children have **responsive relationships**. This means that adults notice when children are talking or doing something and respond appropriately, warmly and in a way that allows the child to trust the adult, feel heard and continue to feel capable and competent
- Home child care/in-home services providers in home child care program learn along with children (this is called **co-learning**)
- The environment is carefully and intentionally set up to be the **third teacher** (with providers and children being the other two “teachers”) which means that the **context / environment where learning happens** is made so that children can actively explore, play and inquire.
  - The environment is not just about where the furniture and walls are in a child care program; it includes the materials and toys in the room, the scheduling and pace of activities and how a room and its activity stations are set up and organized. The learning environment, when planned carefully, sparks joy and wonder, makes it easy for children to play and encourages children to talk to each other, be creative, share things, and help each other out.



Because the learning environment has such a big effect on children, it can have positive **or** negative impacts. For instance, a poorly designed learning environment or one which does not have materials that spark curiosity will take away from how well children are learning through play, exploration and inquiry.

**Pedagogical documentation** is a process – it is not simply a wall display of children’s drawings or photos of what they made at the home child care premises that day – these are the end-products of a process.

Pedagogical documentation is a process that records (or **documents**) how a child’s learning progressed or how their knowledge grew while the child was doing a particular activity or task. Pedagogical documentation shows – through photos, videos, notes, etc. – what happened during the activity/task that led the child to:

- learn something
- figure something out
- solve a problem
- work with other people to build something
- use their creativity

Pedagogical documentation is a mirror of the provider’s way of being, their way of doing things, and their way of saying things with a child because how a child’s learning progresses is very much impacted by provider’s pedagogical approach.

- Providers are encouraged to do and regularly undertake:
  - **reflective practice**: reflective practice simply means that a person takes the time to carefully think about an experience or activity that happened earlier, including thinking about what they did with and said to the children. Part of reflecting on an experience or activity is thinking about what went well and what could have gone better or differently. Information about what worked well and what did not work well can be used to make adjustments the next time the same or similar experience or activity happens. Reflecting can also give providers good ideas of how to build on or make an experience or activity more challenging the next time and how to include more things that children were curious about and enjoyed.
  - **collaborative inquiry**: collaborative inquiry is a lot like reflective practice but it involves a group of people as opposed to an individual. Providers are doing collaborative inquiry when they talk to one another about their own individual reflective practices, discuss ideas, test theories, and share learning.

Home child care providers may often feel isolated because their opportunities to engage with other providers and educators are limited. Child care providers are encouraged to use different creative methods, such as using online forums, connecting with other providers and educators at EarlyON centres, etc.

## Developing a Program Statement

Licensees have the flexibility to write their program statement, so it makes sense for the programming and philosophy that is unique to their home child care agency.

Licensees are encouraged to use HDLH as a starting point when developing a program statement for programs and practices to support learning in the home child care premises. The agency's view of the child, goals for children, expectations for programs and questions for reflection can also help to feed into what is in the program statement.

Licensees should work with employees of the home child care agency, home child care/in-home services providers and parents to come up with the program statement. Working/collaborating with others is a good way to make sure that the program statement includes different ideas and views. When employees of the home child care agency, home child care/in-home services providers and parents feel like what is important to them has been included in a home child care agency's program statement, this creates a shared vision of how the child care program will be of the highest quality. Having a **shared vision** also helps ensure that everyone feels involved and are committed to putting the program statement into action.

## Developing Program Statement Goals

A goal is a desired outcome the licensee is going to work towards achieving. A goal can be viewed as a written commitment to the families, employees of the home child care agency, home child care/in-home services providers and children of what the licensee wants to accomplish through the program.

There are different ways for licensees to state what their goals are. Licensees can:

- choose to use the wording of the 11 actions that are listed in subsection 46(3)(a) through (k) when creating goals or
- choose the goal to be one of the four foundations (belonging, well-being, engagement or expression) from HDLH or
- establish their goals using their own unique wording

When establishing goals for subsection 46(3)(a) through (k) the licensee should consider the following questions:

- who is the audience for the program statement? Will those people understand the language used?
- are the goals age appropriate for all children receiving care?
- are the program goals easy to find in the program statement?
- will the program be able to meet the program goals?
- did the views of employees of the home child care agency, home child care/in-home services providers and parents get included in the goals?

## Developing Program Statement Approaches

An approach is the action(s) the licensee puts into practice to achieve the goal. The approaches in the licensee's program statement will make it very obvious to parents and program advisors that employees of the home child care agency, home child care/in-home services providers are taking actions to meet goals.

Approaches to reach program goals should be written in a way that tells employees of the home child care agency, home child care/in-home services providers and parents that:

- the approach matches the things that make the agency unique
- the approach will support reaching the goal
- people in each home child care premises including students and volunteers will be able to understand how to implement the approach
- the approaches are observable so licensees can see when they are being put into action

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

Home child care/in-home services providers, students and volunteers, persons who are ordinarily residents or regularly at the home premises, home child care visitor and other employees of the home child care agency are required to implement (put into action) all of the 11 approaches outlined in the centre's program statement.

It is known that providers may not be doing all 11 approaches every day for every child because which program goal providers are working on can change from activity to activity and from day to day. **However**, any time a provider is interacting with a child, provider must use the approaches outlined in the program statement for the goal of supporting positive and responsive interactions (see subparagraph 46(3)(b)).

The licensee can use pedagogical documentation to demonstrate how the approaches to reaching program goals are being implemented.

## Additional Considerations

- Middle childhood is an important time of growth and change. Children in this period, often defined as the years between 9 and 12, are in their last years of participating in child care programs. Child care providers, students and volunteers in program with children in this age group have an important role to play as mentors, role models and trusted adults.
  - middle years children thrive in environments that are safe and supportive and where they feel they are contributing to what is happening
  - high-quality child care programs for children in the middle childhood stage are ones that build confidence, improve leadership skills, promote social relationships, and keep stress levels low
  - children who are in the middle years stage can be included in setting program goals program and approaches (as required by subsection 46(3))

For more information on developing, reviewing and implementing a program statement, please refer to the following resources:

[Ontario.ca Minister's Policy Statement on Programming and Pedagogy](#)  
[How Does Learning Happen? Ontario's Pedagogy for the Early Years](#)  
[Think, Feel, Act: Lessons from Research About Young Children](#)  
[Think, Feel, Act: Empowering Children in the Middle Years](#)

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## Compliance indicators

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### Agency 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, and staff
  - (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 which is inclusive of all children, including those with individualized plans; 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 or others who interact with the children at a 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.

**And**

4. Home child care providers, in-home services providers, students and volunteers verbally confirm that they reviewed the program statement prior to interacting with children and whenever it has been modified.

**Location Indicators**

1. 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.

2. The home child care provider or in-home services provider verbally confirms how approaches being implemented.



## Part 7.4 Program Requirements for Outdoor Play

### Ontario Regulation 137/15

- 47(4) Every licensee shall ensure that the program in each premises where the licensee oversees the provision of home child care is arranged so that 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.
- (5) Every licensee shall ensure that the program in each premises where it oversees the provision of in-home services is arranged to include sleep, rest or quiet time and outdoor activities in accordance with written instructions from a child's parent.

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### Intent

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Outdoor play provides opportunities for discovery and learning and is also important for children's overall health and well-being. When programs encourage active play and exploration outdoors, children can strengthen physical skills, engage in creative problem-solving and gain a stronger connection to the natural world.

Subsection 47(4) and (5) are in place to make sure all children get the known benefits of playing and exploring outdoors by requiring that they spend a good part of their day outdoors.

Subsection 47(4) only applies to home child care providers and subsection 47(5) only applies to in-home services providers.

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### Clarifying guidance

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Weather permitting means the **absence of severe weather conditions**. Severe weather conditions include the following:

- Extreme heat/humidity alert
- Extreme cold – temperatures of -15° C or colder or a windchill of -20° C or colder
- Poor air quality – air quality advisory has been issued
- Thunderstorm warning
- Tornado warning
- Winter and ice storms (heavy snow fall, hail, ice pellets, etc.)

Home child care/in-home services providers should regularly check weather reports (including information about wind chill factors, winter storm warnings and heat/humidex warnings) to determine whether it is appropriate to play outdoors on any given day. Children can play

outdoors in different types of weather if they are dressed appropriately and necessary modifications are made. For example, water can be offered more frequently when the weather is hot or the schedule for outdoor play can be modified to avoid the hottest parts of the day.

Local public health units may have guidelines relating to all areas of children's healthy development, including criteria on weather guidelines for safe outdoor play. Licensees should check with their local public health unit to see if they have guidelines or otherwise provide direction.



The Government of Canada provides a [website with weather information](#).

As described in [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#), research suggests 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 skills.

During active play, the environment is also the “third teacher” (see more about this in the manual where it talks about a centre's program statement). Home child care/in-home services providers should think about how to set up the outdoor space and activities being done outdoors so they provide a lot of opportunities for children for physical activity as well as opportunities for children to investigate, problem-solve and use their creativity.



**Cross-reference:** the regulation requires outdoor play is supervised in accordance with outdoor supervision plans agreed by the home child care provider, the child's parents and the home child care visitor. See **section 30**.



**Cross-reference:** the regulation has a set of specific requirements around any standing or recreational body of water on the home child care premises. See **section 30.1**.



**Cross-reference:** the regulation requires that no child is permitted on a balcony at a home child care premises, unless an adult is present on the balcony. See **section 29**.



**Cross-reference:** the regulation requires children to be supervised by an adult at all times. See **section 11**.

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## Best practices

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There are many benefits to being and playing outdoors. In addition to being important for growing their physical abilities, research shows that connecting to the outside world and nature helps to support children's mental, physical, emotional and spiritual health. Being active outdoors can help children to:

- stay healthy
- improve movement skills, including balance and coordination
- have fun and feel happy
- develop self-confidence
- improve learning and attention
- learn and use social skills and language
- problem solve and cooperate with each other

Children should be provided opportunities to engage with nature regardless of where the home child care premises is located in Ontario. All varieties of natural environments provide opportunities to enhance children's sense of wonder and joy in the world around them, from large urban premises with small patches of green space to rural programs with vast fields and forests.

Because the environment is the children's "third teacher", providers should think about how to set up outdoor games and activities that give children opportunities to:

- actively explore and investigate what they are naturally curious about
- test their limits physically
- take manageable risks appropriate for their age and abilities
- engage in creative problem-solving

If children cannot go outside because of bad weather, home child care/in-home services providers should find opportunities for children to safely engage in active play indoors, where possible – this could include having a dance party in an open area within the home child care premises or participating in yoga or body stretches on mats.

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## Compliance indicators

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### Location Indicators (Home Child Care)

1. Children receiving care for six hours or more are observed to spend at least two hours outdoors, weather permitting.

**Or**

The home child care visitor or home child care provider verbally confirms 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.

#### **Location Indicators (In-Home Services)**

1. Records for all children who receive in-home services includes written instructions from a parent of the child with respect to sleep, rest or quiet time and outdoor activities;

**And**

Children are observed to sleep, rest, engage in quiet activities and outdoor activities in accordance with the written instructions on file;

**Or**

The in-home services provider verbally confirms that children sleep, rest, engage in quiet time and outdoor activities in accordance with the written instructions on file.

## **Part 7.5 Program Requirements for Rest**

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

**47(3)** Every licensee shall ensure that the program in each premises where it oversees the provision of home child care is arranged so that,

(a) each child who is 18 months or older but younger than 6 years old and 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 who is 18 months or older but younger than 7 years old is permitted to sleep, rest or engage in quiet activities based on the child's needs.

**(5)** Every licensee shall ensure that the program in each premises where it oversees the provision of in-home services is arranged to include sleep, rest or quiet time and outdoor activities in accordance with written instructions from a child's parent.

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### **Intent**

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Subsections 47(3) and 47(5) is in place to make sure that a portion of children's day while receiving home child care is reserved for rest and relaxation to balance all of the activity and play that children do during the rest of the day.

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## Clarifying guidance

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While the need for rest and sleep varies greatly at different ages, and even among children of the same age, rest is an important part of the day for all children.

While not all children need a mid-day nap, young children benefit from periods of quiet rest and relaxation to balance all of the active play they do. Some children who are tired may need quite a bit of 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. While children should be provided the opportunity to rest and sleep if needed, they should never be forced to remain on their cots for a specific length of time.

Programs should take into consideration instructions given by parents regarding their child's sleep and rest period. These instructions should be followed as closely as possible, but the licensee also needs to take into consideration the needs of the individual child.

Where a parent indicates that the child does not need to sleep, the provider should respect these directions, but may wish to remind the parent that the program is required to allow the child to sleep rest or have quiet time according to the child's needs.

Younger children have their own sleep schedules, so licensees are expected to be flexible and not implement one specific rest period for all children if it does not meet each child's needs.



**Cross-reference:** the regulation has requirements around sleep supervision. See **section 33.1**.



**Cross-reference:** the regulation has requirements around furniture for sleep. See **subsection 27(3)**.



**Cross-reference:** the regulation has requirements around having and implementing a program statement. See **section 46** and **section 49**.

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## Best practices

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As discussed in [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#), children's well-being is supported when adults respect and find ways to support each child's different bodily cues and biological rhythms as well as their needs for active play, rest, and quiet time.

When providers arrange rest time based on each child's needs, they are helping the children to understand their own needs and support the development of self-regulation.

Providers are encouraged to reflect on and develop plans for the organization of time, supervision strategies, space, and materials that will support children's varied needs for sleep, rest and quiet time, as well as cleaning and washing schedules for items like mats, cots, cribs, bedding, etc. Meeting the individual rest needs of children can be challenging, especially when working alone. It is strongly encouraged that licensees and home child care visitors provide support in developing strategies that may be effective for each home child care provider.

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## **Compliance Indicators**

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### **Location Indicators (Home Child Care)**

1. Rest periods for children over 18 months and under 6 years of age who are in care for six hours or more in a day are observed to be no longer than two hours in length

**Or**

Home child care visitor and/or home child care provider verbally confirm that rest periods for children over 18 months and under 6 years of age who are in care for six hours or more do not exceed two hours in length.

2. Children over 18 months and younger than 7 years of age are observed to sleep, rest or engage in quiet activities

**Or**

Home child care visitor and/or home child care provider verbally confirm that children are allowed to sleep, rest or engage in quiet activities based on the child's needs.

3. Children younger than 18 months of age are observed to rest, sleep and engage in quiet activities as needed based on their own individual schedules.

**Or**

Home child care visitor and/or home child care provider verbally confirm that all children younger than 18 months of age rest, sleep and engage in quiet activities as needed based on their own individual schedules.

### **Location Indicators (In-Home Services)**

1. Children receiving in-home services are observed to sleep, rest, engage in quiet time and outdoor activities in accordance with the written instructions from the child/ren's parent(s).

**Or**

Home child care visitor and/or home child care provider verbally confirm that children sleep, rest, engage in quiet time and outdoor activities in accordance with the written instructions from the child/ren's parent(s).

## Part 7.6 Prohibited Practices

### Ontario Regulation 137/15

**48** (1) 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.

(2) No employee or volunteer of the licensee, or student who is on an educational placement with the licensee, and no person who provides home child care or in-home services at a premises overseen by a home child care agency shall engage in any of the prohibited practices set out in subsection (1) with respect to a child receiving child care.

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### Intent

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Section 48 is in place to protect the safety and security of children by **prohibiting** dangerous, threatening, and hurtful behaviours and practices which can cause serious physical or psychological harm to children.

These provisions apply to both home child care providers and in-home services providers.

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### Clarifying guidance

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**Corporal punishment** is another way to describe punishment that causes physical pain, discomfort, or harm to a person's body (for example, spanking is corporal punishment).

In addition to making children eat or drink against their will, **bodily harm** may include forcibly pulling children by their arms/legs or otherwise forcibly moving a child or forcibly making children sit or lie down.

Section 48 applies to all persons involved in the provision of home child care (namely, home child care/in-home services providers, students and volunteers, home child care visitor and other employees of the home child care agency) at all times whether the children are on or off-the premises (like at a local park or on a field trip).

Committing a prohibited practice can be very dangerous to children and has serious consequences under the CCEYA. For example, a person can be prosecuted under the CCEYA for such an offence and a conviction would result in the person being prohibited from providing child care or operating a child care premises in Ontario at any time in the future.

While 48(2) applies to persons at the home child care premises other than the licensee, the ministry may take additional progressive enforcement action against the licensee if there are repeated occurrences or other patterns associated with persons contravening subsection 48(2); namely, the ministry could take the position that the licensee permitted the commission of the practice, which could be cited as a contravention of subsection 48(1).

The ministry looks at a number of factors when determining what progressive enforcement action to take including considering whether contraventions of 48(2) are associated with complaints and/or serious occurrences and what types of corrective action, if any, the licensee has taken to reduce the likelihood of contraventions of subsection 48(2) in their agency (for example, the ministry may consider whether/how the licensee has started to support and train employees of the home child care agency, home child care/in-home services providers, students and volunteers).

Ministry official may also provide additional oversight and monitoring for home child care agencies with patterns of non-compliances that are not improving in a meaningful and timely manner.



In Ontario, it is the law to report suspected child abuse and neglect.

If there are reasonable grounds to believe that a child is, or may be in need of protection, a report must be made to a [children's aid society](#) about the suspicion and the information.

It is extremely important to provide training on recognizing signs of child abuse and neglect and reporting process to all individuals involved in the provision of home child care, including individuals who are ordinarily residents and regularly at the home child care premises.

For more information on “duty to report”, see:

- [Reporting Child Abuse and Neglect: It's Your Duty](#)
- [Report child abuse and neglect | ontario.ca](#)





**Cross-reference:** any allegation of neglect/abuse is a serious occurrence. The regulation requires licensees to have and implement policies and procedures about serious occurrence. See **section 38**.



It is important understand the impact and importance of self-care and mental wellness of home child care/in-home services providers because they play a critical role in caring for children. Home child care/in-home services providers must have the opportunities to nurture their own well-being, too.

While not all home child care/in-home services providers are early childhood educators, everyone can access the [College of Early Childhood Educators' Wellness Resources](#).



It is an **offence** under the CCEYA to contravene or fail to comply with section 48 of the regulation per subsection 88.1(5) of the regulation.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of subsection 48(1) of the CCEYA may lead to an administrative penalty of **\$2,000**. See **section 78** of O. Reg. 137/15 and **item 3 of Table 2** under that section.

The amount of the administrative penalty increases if the prohibited practice is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

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## Best practices

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Children's behaviours and emotions occur within the context of and are affected by the relationships they have with the people around them. The relationships that a child has with child care providers may not be the same as a child's relationship with their parents, but these relationships are still very important and have a real impact on children.

Children who attend child care programs where they experience nurturing and supportive relationships with the people are happier, less anxious and more motivated to learn than those who do not have such warm relationships.



## Supportive and nurturing practices

There are many ways that licensees, employees of the home child care agency, home child care/in-home services providers, students and volunteers can help all children to have positive interactions and experiences each time they are in the child care program, including by:

- making sure children's physical needs are being met
  - sometimes children have a hard time coping or get frustrated when they are tired, hungry, uncomfortable or over-stimulated
- being consistent and predictable
  - providers do things in mostly the same way in daily routines (these are the activities that all children do everyday like eating, getting dressed, lining up to go outside, etc.) so the children know what to expect and what is expected of them
  - providers follow-through on what they say they were going to do
  - providers say what they mean and mean what they say so children can trust that what they expect is going to happen is what actually happens
- setting up rooms that are organized and calm with minimal clutter and making sure that the environment will not overstimulate children
  - if music is kept on during indoor activities, the volume should be kept below speaking level so it does not overwhelm children (unless it's a dedicated music activity). Minimizing extra noise is important because children need to hear the language being spoken around them to learn language. Also, when children can't hear one another, this can cause misunderstandings and frustration

- using language that children can understand and making sure to do a lot of labelling and commenting on what children are doing and what is going on. Labelling and commenting don't put pressure on children like what can sometimes happen when children are being asked a lot of questions
  - instead of saying "what are you doing, Keely?", staff can say "you're putting your toys away" and "you're cleaning up".
- using language that is simple and clear when explaining the rules and boundaries about a game or activity and prioritizing the rules to keep the number of rules low; children cannot remember things as well as adults
- modelling how to share things and take turns; for example:
  - providers can set up a puzzle so that two children have to take turns putting the pieces into the puzzle
  - providers can say things like "it's Isobel's turn...now it's Evelyn's turn...now it's my turn"
- avoiding saying "no" when there's a good alternative and no one is in immediate danger; for example:
  - instead of saying "no climbing", providers can say "feet stay down"
  - instead of saying "no more crackers", providers can say "snack is all done"
- giving children choices whenever possible. Providing a choice when it's safe and appropriate to do so gives children a sense that they have some control (**autonomy**) over themselves and the world around them. Providers can say things like:
  - "Michelle, do you want juice or milk"? (for very young children saying "juice or milk" while holding the two things up works well)
  - "do you want me to help you or do you want to do it by yourself?"
  - "we have apples and bananas – which one do you want?"

- telling the children when a change or transition is about to happen; for example, staff can say:
  - “after we finish our snack, we’re going to have circle time”
  - “five more minutes and then playtime is finished”
- not making sarcastic remarks – young children do not understand sarcasm so they take what adults say at face-value
- helping children to recognize, talk about and manage their feelings and helping children to learn to control their behaviours (**self-regulate**)
- providers modelling self-regulation for children by controlling their own behaviours, labelling their feelings, not raising their voice, staying calm and speaking and acting kindly with one another; children pick up a lot by copying what adults are doing and saying
- noticing and praising the positive things children do and not paying much attention to the negative things
- accepting that accidents are part of typical development; for instance, a toddler spilling a cup of water is expected and normal

Licensees, home child care visitors and home child care/in-home services providers need to remember that sometimes the way that things are done at the home child care premises differs from the way things are done at a child’s own home, which can be frustrating or confusing for children.

Also, it is important to recognize that how parents manage their children’s feeding, crying, sleep and behaviour varies, and this variation may be due to a variety of factors, including cultural norms. Families are the first and most powerful influence on children’s learning, development, health, and well-being. Home child care agencies, home child care/in-home services providers and families should engage in open communication about the children regularly to ensure children’s best interests and needs are met.

[How Does Learning Happen? Ontario’s Pedagogy for the Early Years](#) 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.



While not all home child care/in-home services providers are early childhood educators, everyone can access the College of Early Childhood Educators' resources:

- [Practice guideline: supporting positive interactions with children](#)
- [Practice guideline: communication and collaboration with families](#)



**Cross-reference:** the regulation requires licensees to have and implement policies and procedures about staff training and development for home child care visitors and home child care/in-home services providers. See **subsection 58(1)** and **section 6.1**.

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## Compliance Indicators

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### Location Indicators

1. None of the following practices are observed in the home child care or in-home services premises, where children are being cared for:

- (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**

2. The home child care visitor and/or the home child care provider or in-home services provider verbally confirm that these practices are not allowed and do not occur.

## Part 7.7 Program Statement Policies and Procedures

### 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, volunteers or students 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.

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### Intent

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Section 49 is in place to ensure that everyone in a home child care premises knows what they need to do to implement the approaches to meeting the goals related to the 11 actions in 46(3)(a) through (k) and what they are never allowed to do (prohibited practices).

These provisions apply to both home child care providers and in-home services providers.

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### Clarifying guidance

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The licensee must develop policies and procedures with respect to the implementation of the program statement.

Licensees must also document what action they will take if employees of the home child care agency, home child care/in-home services providers, volunteer and student, persons who are ordinarily residents of the premises or regularly at the premises does not follow (contravenes) the policies and procedures or does not act in a way that aligns with the program statement. This includes what actions the licensee will take if an individual commits a prohibited practice.

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### Best practices

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#### Program Statement Implementation Policy

A program statement implementation policy requires that home child care/in-home services providers, volunteers and students, persons who are ordinarily residents or regularly at the premises, home child care visitors and other employees of the home child care agency are aware of the expectations set out by the licensee. The expectations should outline how they 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 home child care/in-home services providers, home child care visitors, other employees of the home child care agency, students and volunteers 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 different ways that licensees can talk about how the approaches in program statement will be implemented. The description of how approaches will be implemented can be:

- **very detailed:** The licensee's policy speaks to how each of the 11 approaches for the 11 goals in 46(3) (a-k) will be implemented.
- **less detailed:** The licensee's policy doesn't speak to implementing all 11 approaches but instead there's a broader, more general description of the implementation expectations across all 11 approaches.

The licensee should consider how home child care/in-home services providers, home child care visitor and other employees of the home child care agency, students and volunteers will be engaged and supported in putting these goals and approaches into practice (in other words, implementing them). Making sure everyone understands what they need to do and do well requires taking the time to talk about the program statement approaches. This type of training can take different forms including:

- discussing the expectations at team meetings so everyone can ask questions
- peer coaching and mentoring
- regular professional learning sessions
- a pedagogical leader who provides ongoing professional support and training for all individuals
- inviting guest speakers to talk to the home child care visitor, other employees of the home child care agency, home child care providers, in-home services providers, volunteers and students
- orientation materials for new employees, providers, students and volunteers include easy-to-understand descriptions and instructions about the agency's program statement and how approaches to meeting the 11 goals in the program statement need to be carried out

The licensee may choose to also identify unacceptable actions or practices that may contravene the program statement (for example, an agency can prohibit the use of "time out"). If the licensee's policy talks about what is an unacceptable action or practice, it must also talk about what happens if someone in the home child care premises does something that is unacceptable (in other words, the person contravenes the agency's policy).

## Prohibited Practices

The licensee is required to list all prohibited practices set out in section 48 of the O.Reg.137/15 in the policy.



It is also important to note that registered early childhood educators (RECEs) are subject to 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.

## Measures for Dealing with Contraventions

Spelling out the measures (these are the ways to deal with a contravention that has happened) that a licensee will take if someone in the home child care agency and/or premises does something that contravenes the agency's program statement or does something listed in section 48 makes it clear to everyone in the agency that contraventions are very serious and that they have consequences.

There are various ways the licensee can choose to deal with a contravention of the program statement and/or if someone committed a prohibited practice. Consideration should first be given to identify the reason for the contravention:

- does the individual fully understand the requirements?
- was orientation provided for new employees, home child care/in-home services providers, volunteer or student enough for them to fully understand the requirements?

In developing the measures, the licensee should consider the severity of an incident and whether it was a repeated behaviour. In cases where the licensee is not able to immediately end contract with a home child care/in-home services providers or employees are not immediately dismissed from their employment with the home child care agency, licensees are to think about what can be done to make sure the individual doesn't commit a contravention again. For example, the licensee could require the person to:

- be mentored by a peer
- do a direct review of the policies and procedures with the home child care visitor
- complete additional training

With respect to a person committing a prohibited practice, the policy should set out a series of progressively stronger measures which take into account and are proportionate to things like the severity of the contravention and whether the person has done contraventions previously.





If a prohibited practice is observed, the individual who has observed the incident should consider whether they are required to make the report to a children's aid society. For more information on the *Child, Youth and Family Services Act, 2017* and the duty to report, see:

[Reporting Child Abuse and Neglect: It's Your Duty. Any allegation of neglect/abuse is a serious occurrence so the regulatory requirements around serious occurrences need to be met.](#)

Licensees are subject to employment laws and may wish to consult with a lawyer in relation to dealing with an employee or providers who has committed a prohibited practice.

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## Compliance Indicators

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### Agency Indicators

1. There are written policies and procedures that identify how home child care providers and/or in-home services providers, volunteers or students 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.

## Part 7.8 Safe Arrival and Dismissal Policy



### Ontario Regulation 137/15



**50** Every licensee shall ensure that each child care centre it operates and each premises where it oversees the provision of home child care has a policy respecting the safe arrival and dismissal of children that,

- (a) provides that a child may only be released from the child care centre or home child care premises,
  - (i) to individuals specified by a child's parent, or
  - (ii) in accordance with written permission from a child's parent to release the child from the program at a specified time without supervision; and
- (b) sets out the steps that must be taken if,
  - (i) a child does not arrive as expected at the child care centre or home child care premises, or
  - (ii) a child is not picked up as expected from the child care centre or home child care premises.

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## Intent

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Section 50 is in place to safeguard children by ensuring licensees are prepared to effectively respond to unexpected situations where children fail to arrive at their child care program or are not picked up.


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
## Clarifying guidance


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
The requirements in section 50 apply to all licensed child care programs, both centre and home-based (not including in-home services), regardless of how long the program runs each day. The requirements also apply to all children, regardless of age.

 It is up to each licensee to set out steps and measures to include in their safe arrival and dismissal policy that best meet their operational capacity and families' needs while ensuring the safe arrival and dismissal of children receiving care.

 **Cross-reference:** licensee's policies related to safe arrival and dismissal must be implemented and monitored for compliance and contraventions; see **section 6.1** of the regulation.

 **Cross-reference:** safe arrival and dismissal policies are not required when children are receiving in-home services child care. See **section 6.0.1** of the regulation.

 **Cross-reference:** licensees must include their safe arrival and dismissal policies in their parent handbook. See **clause c.1 of subsection 45(1)** of the regulation.

 **Cross-reference:** if a parent has provided written permission to release their child from their child care program at a specified time without supervision, this written permission must be included in the child's record. See **paragraph 5 of subsection 72(1)** of the regulation.

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## Compliance Indicators

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### Agency Indicators

1. The licensee has a policy respecting safe arrival and dismissal of children that includes the information listed in s. 50 (a) and (b).

**And**

2. It is observed or the licensee verbally confirms that the safe arrival and dismissal policy is implemented at each home child care premises.

## And

3. A copy of the safe arrival and dismissal policy is included in the parent handbook.
4. Where it is observed, or the licensee verbally confirms that there are no children who have written permission signed by their parents to be released from the program on their own without supervision, the licensee has kept the names of persons to whom each child may be released in the children's records.

## OR

Where it is observed, or the licensee verbally confirms that there are children who have written permission signed by their parents to be released from the program on their own without supervision, there is written evidence of compliance (i.e., written permission signed by parents) in addition to the names of persons to whom each child may be released (including any child with written permission to be released on their own) in the children's files.

## Location Indicators

1. The home child care provider verbally confirms that the safe arrival and dismissal policy is implemented.

## Part 7.9 Individualized Support Plans and Inclusive Programs



### 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.

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## Intent

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Section 39.1 is in place so there is a clear plan to support children with special needs when they are in care, including maximizing their inclusion in all activities in the home child care premises.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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The regulation includes a definition of a **child with special needs** (see subsection 1(1)). A child with special needs means 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.

When developing an individualized support plan for a child with special needs, the licensee needs to talk about the plan with:

- the parent of the child
- the child (if the child is old enough to understand what is being talked about and can express their own thoughts)
- any regulated health professional (such as an occupational therapist, speech-language pathologist and more)
- other people who provide supports to the child as part of their job and who can help to make sure the plan for the child is one that will work well. These professionals could be resource consultants, service coordinators and more.

 Licensees should ask parents if their child has any support needs **before** the child is placed at a home child care premises and discuss the benefits of having an individualized plan with the parents. Individualized plans for children with special needs can only be made and implemented if a parent(s) agrees to this, preferably in writing.

Where a child who is already receiving care at the home premises develops a special need requiring additional support, the child's individual plan must be developed before the provider is required to put any new supports, accommodations or assistance in place.

Resource consultants who are not employees of the licensee can only provide services/supports directly to the child in the home child care premises or in respect of the child (so indirectly, like telling home child care/in-home services providers how to modify a toy for a child) if the parents agree to this, preferably in writing.

Home child care providers are not to call in or make referrals to any specialized or health services or supports for a child, unless the parents have agreed to this, preferably in writing.

Licensees are required to maintain the confidentiality of a child's medical history including any diagnoses. Sensitive or confidential personal health information and detailed reports from doctors or other health professionals should only be included in the individualized plan for the child if the information is necessary to implement the child's individualized plan and the parents agree (consent) to this in writing.

### Support persons hired by parents

Where a parent chooses to hire an individual to support their child while receiving home child care, the child's individualized support plan must also include information pertaining to the support this individual will be providing to the child, including whether the parent has provided consent for the individual to be left alone with the child.



**Sample individualized support plan for a child with special needs template** is available in CCLS under "tools and resources".

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## Best practices

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Inclusion means all children can participate in an active and meaningful way when receiving child care. When a home child care's programming is carefully planned to support the diverse needs of every child, all children can participate (sometimes with modifications or adaptations).

In high-quality, inclusive child care programs, all children and their families are welcomed and honoured by the programs. Inclusive programs are ones that support the development of all children by reducing barriers and focus on making caring and responsive relationships in safe, nurturing environments.

All children benefit from participating in inclusive programs where they can learn from one another and experience a sense of belonging.

Inclusion as a concept and a process involves:

- inclusive beliefs, values, and attitudes
- inclusive practices and behaviours
- inclusive, enabling environments designed for all children
- inclusive policies

The goals and approaches in HDLH can help programs as they plan activities and plan the learning environment so that all children can participate in a meaningful way. HDLH sets out a view of the child as competent and capable, curious and rich in potential. With this view in mind, programs can easily focus on the strengths of a child and use these strengths to help the child work on other skills that may be behind.



**Cross-reference:** the regulation requires licensees to have a program statement and that the program statement reflects a view of children as being competent, capable, curious and rich in potential. See **subsection 46(1)** and **subsection 46(2)**.



**Cross-reference:** the regulation requires centres to have a program statement which includes goals and approaches around how the centre “plans for and creates positive learning environments and experiences in which each child’s learning and development will be supported and which is inclusive of all children, including children with individualized plans”. See **clause 46(3)(f)**.



**Cross-reference:** before a licensee places a child at a home child care premises, the licensee is required to consider any special needs or medical needs of the children in the group. See **paragraph 2 of subsection 9(3)**.



**Cross-reference:** the regulation requires written policies and procedures that explain the expectations for how child care providers, other employees, volunteers or students must implement the approaches in the centre’s program statement. See **section 49**.

A child being physically present in the home child care premises is not inclusion. Just being there in the room is not enough to help the child learn, make friends and develop their skills. Inclusion is about a child with special needs really participating, connecting with others, building relationships, and contributing to what is going on in the child care program.

To make sure this happens well and consistently, home child care/in-home services providers need to carefully plan what programming and activities will look like every day. Providers may have to figure out how they can do things differently or communicate things in a different way, so that a child with special needs can join the other children in whatever is going on.

Pedagogical documentation can help providers 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. Pedagogical documentation can also provide information that can help programs to create environments and experiences that best support the learning and development of each child.

[How Does Learning Happen? Ontario’s Pedagogy for the Early Years](#) provides information on ways adults can include all children, including those with special needs, into the program’s activities and daily routines.



While not all home child care/in-home services providers are early childhood educators, everyone can access the College of [Early Childhood Educators' Practice Guideline: Inclusion of Children with Disabilities](#).

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## Compliance Indicators

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### Agency Indicators

1. The licensee has developed an up-to-date individualized support plan for each child with special needs.

**Or**

The licensee has adopted and completed customizable areas of the template provided by the Ministry.

### Location Indicators

1. For each child with special needs, there is an up-to-date individualized support plan that describes:
  - (a) how the premises will support the child to function and participate while in the care of the provider; and
  - (b) any supports of aids, or adaptations or other modifications to the physical, social and learning environment that are necessary to achieve clause (a) of subsection 52(1), 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 plan are listed in the document or have signed it.

**And**

This list of individuals includes a parent of the child with special needs.

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# Part 8 – Qualifications

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## Part 8.1 Home Child Care Visitor Qualifications

### Ontario Regulation 137/15

**6(5)** Every licensee of a home child care agency shall employ at least one home child care visitor, who shall be a person described in section 56, who shall provide support at and monitor each premises where the licensee oversees the provision of home child care, and who shall be responsible to the licensee.

**56** A home child care visitor 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 working with children under 13 years old and is approved by a director; or
- (b) is in the opinion of a director capable of providing support and supervision at a home child care premises.

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### Intent

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Subsection 6(5) and section 56 are in place because the skills, experience and educational background of people supporting and monitoring on behalf of the home child care agency greatly affect the quality of care in every home child care premises the agency oversees.

Home child care visitors require extra skills and work experience because the visitor's job responsibilities (which are explained in and required by subsection 6(5)) are different than home child care/in-home services providers. Home child care visitors must:

- provide support and monitor each home child care premises the home child care agency oversees
- inspect each active home child care premises contracted by the home child care agency at least once in every quarter of each calendar year
- be responsible to the licensee



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## Clarifying guidance

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**Cross-reference:** the regulation requires every licensee of a home child care agency to employ at least one home child care visitor and the regulation describes what the job of a home child care visitor includes. See **subsection 6(5)**.

When someone is a member in good standing of the College of Early Childhood Educators (CECE), they are a **registered early childhood educator** (RECE). No one can call themselves an early childhood educator if they are not a member of the CECE.

Licensees can check to see if someone is a RECE because the College maintains a [public register](#) (in other words, a list of names and other information) of all of its members.



All home child care visitors must be approved by a ministry director, whether they are an RECE or not.

Licensees must apply for director approval through CCLS for either a registered early childhood educator (per 56(a)) or for someone who is otherwise capable of providing support and supervision (per 56(b)).

When a ministry director approves a home child care visitor, the licensee will receive a “director approval letter” that documents the approval and any conditions imposed on the approval (such as additional training requirements). The person who the ministry director approves as a home child care visitor will also appear on the licensing letter that accompanies the licence.

Licensees are accountable for ensuring that the home child care visitors are capable of providing support and monitoring every active home child care premises the visitor is assigned to. The ministry recommends that licensees consider the following things when determining how many homes the home child care visitor is responsible for:

- the geographic distance between premises
- the qualifications and experiences of the home child care providers and in-home services providers
- ages and needs of the children, as well as the total number of children
- the frequency and type of serious occurrences and licensed complaints
- the level of support the home child care provider requires to meet the requirements of the CCEYA

To learn more about the requirements for RECEs and general information about the profession of early childhood education, visit the [College of Early Childhood Educators' website](#).



**Cross-reference:** the regulation sets out duties and responsibilities that a home child care visitor is required to fulfill. See **Section 26**.

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## Compliance indicators

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### Agency Indicators

1. There is evidence confirming employment of at least one home child care visitor.

#### And

Completed home visitor checklists indicate the home visitor(s) is providing support and monitoring each premises where the licensee oversees the provision of home child care.

2. The College of Early Childhood Educators' Public Register indicates that the home child care visitor is a member in good standing ("current member") of the College of Early Childhood Educators;

#### And

There is written evidence that the home child care visitor has at least two years of experience working with children under 13 years old and has been approved by a director (e.g., on record in CCLS).

#### Or

- There is written evidence that the home child care visitor has been otherwise approved by a director (e.g., director approval letter or licensing letter on record in CCLS).

## Part 8.2 Resource Consultant Qualifications

### Ontario Regulation 137/15

**55** A resource consultant 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 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.

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## Intent

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High-quality **inclusive child care settings** benefit **all** children – those with and without special needs. For some children with special needs, modifications and supports tailored to their needs are needed for them to have high quality, inclusive experiences in their child care program.

**Resource consultants** are professionals who provide support related to children with special needs in a child care program, usually by working with the child care providers to give them suggestions on how to plan programming and shape their interactions with the child with special needs so that the child is participating and interacting with other children in the program.

Section 55 is in place to require resource consultants who are employed directly by the licensee to have the knowledge base needed to provide guidance about the right kind of care, supervision and supports when they are at the child care program.

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## Clarifying guidance

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Most resource consultants are employees of an agency such as a community centre or they are employees of a municipality. Section 55 does not apply to these resource consultants as their employers typically establish requirements regarding qualifications for their employees.



**Cross-reference:** resource consultants cannot be counted towards required staff to child ratios. See **section 10** of the regulation.

If child care providers are concerned about a child's development and are thinking about requesting the services of a resource consultant, they must obtain consent from the child's parent to go ahead with making a request for or referral to the services of a resource consultant (and/or any other community-based services or supports).

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## Best practices

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Whenever possible, it is recommended that resource consultants 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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## Compliance indicators

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### Agency Indicators

1. Any resource consultants 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 that is both theoretical and practical and that relates to the needs of children with special needs.

Or

There is written evidence that they have been otherwise approved by a director.

## Part 8.3 Health Assessments and Immunization



### Ontario Regulation 137/15

57 (1) Omitted – refers to child care centres.



(2) Every licensee of a home child care agency shall ensure that, before any child is provided with child care at a premises at which the licensee oversees the provision of home child care, every home child care provider providing care at the premises, every person who is ordinarily a resident of the premises or regularly at the premises and every volunteer or student who is on an educational placement at the premises has a health assessment and immunization as directed by the local medical officer of health.

(3) Subsections (1) and (2) do not apply where the person objects to the immunization on the ground that the immunization conflicts with the sincerely held convictions of the person based on the person'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.

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### Intent

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Section 57(2) is in place to protect those at the home child care premises from getting and spreading vaccine-preventable diseases.

Child care premises are places where it is very easy to pick up a vaccine-preventable disease because children and adults are spending a lot of time together and have a lot of interaction and contact with each other.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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The **medical officer of health** (which is the formal way to say **local public health unit**) determines what is needed for a health assessment and immunizations, and it is the licensee's responsibility to ensure that all home child care/in-home services providers, persons who are ordinarily resident or regularly at the premises, volunteers and students have received such health assessments and immunizations.

For contact information for all public health units, licensees should visit the Ontario.ca [webpage listing all public health units](#).

A person would not be subject to the health assessment and immunization requirements in either of these circumstances:

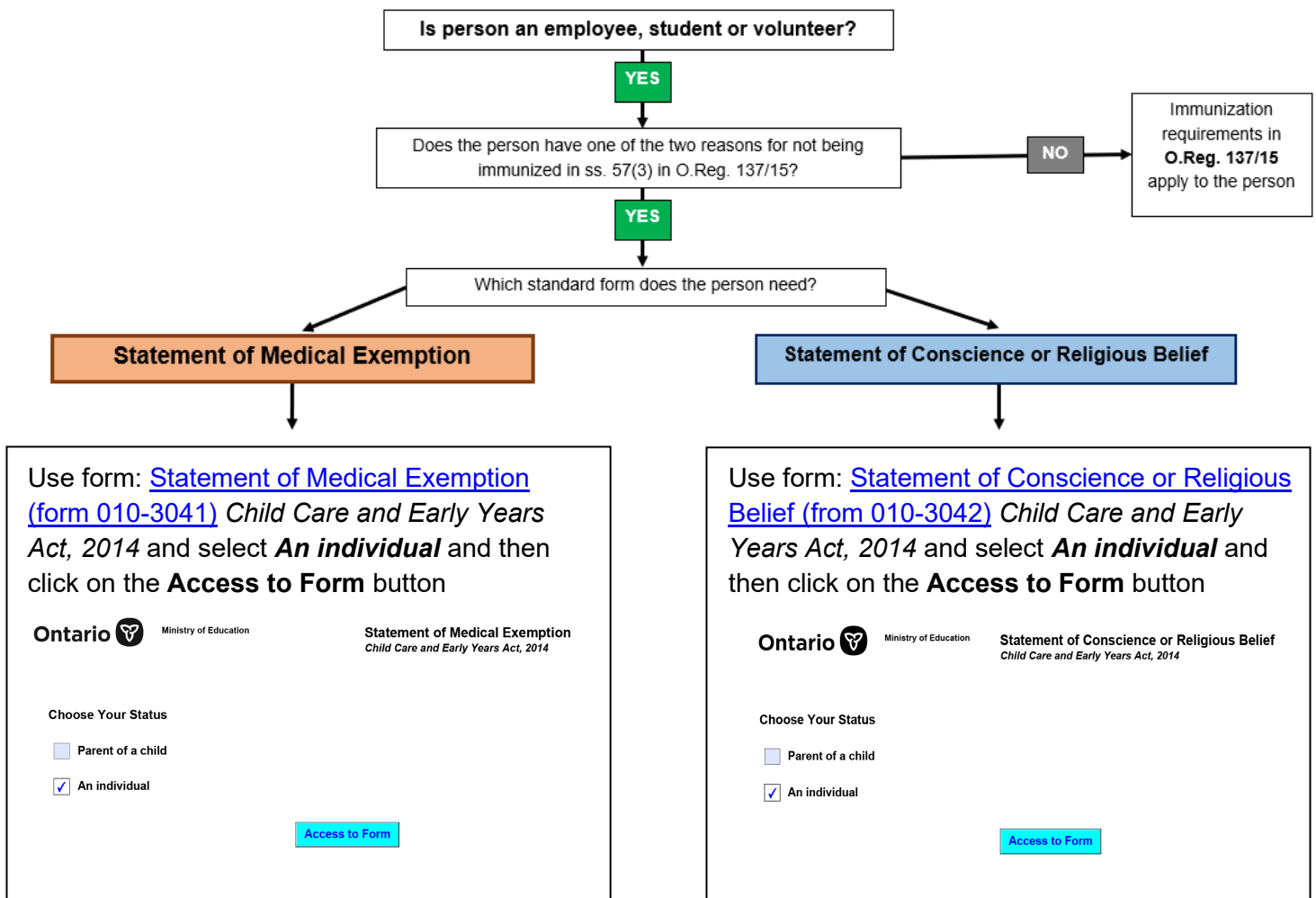
- there is a medical reason why the person cannot be immunized
- **or**
- the person objects to immunization based on their religion beliefs or conscience grounds

If either of these circumstances apply, the person needs to give the licensee paperwork that documents this. The paperwork has to be done on one of two ministry-issued **standard forms - Statement of Conscience or Religious Belief** or **Statement of Medical Exemption under the *Child Care and Early Years Act, 2014***; each form has two versions – one for employees, volunteers and students, and one for parents of children.

The forms are public and available in both English and French on the Government of Ontario's [Central Forms Repository](#).



The following shows how to determine which form should be used by staff, students, and volunteers in relation to immunization requirements:



## Compliance Indicators

### Agency Indicators

1. The agency's files of home child care providers, in-home services providers, others who are either ordinarily resident or regularly at the premises, volunteers and students who are on an educational placement include health assessments.
2. The agency's files of home child care providers, in-home services providers, others who are either ordinarily resident or regularly at the premises, volunteers and students who are on an educational placement include immunization records.

Or

Where home child care providers, in-home services providers, others who are ordinarily resident or regularly at the premises, volunteers and students on educational placement do not have an immunization record on file, they have objected to the immunization as set out in subsection 57(3).

## Part 8.4 Staff and Provider Training and Development Policy

### 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.

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### Intent

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Research shows that a key contributing factor to the quality of a child care program is how skilled and knowledgeable child care providers are.

Because home child care visitors, home child care/in-home services providers have varying levels of knowledge, skills and experience, those working in child care settings need to continue to get training and learn more about things that are important to their functions and responsibilities.

Similar to requirements for other professions, subsection 58(1) is in place to ensure that licensees provide opportunities for home child care visitors and providers to learn new information and support staff to upgrade and continue to improve their skills, knowledge and practices.

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### Clarifying guidance

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When developing staff and provider training and development policies, licensees need to consider the unique professional learning needs of home child care visitors and providers and how their learning needs change over time.

Licensees should consider the following questions when developing a staff and provider training and development policy:

- orientation requirements – what training do new home child care visitors need to complete either before or soon after they beginning work?
- what training do new home child care providers and in-home services providers need before children are placed in their homes?
  - what do new home child care visitors and providers need to know about requirements in the CCEYA that apply to the home child care program, providers and their interact with children (for example, home child care visitor requirements, prohibited practices, etc.)?

- how can the licensee make sure that new home child care visitors and providers are familiar with and understand the duty to report requirements that apply to them set out in the [Child, Youth and Family Services Act, 2017](#)?
- regular training schedule – what training needs to be upgraded or offered on a regular basis to ensure currency?
- 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 can the licensee create for home child care visitors and providers to be able to do **reflective practice** about pedagogy and **collaborative inquiry** among staff teams and maybe even with others in the community?
- external tools and resources – what courses are available in the community? Are there online learning opportunities? Is there a leadership course for early childhood educators that might be of interest to home child care visitors and providers?
- mandatory or optional training – is certain training required and other training optional? Why?
- support – How will professional learning for home child care visitors and providers be supported by the licensee? (for example, with the licensee provide training as part of paid time, will the licensee provide resource materials and more)

While not all home child care/in-home services providers are early childhood educators, the College of Early Childhood Educators has a lot of resources that everyone can access. Such resources are available in both English and French on the [College's resources webpage](#).

[How Does Learning Happen? Ontario's Pedagogy for the Early Years](#) 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 is mandatory for registered early childhood educators, as prescribed by [Ontario Regulation 359/15: Continuous Professional Learning](#) made under the *Early Childhood Educators Act, 2007*.

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## Best practices

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When bringing in new volunteers or students, it is best practice for these individuals to get an orientation, including about the rules under the CCEYA and reporting obligations under the *Child and Family Services Act, 2017*.





When developing policies and procedures with respect to staff and provider training and development, licensees should refer to the **Tips and Instructions for developing compliant policies and procedures: Training and Development document**, which is available in CCLS under “tools and resources”.

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## Compliance Indicators

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### Agency Indicator

1. There is a written policy on home visitors, home child care providers' training and development.

## Part 8.5 Standard First Aid

### 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. Omitted – refers to child care centres.
2. Omitted – refers to child care centres.
3. Every provider of 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.

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## Intent

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Subsection 58(2) is in place to ensure the health and safety of children by requiring those who are responsible for caring and supervising them – home child care providers and in-home services providers – to be first aid certified. Being able to give first aid quickly when a child gets injured or when a child's airway is blocked can reduce the potential for a bad outcome.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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All home child care/in-home services providers are expected to have their **standard first aid**, including **infant and child CPR**, before they begin supervising children.

To ensure training covers certain topics and meets certain standards, first aid training courses must be offered by providers that are approved by the Workplace Safety and Insurance Board (WSIB).

The list of WSIB approved providers can be found here: [WSIB Approved First Aid Training Providers](#).



Some training providers claim to be “approved in Canada” or “approved in all Canadian provinces,” but are not approved by the WSIB. It is the responsibility of the licensee to make sure their providers are going to WSIB-approved training.



Workplace Safety and Insurance Board (WSIB)-approved first aid training 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** and it is the responsibility of the licensee and providers to ensure they obtain the required certification. Licensees may find more information about first aid training here: [Link to WSIB First Aid Program](#).

Any licensee who is registered with the WSIB must ensure that they meet 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.

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.



**Cross-reference:** a standard first-aid certificate of a home child care/in-home services provider and an exemption letter is a record. The regulation has requirements around record retention. See **section 82**.

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## Compliance Indicators

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### Agency Indicator

1. Files for home child care providers and/or in-home services providers 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**

The home child care providers and/or in-home services providers files include 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.

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# Part 9 –Screening Measures and Police Record Checks

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## Overview

### Prohibition based on past conduct

The CCEYA sets out that if a person is convicted of an offence under the CCEYA or convicted of certain offences under the federal *Criminal Code* (in other words, crimes), they are prohibited from providing child care or operating a premises where child care is provided.

- Offences under the CCEYA are listed in [subsections 78\(1\) and 78\(2\) of the Act](#) and [section 88.1 of O. Reg. 137/15](#)
- The offences under the *Criminal Code* (Canada) which are grounds for not being able to provide child care in Ontario are listed in [subparagraph 1\(ii\) of subsection 9\(1\)](#) and are as follows:
  - Section 151 (sexual interference)
  - Section 163.1 (child pornography)
  - Section 215 (duty of persons to provide necessities)
  - Section 229 (murder)
  - Section 233 (infanticide)

Additionally, per [paragraph 2 of subsection 9\(1\) of the CCEYA](#), anyone who has been found guilty of professional misconduct under the *Early Childhood Educators Act, 2007*, the *Ontario College of Teachers Act, 1996*, or the *Social Work and Social Service Work Act, 1998*, and as a result cannot practice their profession, is also prohibited from providing child care in the province. These three Acts established regulatory Colleges to oversee the specified profession.

Each of these professional Colleges have a **public register** of their current and past members. When reviewing someone's application for a licence, the ministry will check to see if the person applying is on one of these registries and, if they are, they will look at the registry to see if there are any notes about professional misconduct. Similarly, when looking to hire new employees, licensees need to look up a person on these registries to see if they have been found guilty of professional misconduct.

The registries for these Colleges are available at these websites:

- [College of Early Childhood Educators Public Register](#)
- [Ontario College of Teachers Public Register \("find a teacher"\)](#)
- [The Ontario College of Social Workers and Social Service Workers Online Register](#)



It is an offence under the CCEYA to contravene or fail to comply with subsection 9(1) or clause 9(3)(a) of the CCEYA, per paragraph 78(1)(4) of the CCEYA.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year, or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 9 of the CCEYA may lead to an administrative penalty of **\$2,000**. See **section 78** of O. Reg. 137/15 and **item 8 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.

## Police record checks

A **police record check (PRC)**, which is commonly referred to as a “background check”, is a search of police record-keeping systems on a person. These checks are often used as part of a screening process for people who want to work or volunteer somewhere or before an individual is planning to do an educational placement (for example, to fulfill a requirement of a college/university academic program).

In Canada, a PRC is a search conducted of the **Canadian Police Information Centre** databases or another police database maintained by a police service in Canada to determine whether the databases contain entries relating to an individual in order to screen the individual for criminal history.

**A person needs to request a PRC from the police service that serves the community the person lives in.** There are three types of police services:

1. a municipal police service or
2. a First Nations police service; or
3. the Ontario Provincial Police (OPP) for people who live in an OPP-policed community – visit the [Ontario Provincial Police - Police Record Checks \(opp.ca\)](https://www.opp.ca/en/Police-Record-Checks/Pages/default.aspx) website to determine whether a person lives in an area of the province where they would need a PRC conducted by the OPP.

In addition to federal laws that govern police records, the provincial [Police Record Checks Reform Act, 2015](#) (PRCRA) sets the standards that govern how PRCs are conducted in Ontario and what is included in the check.

## Types of PRCs

The term “police record check” is an umbrella term which refers to different types of searches of police record-keeping systems; in Ontario, the PRCRA authorizes three different types of police record checks to be used for screening purposes:

1. **Criminal Record Check (CRC)**: a basic type of police record check that is not intended for people who are seeking positions working with vulnerable persons<sup>1</sup>. A criminal record check includes:
  - applicable convictions under the *Criminal Code* (Canada)
  - findings of guilt under the federal *Youth Criminal Justice Act* (Canada)
2. **Criminal Record and Judicial Matters Check (CRJMC)**: a type of police record check that includes:
  - applicable convictions under the *Criminal Code* (Canada)
  - findings of guilt under the federal *Youth Criminal Justice Act* (Canada)
  - absolute and conditional discharges
  - outstanding charges, arrest warrants and certain judicial orders
3. **Vulnerable Sector Check (VSC)**: an enhanced type of criminal record and judicial matters check for persons who may hold positions of trust or authority over vulnerable persons or persons who have vulnerable people depending on them.

A vulnerable sector check includes the same type of information that is disclosed in a criminal record and judicial matters check AND applicable findings of:

- not criminally responsible due to mental disorder
- record suspensions (pardons) related to sexually-based offences
- in certain circumstances, non-conviction charges related information, when a strict test is met

Note that, in addition to the provincial PRCRA, VSCs are governed by section 6.3(3) of the [Criminal Records Act \(Canada\)](#).

For more information about PRCs, visit [this Government of Ontario website](#).

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<sup>1</sup> Under the PRCRA, a vulnerable person means a person who, because of their age, a disability or other circumstances, whether temporary or permanent, is in a position of dependency on others or is otherwise at a greater risk than the general population of being harmed by a person in a position of trust or authority towards them.



It is the police service that ultimately determines what type of PRC they will conduct on a person.

## Requirements around PRCs for licensed child care settings

Requirements related to screening/PRCs for licensed child care in Ontario are set out in **both** the CCEYA and O. Reg. 137/15 and address:

- which requirements apply to various persons (for example, requirements for licensees are different than requirements for volunteers). Requirements may also be different depending on whether a person is going to be interacting with children
- requirements about re-submitting certain information to the ministry and to licensees at certain time intervals
- in addition to requirements around PRCs, requirements around **offence declarations** and **attestations**
- limited exemptions from PRC requirements; the screening requirements under the CCEYA do not apply to the professionals listed in subsection 61.1(3)



Requirements under the CCEYA around PRCs do not apply to Ministry of Education officials, staff of Children's Aid Societies or government inspectors with a statutory right to enter a child care centre to carry out their duties (for example, inspectors looking at things related to the Building Code).

## To whom a PRC is submitted

- Any PRC or other screening information required under the CCEYA for an applicant for a child care licence or an existing licensee needs to be submitted **to the ministry via CCLS**
- Any PRC or other screening information required under the CCEYA about **a person other than a licensee or an applicant** required under the CCEYA needs to be provided **to the licensee**

## Content of PRCs

All PRCs in respect of licensed child care settings must be:

- conducted by a municipal or First Nations police service or the OPP
- legible (in other words, can be read)
- complete (in other words, no information is missing or cut off)
- unaltered
- provided in English or French
- inclusive of all required information about *Criminal Code* (Canada) convictions to verify compliance with paragraph 1 of subsection 9 (1) of the CCEYA

## Persons who are 18 and 19 years old

The screening requirements under the CCEYA do not apply to people who are under 18 years of age, but it is important to note that there are requirements that apply when someone turns 18 years of age and a different set of requirements when someone turns 19 years of age.

## Confidentiality and privacy

Information contained in an individual's PRC is confidential. Licensees should take all appropriate steps to protect a person's privacy when they are collecting, storing and accessing this information.



**Cross-reference:** licensees must have written policies and procedures that address screening of employees, students, and volunteers which must address, among other things, how the confidentiality of information contained in a VSC, offence declaration or attestation will be protected. See **section 65** of the regulation.



### **Mandatory employer reporting obligations under sections 49.1 and 49.2 of the *College of Early Childhood Educators Act, 2007***

Per [section 49.1](#) of the *Early Childhood Educators Act, 2007*, an employer of a member of the College who terminates the member's employment, suspends the member or imposes restrictions on the member's duties for reasons of professional misconduct must file with the Registrar within 30 days after the termination, suspension or restriction a written report setting out the reasons.

Per [section 49.2](#) of the *Early Childhood Educators Act, 2007*, employers are required to report to the Registrar of the College of Early Childhood Educators when they become aware that a member of the College who is or has been employed by the employer has:

- been charged with or convicted of an offence under the *Criminal Code* (Canada) involving sexual conduct and minors
- been charged with or convicted of an offence under the *Criminal Code* (Canada) that, in the opinion of the employer, indicates that a child may be at risk of harm or injury;
- engaged in conduct or taken action that, in the opinion of the employer, should be reviewed by a committee of the College

For more information about employer reports, including information about timelines for reporting, refer directly to the [Early Childhood Educators Act, 2007](#).



## Definitions

**Employees:** any individual who is employed by the licensee to perform a duty or job for the home child care agency, including interacting with children in the home child care program.

The following are examples of employees:

- home child care visitors
- administrative staff of the home child care agency

The following are examples of individuals who are **not considered employees**:

- home child care providers and in-home services providers
- individuals employed by an agency that is contracted by the licensee to provide a service in the child care program (for example, a resource consultant who comes into a licensed child care program once in a while to support children with special needs). These individuals are considered to be a third party

**Licensee:** a person (which can be an individual, corporation, First Nation) who holds a licence issued under the *Child Care and Early Years Act, 2014*. Once a licence is issued, a licensee may operate a licensed child care program according to the terms set out in their licence and the requirements/rules set out in the CCEYA and its regulations.

**Persons who are Ordinarily Residents at the Premises:** individuals who may have access to children in care (including supervised access) because they primarily reside at the premises.

The following are examples of persons who are ordinarily residents at the premises who are required to submit a VSC to the licensee:

- the provider's spouse
- the provider's adult children
- the provider's adult dependents
- individuals who are sharing space in the provider's home
- the provider's relative visiting from another country for an extended period time and is staying at in the provider's home

**Persons who are regularly at the Premises:** individuals who may have access to children in child care (including supervised access) and there is a pattern of visits throughout the year to the home child care premises.

The following are examples of persons who are regularly at the premises who are required to submit a VSC to the licensee:

- a neighbour who visits on the weekdays during the hours of children receiving child care

- a family member who does not primarily reside at the premises but makes frequent visits during the hours of children receiving care

The following are examples of individuals who are **not** considered individuals regularly at the premises:

- for home child care premises, parents of children in care if they are only at the premises for drop-off and pick-up purposes
- an individual who visits the premises after the hours of children receiving care

**True Copy:** a photocopy or digital copy of an original document that is signed and dated by the individual who reviewed it, confirming that the original was reviewed and that the photocopy matches the original document. True copies may be kept in hardcopy or electronically.

There are situations where an individual may not have the original copy of their PRC because it was already provided to another person such as a previous employer. If this happens, a licensee has the option of creating and retaining a **true copy** of the individual's original PRC to demonstrate compliance with the requirements set out under the CCEYA.

In the situation where an employee has obtained their VSC from a digital portal, the employee may download the file to provide their VSC to the licensee (for example, an email from employee sent to the licensee with the PRC attached or employee prints out a hard copy of the VSC and gives it to the licensee).

**Volunteer:** 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 and more

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 (for example, 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 (for example, 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 with children for a specific event where they are not left alone with the children in care (for example, presentations by community organization/ recreational programs, local librarian, fire service professionals and more)
- parents attending a child care event and are not assisting with the care for or supervision of children

## Part 9.1 Duty to Provide a Police Record Check – Applicants & Licensees

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

#### Police record checks

- 35(1)** A director or an inspector may require any of the following persons to provide him or her with a police record 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 the results of a police record check concerning the person.

Same

- (3) A police record 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.

Duty to comply

- (4) The person shall provide the director with the results of the police record check as soon as reasonably possible or within such other time period prescribed by the regulations.

## Ontario Regulation 137/15

### Police record check

**87** For the purposes of subsection 35 (3) of the Act, a police record check,

- (a) must have been prepared no earlier than six months before the day it is provided to the director or inspector; and
- (b) where the person will interact with children, must be a vulnerable sector check that is,
  - (i) conducted by a police force, and
  - (ii) prepared no earlier than six months before the day it is provided to the director or inspector.

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### Intent

In a different section of the CCEYA ([paragraph 1 of subsection 9\(1\)](#)), there are rules that say if someone is found guilty of an offence under the CCEYA or certain crimes, they are not allowed to provide child care or operate a premises where child care is provided.

Subsection 35(1) is in place to give ministry officials the power to ask applicants, licensees and employees of a licensee or applicant to produce a police record check (PRC) so that the ministry can check to see whether the person has been convicted of one of the crimes listed in [paragraph 9\(1\)\(1\)](#) under the CCEYA. This section is also in place to help the ministry determine whether a person is suitable to be a person who holds a child care licence.

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### Clarifying guidance

#### First time applicants for a child care licence

Child care licences can be issued to an individual, a corporation or a First Nation.

The CCEYA requires a police record check **from all first-time applicants** for a child care licence.

The type of PRC required for an applicant is determined based on whether a specific person will be interacting with children.

Type of Applicant	Who is required to submit a police record check?	Type of PRC required if the applicant will be interacting with children	Type of PRC required if the applicant will <u>NOT</u> be interacting with children
Individual	Individual	VSC that is no older than 6 months in original version or “true copy”  *needs to be redone before the 5 year anniversary of the initial VSC and submitted to the ministry	CRC that is no older than 6 months in original version or “true copy” and written confirmation* of non-interaction with children  *needs to be redone before the 5 year anniversary of the initial VSC and submitted to the ministry
Corporation	All directors and officers of the corporation, or, in the case of a multi-service agency (for example, a governing council or hospital), all of the persons responsible for the delivery and oversight of child care programs		
First Nation	The individual(s) responsible for the oversight of child care in their community.  This can be either Members of the Band OR a person the Band designates to manage child care for the First Nation community (these persons are referred to as “Child Care Managers” in CCLS but may have other titles in the job descriptions such as administrators, supervisors, etc.).		
* The written confirmation of non-interaction with children must include: <ul style="list-style-type: none"><li>name(s) and signature(s) of the applicant, including, in the case of a corporation, all directors/officers of the corporation where applicable</li><li>a clear statement that the applicant will not be interacting with the children in the program</li><li>date the written confirmation was signed by the person the written confirmation is about</li></ul> A template for this written confirmation is available in CCLS.			



**Exemption:** the requirements to submit a PRC to the ministry do not apply to applicants for a child care licence that are school boards (as defined under the *Education Act*) or Consolidated Municipal Service Managers or District Social Services Administration Boards.

## Existing licensees

New PRCs are required for licensees every five years and must be uploaded to CCLS prior to the five year anniversary of the current PRC on file.

### If an existing licensee is a corporation and its directors/officers change

If the licensee is a corporation and the directors/officers change, PRCs must be proactively provided to the ministry (by uploading to CCLS) and made available for inspection for all new directors/officers.

### If an existing licensee is a First Nation and its Members change

New PRCs are required for licensees every five years and must be made available for inspection by a ministry official.

- If the licensee is a First Nation and the Members change, police record checks must be made available for inspection for all new Members of the First Nation.
- If there is a person the Band designates to manage child care for the First Nation community and that person is replaced by someone else, the new person needs to submit a PRC.



It is an offence under the CCEYA to contravene or fail to comply with section 35 of the CCEYA (see paragraph 88.1[8] of O. Reg. 137/15).

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year, or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 35 of the CCEYA may lead to an administrative penalty of **\$2,000**. See **section 78** of O. Reg. 137/15 and **item 15 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.



Police record checks must never be mailed, faxed, or emailed to the ministry as they contain sensitive and confidential information. There is only one acceptable way to provide the ministry with required screening information for licensees and applicants: through CCLS. Ministry officials have access to the CCLS and will review the information on CCLS.



**Cross-reference:** where the licensee is a corporation, the CCEYA requires the licensee to notify a ministry director in writing within 15 calendar days of any change in the officers or directors of the corporation. See **subsection 20(6)** of the Act.



**Cross-reference:** under the CCEYA, if someone is found guilty of certain offences or has been found guilty of professional misconduct under select laws that oversee professions, they are not permitted to provide child care in the province in any capacity. See **section 9** of the Act.

## Part 9.2 Definitions and Duty to Obtain a VSC

### 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 police record check, including a vulnerable sector check, shall be considered to be satisfied only if the police record check is,
  - (a) conducted by a police service; and
  - (b) prepared no earlier than six months before the day it is obtained by the licensee.

#### Duty to obtain initial record check:

**60(1)** Omitted – refers to child care centre.

- (2) The following rules regarding vulnerable sector checks apply to every licensee of a home child care agency:

1. Before entering into an agreement with a home child care provider regarding the agency's oversight of the provision of home child care at a premises operated by the provider, the licensee shall obtain a vulnerable sector check from,
    - i. the home child care provider,
    - ii. every person who is ordinarily a resident of the premises, and
    - iii. every person who is regularly at the premises.
  2. After an agreement described in paragraph 1 is in place with a home child care provider, the licensee shall obtain a vulnerable sector check from,
    - i. every person who intends to become ordinarily resident at the premises, before the person becomes a resident, and
    - ii. every person who intends to be regularly at the premises, before the person begins interacting with children receiving child care at the premises.
  3. The licensee shall also obtain vulnerable sector checks from,
    - i. every home child care visitor or any other staff at the home child care agency who may interact with children receiving child care at a home child care premises where the licensee oversees the provision of home child care, before they begin their employment, and
    - ii. every volunteer or student who is on an educational placement with the licensee, before the person begins interacting with the children.
- (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.



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## Intent

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Sections 59 and 60 are in place because doing a background check about any criminal activity committed by someone, who will be interacting with children at a home child care premises (by working, volunteering or doing an educational placement), helps to protect children from possible abuse and/or neglect. These kinds of screening requirements are in place for many different job settings and many professions. When a licensee has information about any criminal history of a person, it helps licensees determine if the person is suitable to work with children.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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Licensees must review VSCs provided by people who will be involved in the provision of home child care (namely, home child care/in-home services providers, persons who are ordinarily residents or regularly at the premises, home child care providers and other employees of the home child care agency), as well as potential volunteers and students to ensure that individuals have not been convicted of any of the offences listed in subsection 9(1)(1) of the CCEYA. If an individual has been convicted of these offences, they are not permitted to provide child care for children in either a paid or volunteer capacity in Ontario.

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. This information is not available in a police record check.

Information about the registration of an early childhood educator, teacher or social worker/social services worker is available to the public at no cost at:

- [College of Early Childhood Educators Public Register](#)
- [Ontario College of Teachers Public Register \("find a teacher"\)](#)
- [The Ontario College of Social Workers and Social Service Workers Online Register](#)



If a VSC comes back with a positive result that is something **other than convictions for the offences listed in paragraph 9(1)(1) of the CCEYA**, it is up to the licensee as to how to proceed. Licensees may want to assess whether the type and number of convictions that show up on the person's VSC would make them unsuitable for working in the licensee's child care program.



## Example

Home child care provider H's 19-year-old nephew will be living at H's home child care premises for the next 4 years while he attends a post-secondary education program. However, he will return to his own house every year from June to August, meaning he will only stay at the home child care premises between September to May each year. Also, he will rarely be at the home child care premises while children receive home child care because he will be busy with school work.

As the nephew is 19 years old and will be considered an ordinarily a resident at the home child care premises in the next 4 years, he must provide a VSC that is no older than 6 months before he moves into H's home. This requirement applies no matter the amount of time he actually spends at the home while children receive child care.

### VSC older than 6 months but less than 5 years old

If a prospective volunteer or student can only provide a VSC that is older than 6 months but less than 5 years old, the person must also provide an **offence declaration** to the licensee for the period of time that happened after the 6-month anniversary of the VSC being done up to the time it will be submitted to the licensee.

### VSC older than 5 years old

Licensees cannot accept a VSC from a volunteer or student that is more than 5 years old. If this is the case, the person needs to get a new VSC from a police service and provide it to the licensee.

## Example



Leena is a 27 year-old student who will be doing an educational placement with the licensee beginning July 1, 2023. Leena has a VSC that was completed in March of 2019 from when she volunteered at a youth justice program.

As Leena's VSC is older than 6 months but is less than 5 years old, Leena needs to provide an **offence declaration** to the licensee for the period of time between March 2019 and July 1, 2023, **in addition to** the VSC that was completed in March 2019.



It is an offence under the CCEYA to contravene or fail to comply with section 60 of the regulation, per paragraph 88.1[6] of O. Reg. 137/15.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year, or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 60 of the regulation may lead to an administrative penalty of **\$1,000**. See **section 78** of O. Reg. 137/15 and **item 3.1 of Table 2** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

## Required documentation

Licensees must use one of the following as documentation to meet vulnerable sector check requirements under section 60:

### For home child care providers:

- original vulnerable sector check (VSC)

### For individuals who are ordinarily residents/regularly at the premises or intend to be ordinarily residents/regularly at the premises:

- original vulnerable sector check (VSC)

### For employees of the home child care agency:

- original vulnerable sector check (VSC)

### For volunteers and students ONLY:

- a copy of a vulnerable sector check (VSC) for a volunteer or student (in hard copy such as a photocopy or digital format such as a scan or photograph); or
- true copy of a vulnerable sector check (VSC) (in hard copy or digital format)

## VCS by type of position

Some vulnerable sector checks set out that they are intended for 'volunteer' positions and are not applicable to individuals working with vulnerable persons in an employment position. In some areas of the province, a VSC for volunteers provides the same screening that a VSC for an employment position provides, while in other areas VSCs are specific to individual positions.

Where a PRC lists the individual's position (for example, a VSC specifies it is for a volunteer position) and the position listed is different from the individual's current position (for example, individual is now an employee at the agency who may interact with children), a way to show compliance may be written evidence (such as, email, fax and more) from the police service that conducted the check. The written evidence should say that the information in the VSC would be the same for both positions.

Licensees will need to check with their local police service on requirements pertaining to role based VSCs and whether these can be accepted. Licensees are encouraged to obtain written documentation from the local police service and keep it on file for licensing purposes (in other words, for review by a ministry official).

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## **Compliance Indicators**

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### **Agency Indicators**

#### **Home Child Care Providers**

1. All home child care providers' and in-home services providers' files contain documentation that indicates a vulnerable sector check was conducted by a police service, subject to the exceptions set out in ss.61(1) of O. Reg. 137/15.
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

**or**

  - b) 6 months before the date it was obtained by the licensee
3. The documentation indicates the vulnerable sector check was obtained by the licensee
  - a) before any child is placed at that premises;

**or**

  - b) requirements under subsection 61(1) of O. Reg. 137/15 are met. See Manual subsection 9.3 for more information.

#### **Individuals who are Ordinarily/Regularly Residents at the Premises or Intend to be Ordinarily/Regularly Residents at the Premises**

1. All individuals who are or intend to become ordinarily or regularly at the premises files contain documentation that indicates a vulnerable sector check was conducted by a police service, subject to the exceptions set out in ss.61(1) of O. Reg. 137/15.

**And**

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;

**Or**

- b) 6 months before the date it was obtained by the licensee and was obtained before the individual became an ordinarily resident at the premises
- 3. The documentation indicates the vulnerable sector check was obtained by the licensee
  - a) before they begin interacting with children;
  - or**
  - b) requirements under subsection 61(1) of O. Reg. 137/15 are met. See Manual subsection 9.4 for more information.

### **Employees:**

- 1. All home child care visitors or other employees files who may interact with children receiving child care at a home child care premises contain documentation that indicates a vulnerable sector check was conducted by a police service, subject to the exceptions set out in ss.61(1) of O. Reg. 137/15.

### **And**

- 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
  - or**
  - (b) 6 months before the date it was obtained by the licensee for individuals
- 3. 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 9.3 for more information.

### **Volunteers and Students Who Interact with Children**

- 1. All volunteer and student files contain documentation that indicates a vulnerable sector check was conducted by a police service, subject to the exceptions set out in ss.61(1) of O. Reg. 137/15.
- 2. 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
- 3. 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.



**Cross-reference:** licensees must ensure that any individual providing child care has not been convicted of any offence set out under the CCYEA or prescribed by regulations. See **paragraph 9(1)1** of the Act.



**Cross-reference:** licensees must ensure any 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 has been found guilty of professional misconduct. See **paragraph 9(1)2** of the Act.

## Part 9.3 Prohibited disclosure of information in a VSC

### 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 another type of police record check within the meaning of the *Police Record Checks Reform Act, 2015*.

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### Intent

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Section 64 is in place because there are other laws that affect VSCs. This section addresses a situation where release of information contained in an individual's vulnerable sector checks is prohibited under a law other than the CCEYA. Section 64 allows the requirements for a vulnerable sector check under the CCEYA to be met with a different kind of PRC (namely a criminal record check or criminal record and judicial matters check) in certain situations.

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### Clarifying guidance

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Where a law prohibits the release (or **disclosure**) of the information in a VSC, the police service may issue a different kind of PRC instead. For these cases, the licensee **must provide written evidence** (such as an email, fax and more) to support they have tried to get confirmation from the police service that conducted the PRC that they will not issue a VSC for that individual.

In this case, the licensee may use one of the following as documentation to meet vulnerable sector check requirements:

- original criminal record check or a criminal record and judicial matters check or
- true copy of a criminal record check or a criminal record and judicial matters check (in hard copy or digital format) or

- a copy of a criminal record check or a criminal record and judicial matters check for a volunteer or student (in hard copy or digital format).

There are also situations where a police service will not issue a VSC. Where a police service will not issue a vulnerable sector check (in other words, the police service will only issue a criminal record check or a criminal record and judicial matters check for a person), the licensee must provide written evidence that a VSC is not being done (in other words, anything that proves that the police are declining to do a VSC. This can be an email, fax and more from the police service) to show that the police service that conducted the check said that they will not issue a vulnerable sector check for that individual.

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## Compliance Indicators

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### Agency indicator

Compliance with section 64 of the regulation is assessed as part of the licensee's duty to obtain a police record check (see [part 9.2 of the manual](#)).

## Part 9.4 Requirements when a VSC is not yet available

### 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.
- 62.1** Despite subsection 61 (4), section 62 and subsection 63 (2), a licensee may permit a person who has not provided a vulnerable sector check as required under those provisions to continue their employment or volunteer position, or to continue providing home child care or otherwise interacting with children at a child care centre or home child care premises, if,
- (a) the person has applied for a vulnerable sector check; and
  - (b) the employer puts additional measures in place to protect children who interact with the person until the vulnerable sector check is obtained

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## Intent

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Subsection 61(1) and section 62.1 are in place to acknowledge that it may take time for a VSC to be completed by giving the licensee the flexibility to make decisions related to employees of the home child care agency, home child care/in-home services providers and other persons who may be on the premises while children are receiving child care, at the same time, ensuring that a VSC is being obtained.

For example, a licensee may have an immediate need to hire a home child care visitor in order to maintain operations but the licensee 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 or the continuation of their employment or volunteer position and obtaining their vulnerable sector check.


These provisions apply to both home child care providers and in-home services providers.


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## Clarifying guidance

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If it is taking some time to obtain a VSC for a person, licensees need to clearly set out what additional measures will be put in place in respect of the person waiting on their VSC if they are going to be coming into the child care program **before** the VSC has been provided.

 **Cross-reference:** licensees must have written policies and procedures relating to police records checks which must address, among other things, 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 VSC is obtained. See **section 65** of the regulation.

 **Cross-reference:** licensees must implement and ensure that the written policies and procedures relating to police records checks and additional measures required under section 65 are implemented for everyone involved in the provision of home child care and are monitored for compliance and contraventions. See **section 6.1** of the regulation.

Some examples of additional measures that the licensee may put in place to protect children who interact with the person until the vulnerable sector check is obtained include:

- never leaving the person waiting on a VSC to be completed alone or unsupervised with children
- Obtaining an offence declaration from the person (see manual part 9.7 for information on offence declarations).





**Cross-reference:** licensees must ensure that every volunteer or student at their child care program is supervised by an employee at all times and is not permitted to be alone with any child who receives child care at the home child care premises. See **section 11.1** of the regulation.

## International Students

A Canadian police service may not issue a police record check for an international student if they have not resided in Canada long enough. In these cases, a police record check (original or copy) conducted by a police service in the home country of the international student may be used to meet the requirement. Where the document from the home country is not in English or French, a certified translation of the document must also be provided. 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 international student needs time to obtain a police record check from their home country, the licensee may use O. Reg. 137/15 subsection 61(1) to permit the student to begin their placement before a police record check is obtained.

Some examples of documentation that the licensee may use to demonstrate that the international student has been required to obtain the police record check include:

- written correspondence to the police service 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



The police record check from the international student's home country may not be called or look the same as a criminal record check or a vulnerable sector check from Canada.

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## Best practices

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Licensees are encouraged to document the rationale for permitting an individual to begin or continue employment, or otherwise interacting with children, prior to obtaining a VSC.



**Cross-reference:** licensees must ensure that any individual providing child care has not been convicted of any offence set out under the CCYEA or prescribed by regulations. See **paragraph 9(1)1** of the Act.



**Cross-reference:** licensees must ensure any 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 has been found guilty of professional misconduct. See **paragraph 9(1)2** of the Act.

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## Compliance Indicators

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### Agency Indicators

Where a vulnerable sector check has not yet been obtained, and a person has already started interacting with children

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. The home child care provider and/or visitor verbally confirm that additional measures to support children's safety (for example, obtaining an offence declaration from the individual; not leaving the employee alone/unsupervised with children) have been put in place.

#### **Or**

It is observed that the additional measures to support children's safety are implemented.

Where a vulnerable sector check has not yet been obtained, and an individual over the age of 19 years continues their employment, volunteer position, or to provide home child care, or interact with children,

1. The individual's file contains documentation that the person has applied for a vulnerable sector check.

#### **And**

2. Home child care provider and/or visitor verbally confirm that additional measures to support children's safety (For example, obtaining an offence declaration from the individual; not leaving the individual alone/unsupervised with children) have been put in place.

#### **Or**

It is observed that the additional measures to support children's safety are implemented.

## Part 9.5 Exceptions, individuals under 19 years of age

### Ontario Regulation 137/15

- 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.

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### Intent

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The federal [Youth Criminal Justice Act](#) (YCJA) has privacy requirements in relation to accessing criminal records of youth. Subsections 61(2), (3) and (4) in O. Reg. 137/15 are in place to address situations where the 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 to the licensee 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.

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## Clarifying guidance

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### For 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
- indicates that there were no such findings of guilt.

### For 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 VSC (for example, application to a police service requesting a check) within one month (31 days) after the individual turns 19 years.

### For individuals who get a position in which they interact with children (in other words, an employee, student or volunteer) who are over 18 years of age but have not yet turned 19 years of age

Where a person is over 18 years of age but has not yet turned 19 years of age when they acquire a position in which they interact with children, they are required to meet the same requirements that apply to adult employees, students, or volunteers. These individuals are not exempt from meeting VSC requirements due to their age.

Where a person acquires a position in which they interact with children between the ages of 18 years and 1 month and 19 years and they provide a VSC as required, they will not be required to provide a VSC within 1 month after they turn 19 years of age. They are required to meet the same requirements for providing annual offence declarations and new VSCs before the 5th anniversary of the most recent VSC.

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## Compliance Indicators

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### Agency 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:

1. 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 service.
2. 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.

## Part 9.6 Timing for New Record Check and Offence Declaration



### 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).

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## Intent

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Section 62 is in place to 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.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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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 one-year 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 VSC on file**, regardless of the individual's offence declaration schedule.

### Example

Home child care provider K has a VSC issued on January 10, 2020 on file at the home child care agency. This means, K must obtain a new VSC on or before January 10, 2025.

Between January 10, 2020 to January 10, 2025, K is required to sign an offence declaration each year no later than 15 days after the anniversary date of the most recent offence declaration or vulnerable sector check.



The following is a sample timeline to illustrate these requirements.

Year	Requirement	Date VSC was issued or offence declaration was signed
2020	K must obtain VSC to begin providing home child care through the agency	January 10, 2020
2021	K must sign an offence declaration by January 25, 2021 (No later than 15 days after January 10, 2021, which is the anniversary of the day her VSC was obtained)	January 20, 2021
2022	K must sign an offence declaration by February 4, 2022 (No later than 15 days after January 20, 2022 which is the day last offence declaration was signed in 2021)	February 1, 2022
2023	K must sign an offence declaration by February 16, 2023 (No later than 15 days after February 1, 2023)	February 15, 2023
2024	K must sign an offence declaration by March 1, 2024 (No later than 15 days after February 15, 2024)	February 20, 2024
2025	A new VSC must be obtained by January 10, 2025 (By the fifth anniversary of January 10, 2020 which is the day most recent VSC was issued)	

## Leaves of Absence

If an individual from whom the licensee is required to obtain a new VSC or new offence declaration is on leave (for example, for parental leave, leave of absence for medical reasons), the licensee must work with the individual to ensure the new VSC or offence declaration is obtained as per the required timeline.



Leaves and absences (such as sick leave, parental leave, summer closures) are not considered breaks in employment or relationship.

However, if a person takes a leave of absence and later returns, and if that person would have been required to provide a vulnerable sector check or offence declaration during their absence, the licensee must obtain a new vulnerable sector check or offence declaration upon the person's return.

If there has been a break in employment or relationship, see Manual part 9.8 for requirements related to new offence declarations and vulnerable sector checks.



Sample attestations and offence declarations templates are available at the [Central Forms Repository](#) and under “tools and resources” in CCLS.

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## Best practices

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### Aligning Offence Declaration Schedules

To be in compliance with the regulation, the licensee must ensure that everyone who needs to provide a VSC provides a new VSC before the 5th anniversary of VSC) **and** an offence declaration (OD) **in every calendar year where the person does not provide a VSC**.

Licensees may wish to set one day in the calendar year on which they obtain offence declarations from all individuals who are required to sign one (who are 19 years old or older and will be interacting with children at the premises), such as home child care/in-home services providers, individuals who are ordinarily residents or regularly at the premises, volunteers, students, home child care visitor and other employees of the home child care agency. When deciding on a set date, licensees need to still maintain compliance with the required timeline for when a new offence declaration is required for all individuals.

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 individuals who are 19 years of age or older and will be interacting with children at the premises.

When setting the date for an 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 home child care premises is closed (for example, on a day which is a statutory 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

### Example

Mary signed a contract with XYZ Home Child Care Agency and started providing home child care in November 2022 and provided a VSC at the time of signing a contract. To be in compliance with the regulation, the licensee must ensure that Mary provides a new VSC by the fifth anniversary of the VSC (before November 2027) and an offence declaration (OD) in every calendar year where she does not provide a VSC (one each year for 2023, 2024, 2025, 2026).





XYZ Home Child Care Agency's policy indicates that ODs or new VSCs are required on January 15<sup>th</sup> of each year. This means that Mary was asked to provide an OD in January 2023 that covers the 2 month period between when she started working in November 2022 and January 15, 2023. Mary's next offence declaration will be due on January 15, 2024 and will cover the period from January 2023 to January 15, 2024. Mary will continue to provide offence declarations until 2027, at which time she will need to provide a new VSC because the VSC will be five years old by that time.

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## Compliance Indicators

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### Agency Indicators

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 service;
  - (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

### Or

Where the licensee permitted a person who has not provided a vulnerable sector check as required to continue providing home child care or otherwise interacting with children:

- (a) The person has applied for a vulnerable sector check; and
- (b) Additional measures are in place to protect children who interact with the person until the vulnerable sector check is obtained.

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 one-year anniversary date of the previous offence declaration or vulnerable sector check, whichever was most recent.

For all individuals interacting with children at the premises whom a licensee is required to obtain a VSC from:

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).

## Part 9.7 Break in Employment or relationship

### Ontario Regulation 137/15

- 63 (1)** 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.
- (2) If a person in respect of whom a licensee has obtained a vulnerable sector check takes a leave of absence from their position and then subsequently returns to their position, and if the person would have provided a vulnerable sector check or offence declaration during the period of their leave, the licensee shall obtain a new vulnerable sector check or offence declaration upon the person's return.

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## Intent

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Section 63 is in place to address situations where a person's employment or relationship with the licensee may end at one point in time but then later on resumes. The intent in this section is the same as for other requirements around screening – to protect children.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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Contravention of section 63 of the regulation may lead to an administrative penalty of **\$1,000**. See **section 78** of O. Reg. 137/15 and **item 3.1 of Table 2** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.



Leaves and absences (such as sick leave, parental leave, summer closures, etc.) are not considered breaks in employment or relationship.

Breaks in employment or relationship are determined by the individual's relationship with the licensee, not a specific program or position, for example:

- where a home child care provider or in-home services provider is not providing care because there are no children or families placed by the agency, but the agency continues the contract with the provider, there is no break in relationship.
- where a home child care agency terminates a contract with a provider and then begins another contract with the same provider a year later, this is a break in relationship.

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## Compliance Indicators

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### Agency Indicators

For employees, home child care providers, in-home services providers, individuals who ordinarily reside at the premises or who are regularly at the premises, 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 service;
  - (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, home child care providers, in-home services providers, individuals who ordinarily reside at the premises or who are regularly at the premises, 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 service;

(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.

If a person in respect of whom a licensee has obtained a vulnerable sector check takes a leave of absence from their position and then subsequently returns to their position, and if the person would have provided a vulnerable sector check or offence declaration during the period of their leave, the licensee shall obtain a new vulnerable sector check or offence declaration upon the person's return.

1. Where the individual would have provided a new vulnerable sector check during the leave of absence, the individual's file contains documentation indicating that a new vulnerable sector check was obtained upon the individual's return.

2. Where the individual would have provided a new offence declaration during the leave of absence, the individual's file contains a new offence declaration that was obtained upon the individual's return.

## **Part 9.8 Police Record Check Policies and Procedures**



### **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 or attestation;

(b) the process for submitting an offence declaration;

(c) how the confidentiality of information contained in a vulnerable sector check, offence declaration or attestation will be protected;

(d) the way in which any information revealed in a vulnerable sector check, offence declaration or attestation 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.

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## Intent

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Section 65 is in place so that everyone knows what the licensee's approach is for screening home child care/in-home services providers, volunteers and students, persons who are ordinarily residents of the premises or regularly at the premises, home child care visitors and other employees of the home child care agency. This helps to keep things transparent and makes sure that everyone knows what screening they will be expected to take part in.

These provisions apply to both home child care providers and in-home service providers.

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## Clarifying guidance

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The licensee must develop written policies and procedures with respect to police record checks or adopt the standard policy developed by the ministry.



**Sample police record check policy template** is available under “tools and resources” in CCLS.



**Cross-reference:** licensees must implement and ensure that the written policies and procedures relating to the screening measures are implemented and are monitored for compliance and contraventions. See **section 6.1** of the regulation.

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## Best practices

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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 or contracting with a home child care/in-home services providers.

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## Compliance Indicators

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### Agency indicators

1. There is a police record 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,

**Or**

The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry.

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## Part 10 – Emergency Preparedness

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### Part 10.1 Telephone Service

#### 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.

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#### Intent

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Section 67 is in place to ensure that a call can be quickly made for emergency assistance and to make sure there is a way to communicate with parents and other resources.

This provision applies to both home child care providers and in-home services providers.

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#### Clarifying guidance

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Where no land-line telephone service is available in a home child care premises, an alternative means of obtaining emergency assistance (for example, a wireless/mobile cellphone) is necessary to ensure prompt aid can be requested in the event of an emergency.

If children are going off the-premises (for example, on a walk in the neighbourhood), a home child care/in-home services provider should have a means of contacting the licensee/home child care visitor, parents and emergency services while they are away from the home child care premises (for example, a working cell phone).



**Cross-reference:** the regulation has requirements about having available certain contact information. See **section 69**.

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## Compliance Indicators

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### Location indicator

1. There is a working telephone service or an alternative means that is accessible at all times, whether on or off the home child care premises, that can be used to obtain emergency assistance.

**Note:** Telephone service includes cell phone service.

## Part 10.2 Fire Safety/Evacuation Procedures



### Ontario Regulation 137/15

**68(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.

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## Intent

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Section 68 is in place to ensure that home child care/in-home services providers know what to do in the event there is a fire at or near the home child care premises.

This provision applies to both home child care providers and in-home services providers.

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## Clarifying guidance

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The licensee must develop written procedures with respect to fire safety/evacuation.

Licensees must contact their local fire service for advice in establishing fire drill procedures acceptable to their local fire chiefs. Fire service staff can also suggest an acceptable time limit for evacuation of the building.

Each First Nation or municipality may impose further requirements related to fire safety. Licensees should check with their local fire service for additional information.



**Cross-reference:** licensees must implement and ensure that the written policies and procedures relating to fire safety/evacuation are implemented and are monitored for compliance and contraventions. See **section 6.1** of the regulation.



In addition to following the agency's written policies and procedures relating to fire safety/evacuation, it is recommended that home child care/in-home services providers build an emergency kit. Emergency Management Ontario provides useful information about preparing for an emergency: [Be prepared for an emergency | ontario.ca](https://www.ontario.ca/govt/be-prepared-for-an-emergency)

## Electric heating or air conditioning (A/C) units

Licensees and home child care providers are not to use any heating or A/C unit which would permit a child to insert a finger, toy or other object in it and contact the wiring. Clothing or paper should not be hung close to heating or A/C units to reduce the chance that they will catch fire.

Any heating or A/C units being used in a room/area of the home child care premises where children may be present must be secured. The units' electrical cords should be tied/taped down or otherwise inaccessible to children so that they do not pose a strangulation or tripping risk to children.

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## Best practices

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### Considerations when developing fire evacuation plan for each home child care premises

When developing individual fire evacuation plans for each premises, licensees may consider the following questions:

- is the emergency procedure clear, so that children know exactly what to do?
- is there an alternate escape route?
- how often will evacuation be practised?
- for which areas/rooms in the premises will practice evacuations be scheduled?
- where is the safe area away from the premises where children and other occupants may be accounted for and assembled?
- how will the fire department be contacted?
- is there a temporary shelter where the provider and children can wait until parents can pick up their children?
- when and how often will newly enrolled children, volunteers/students and anyone regularly on the premises learn the evacuation procedures?

Home child care agencies may also wish to contact their local fire department for more detailed information on fire safety precautions. Some areas to consider are:

- use of fireplaces
- storage of combustible materials
- electrical wiring and plugs
- use of fire extinguishers (may be required by local by-laws)



- use of candles, open flame lamps
- precautions when cooking
- use of barbeques

In advance of a fire emergency, it is recommended that the following occur:

- a designated place of shelter is identified for each home child care and in-home services premises; licensees should try to find one that would be appropriate to use year-round and the number of children who attend the program. Examples of appropriate emergency locations include places of worship, community centres, libraries and shopping plazas
- the home child care premises' evacuation procedures identify the emergency shelter location.
- 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, volunteers and students of the designated place of shelter.
- establish a system to notify parents if an emergency occurs.
- select a fire alarm signal (one that makes sounds and lights up (as these are best for people who are deaf or hard of hearing and people who are blind/low vision), not used for any other purpose, and operable only by adults.
- choose a place in the home child care premises where the children will line up (for example, along the wall).

In the event of a fire emergency, the following steps are recommended:

- assist children in exiting immediately (do not take the time to dress them even in cold weather). If possible, bring the children's emergency contact information.
- take children to a designated shelter.
- contact fire department.
- contact children's parents/guardians
- do not re-enter a burning building for any reason. Smoke and gases from a very small fire may be fatal.

### **Holidays, birthdays, commemorative days, etc.**

Home child care/in-home services providers are encouraged to also consider using the following when planning celebrations or special events:

- use flameproof paper decorations and artificial decorative foliage, trees and more
- 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 or that may pose a tripping hazard. Real open flames such as candles cannot be used. LED "flameless" candles are a good alternative
- make certain that any flammable material, such as paper wrappings and paper napkins, are removed promptly



Office of the Fire Marshal provides helpful information and tips about fire safety at home:  
[Fire safety at home | ontario.ca](https://www.firemarshal.ca/fire-safety-at-home)

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## Compliance Indicators

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### Agency Indicator

1. The licensee verbally confirms that there is a written procedure established for evacuation of all premises in the event of a fire.

### Location Indicators

1. There is a written procedure for evacuation in the event of a fire at each home child care or in-home services premises.

### And

2. The written procedure for evacuation is specific to the home child care provider's or in-home services provider's home.

## Part 10.3 Emergency Contact Information

### Ontario Regulation 137/15



**69** Every licensee shall ensure that, in each child care centre it operates and in each premises where the licensee oversees the provision of home child care, an up-to-date list of the contact information and telephone numbers of the following is accessible in the event of an emergency:

1. The home child care agency, in the case of a premises where the licensee oversees the provision of home child care.
2. If the child care centre or premises does not have access to a 9-1-1 call centre, the contact information and telephone numbers of the following:
  - i. Emergency services.
  - ii. The nearest poison control centre.

**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 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.

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## Intent

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Section 69 and subsection 70(1) are in place as part of emergency planning/management; having important contact information readily available allows for quick contact with parents and emergency services.

Subsection 70(2) is in place to address situations where an evacuation or other emergency would prevent from taking children's records; basic information about a child who needs extra support because of something like a medical condition must be available and accessible in an emergency situation. Special medical and additional information includes allergies and any other information that would be necessary to provide care and supervision at the designated place of shelter, if required.


These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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The requirements in sections 69 and 70 can be met by having the required information in a digital format; if a licensee chooses to only have the required information in electronic form, they must make sure that the information is accessible in the event of an emergency to staff, providers, and to ministry officials. If documents are password protected, licensees must have a system for making sure people know what the current password is.

 **Cross-reference:** the regulation says, “unless otherwise specified in this Regulation, any record, report or other document required under this Regulation, or any other regulation made under the Act, may be made or kept in either a hard copy or electronic format”. See **subsection 82(2)**.

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## Best practices

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If there is an emergency in the home child care premises that requires emergency responders to come, whoever is making the call to the emergency services needs to know the **physical address** of the home child care premises.

Licensees may consider asking each home child care premises to **post their home child care premises' physical address somewhere in the premises** where everyone (including home child care visitor, volunteers and students) can see it.

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## Compliance Indicators

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### Location Indicators

1. There is a list that includes the phone number for the home child care agency;

#### **And**

The home child care provider or in-home services provider can identify the location of the emergency contact list and confirm that it is accessible in the event of an emergency.

2. Where the home child care premises does not have access to a 9-1-1 call centre, the emergency contact list includes phone numbers for emergency services;
3. There are emergency records readily accessible to the home provider or in-home services provider for all children in care that include:
  - telephone numbers of at least one parent;
  - a telephone number for an alternate emergency contact
  - where applicable, special medical or additional information provided by parents, including any allergies or known medical conditions.
4. The home child care provider or in-home services provider verbally confirms that the information is up-to-date.

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# Part 11 – Administrative Matters

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## Part 11.1 Insurance

### 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.

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### Intent

Section 71 is in place to make sure licensees are protected against in the event they are held liable in a dispute. Requiring insurance also reduces risks because the licensee needs to meet certain requirements to get/maintain insurance. As such, insurance is important for licensees and all others in the home child care premises (for example, children, home child care/in-home services providers, volunteers and employees of the home child care agency).

These provisions apply to both home child care providers and in-home services providers.

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### Clarifying guidance

Given how important having insurance is, if a licensee cannot prove they have general liability coverage and personal injury coverage, the ministry may take enforcement action against the licensee.

For licensees with a purchase of service agreement with a service system manager, they should also check to make sure they meet specific requirements around insurance, if there are any. For example, there may be a minimum dollar amount of insurance coverage required under the purchase of service agreement.

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/officers.

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## Best practices

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It is important that agencies advise home child care providers to consult with their own insurance agents to determine the extent of coverage under their current home insurance policy and if additional coverage is required under their home or automobile insurance.

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## Compliance Indicators

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1. There is a current insurance policy that includes comprehensive general liability coverage and personal injury coverage for the employees of the agency and each home child care provider, where applicable.

**And**

If the licensee owns a vehicle, the insurance policy shows coverage for all vehicles owned by the licensee.

## Part 11.2 Children's Records


### Ontario Regulation 137/15

**72(1)** Every licensee shall ensure that up-to-date records 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\* Revoked~~



5. The names of persons to whom the child may be released and, if applicable, a copy of any written permission signed by a parent of the child permitting the child to be released from the program at a specified time on their own, without supervision.
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 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 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) omitted – refers to child care centres
  - (b) at the home child care premises where the child receives child care and at the home child care agency overseeing the provision of such care.
- (3) See manual [part 11.3](#)
- (4) Omitted – refers to child care centres
- (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 subsections (3) and (4); and
- (b) copies of those records are provided to him or her on request.

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## Intent

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Subsections 72(1) and 72(2) are in place to make sure that licensees collect and maintain information that is needed to provide appropriate and responsive child care services for all children receiving home child care. Whether children are placed through the agency or privately placed by the home child care provider, it is important to make sure that the information can easily and quickly accessed by the licensee, home child care visitor and providers.

Subsection 72(5) is in place to make it clear that the period of record retention (3 years in this case), is to be counted from the day the child is no longer attending the home child care premises (as opposed to starting the counting of the 3 years from the day the child started receiving child care at the home child care premises).

Subsection 72(6) is in place to allow the medical officer of health (which is the formal way to say local public health unit) to access some (not all) information in a child's record; the information that the local medical officer of health can look at has to do with public health matters (such as immunization).

These provisions apply to home child care providers and in-home services providers.

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## Clarifying guidance

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Contravention of subsections 72 (1) and/or 72(2) may lead to an administrative penalty of **\$750**. See **section 78** and **item 4 of Table 2** under this section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

If information required under subsection 72(1) is not available, either because a certain section is not applicable to a given child or the child's 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.





A home child care provider's own child(ren) is **not** considered to be a child who is receiving child care, except for the purpose of counting the maximum number of children at the home child care premises. In regards to record retention, licensees are only required to obtain and retain immunization records (or an exemption record as set out in section 57) for a provider's child(ren) who is/are regularly at the premises.





**Cross-reference:** the regulation has requirements around documentation related to immunization for children who do not attend school. See **section 35**. If there is a medical reason why a child cannot be immunized or the parents object to immunization on the basis of their religious beliefs or conscience grounds, the children's record must include a completed version of one of the two standard ministry forms under the *Child Care and Early Years Act, 2014*, which are available on the government's Central Forms Repository: [Statement of Medical Exemption \(form 010-3041\)](#) and the [Statement of Conscience or Religious Belief \(form 010-3042\)](#).





 **Cross-reference:** the regulation has requirements around individualized plans for: children with anaphylactic allergies (see **paragraph 39(1)(3)** and **subsection 39(2)**). Children with medical needs (see **section 39.1**) and children with special needs (see **section 52**).

 **Cross-reference:** the regulation requires that children under 1 year of age be placed for sleep in a certain position, unless the child's doctor writes a note saying otherwise. See **subsection 33.1(1)**.


 **Cross-reference:** the regulation requires that all infants under 1 year of age be fed in accordance with the parent's written instructions. See **clause 42(1)(a)**.

 **Cross-reference:** the regulation requires that, where special dietary and feeding arrangements have been made between the licensee and a parent, these arrangements need to be carried out, so they meet the parent's written instructions. See **section 44**.

 **Cross-reference:** the regulation has requirements around how long children need to go outside for outdoor play for the period of time specified in the regulation unless a doctor or a child's parent says in writing that the child shouldn't go outside for the required period of time. For programs over 6 hours/day, see **subsection 47(4)**.

 **Cross-reference:** the regulation provides that licensees need to arrange their daily program for the provision of in-home services, so that it meets any written instructions from a child's parent. See **subsection 47(5)**.

The information required by subsection 72(1) may be kept in either a hard copy or digital/electronic format and stored electronically. If a licensee chooses to only have the required information in electronic form, they must make sure that the information is accessible to home child care providers, in-home services providers, home child care visitors, other employees of the home child care agency and to ministry officials. If documents are password protected, licensees should have a system for making sure people know what the current password is.

 **Cross-reference:** the regulation says, "unless otherwise specified in this Regulation, any record, report or other document required under this Regulation, or any other regulation made under the Act, may be made or kept in either a hard copy or electronic format". See **subsection 82(2)**.



**Cross-reference:** the regulation has requirements around the keeping records. See subsection 82(1).

## Privacy

Some of the information held by a licensee under the CCEYA may be subject to privacy legislation.

There are different laws that address privacy which may be applicable to licensees (for example, the federal [Personal Information Protection and Electronic Documents Act](#) and the provincial [Municipal Freedom of Information and Protection of Privacy Act](#)).

Licensees need to seek their own legal advice about their privacy obligations and to create a policy describing:

- **how much/what type of information will be collected and how/in what format:** Information collected should be the minimum needed to serve the purpose of the service provided.
- **right to privacy:** The right of every child and family to privacy should be recognized and protected to the greatest extent possible.
- **parental access:** Parents are to have access to their child's records and should be informed of who at the home child care agency or others working in some capacity for the licensee (for example, an accountant or lawyer) may have access to information in children's records.
- **informed consent:** If the licensee wants to provide children's information (including photos) to a third party, such as a researcher, or post children's information on social media (for example, on the child care centre's Facebook page), the licensee lets parents know about such plans, providing as much detail as possible about the plan so the parent has all the information they need to make a decision whether to agree to the release of the child's information.

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## Best practices

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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 they should set out rules about not removing records from the premises (unless there's an evacuation).

Dated, time-limited, specific consent forms are recommended for field trips, special events and parental instructions.

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## Compliance Indicators

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### Agency and Location Indicators

1. Children's records include all of the information identified in subsection 72(1) (see above), as applicable.
2. Children's records are kept at the home child care or in-home services premises where the child receives child care and at the home child care agency overseeing the provision of such care.

### Agency Indicators

1. Children's records (including application, attendance and individualized plans) are maintained at the agency head office for three years from the date the child is discharged.
2. The licensee confirms that the medical officer of health is permitted to inspect the relevant records.

#### And

The licensee confirms that copies of relevant records are provided to the medical officer of health on request.

## Part 11.3 Attendance



### 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.

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## Intent

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Subsections 72(3) is in place to:

- ensure all children are accounted for at any given moment
- enable the licensee to prove that the maximum number of children allowed at a premises is not exceeded
- help local public health units to do contact tracing if there is an outbreak of a contagious disease

Daily attendance records are especially important if a home child care premises must be evacuated or if a child goes missing.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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Contravention of subsection 72(3) may lead to an administrative penalty of **\$750**. See **section 78** and **item 4 of Table 2** under this section.


The amount of the administrative penalty increases if the contravention is repeated in the next three years.


An administrative penalty can be up to **\$100,000**.

Attendance records are necessary to ensure that all children are accounted for at any given moment and especially in the event that a home child care premises must be evacuated. Home child care/in-home services providers must do a headcount and cross-reference with the attendance record to ensure all children present for the day were evacuated.

Attendance records must accurately reflect when children are in the care of the home child care/in-home services provider. This is important 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/supervisions of the home child care premises (for example, if the child has left to go to school).

If a licensee chooses to keep daily attendance records in electronic form, they must make sure that the information is accessible to the licensee and employees of the home child care agency and to ministry officials at all times. If documents are password protected, licensees should have a system for making sure people in the home child care agency who need to access the electronic documents know what the current password is. Licensees are to make sure that any mobile phone being used for inputting attendance and confirming/checking attendance will continue to be “online” if it is offsite (such as during an evacuation or out on a field trip.)

 **Cross-reference:** the regulation says, “unless otherwise specified in this Regulation, any record, report or other document required under this Regulation, or any other regulation made under the Act, may be made or kept in either a hard copy or electronic format”. See **subsection 82(2)**.

 **Cross-reference:** the regulation has requirements around the secure storage of records – daily attendance records must be kept for 3 years. See **subsection 82(1)**.



**Cross-reference:** the regulation requires licensee to allow the medical officer of health or their designate (in other words, someone from the local public health unit) to look at some of the information in a child's records, including what is there because of the requirement in 72(3). See **clause 72(6)(a)**. The regulation also requires the licensee to provide the person from the local public health unit with copies of the information in the child's records that is required by subsection 72(3). See **clause 72(6)(b)**.



**Cross-reference:** the regulation has requirements around safe arrival and dismissal policy. See **section 50**.



Attendance records must be kept for all children receiving child care at the home child care premises regardless of how they are placed (in other words, whether children are placed through the agency or privately, the time of arrival and time of departure for all children receiving child care must be recorded).

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## Best practices

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### Format/method of recording of attendance

When deciding on a method for recording daily attendance, licensees should develop a format and procedure that is appropriate for their program. Considerations for attendance format include the number of days per record sheet, responsibility for recording, 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 attending the program on a part-time or full-time basis.



**Sample attendance log template** is available in CCLS under "tools and resources".

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## Compliance Indicators

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### Location 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.

## Part 11.4 Release of Information

### 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.

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#### Intent

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Section 73 is in place to provide that no child is refused service because a parent of the child has refused prior consent to release information as a condition of enrolment.

This provision applies to both home child care providers and in-home services providers.

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#### Compliance Indicators

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##### Agency indicator

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.

## Part 11.5 Register of Homes

### Ontario Regulation 137/15

- 74(1)** Every licensee of a home child care agency shall ensure that a register that lists the addresses of each premises where it oversees the provision of home child care, the names and address of the children receiving child care in each premises and the name of the home child care provider in each premises is kept at the home child care agency.
- (2) A licensee shall ensure that the register required under subsection (1) is up-to-date to within 1 business day of any change to the information that is required under subsection (1).

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#### Intent

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Section 74 is in place to ensure that there is an accurate record of home child care providers, children and their placement.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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The CCEYA and its regulations do not prohibit a home child care provider or in-home services provider from caring for privately placed children as well as agency enrolled children. However, providers are required to notify agencies of all children receiving care at the premises and privately placed children must be accurately reflected in the register. The register must be updated within one business day of the licensee being aware of new child care arrangements.

While home child care provider's own children are not required to be listed on the register, it is recommended that they be included for the agency's information.



Privately placed children mean children who are placed at the home child care premises by the home child care provider, not enrolled through the home child care agency.



When counting "business days", Saturdays and Sundays and a weekday that is a statutory holiday are not to be counted, unless the agency has regular operating hours on those days.



**Instructions and Tips for creating compliant home child care register** is available in CCLS under "tools and resources".



The CCEYA prohibits people from giving false or misleading information to ministry officials, including in any application, report or other document required to be submitted to the ministry related to CCEYA or the regulations. If a person provides false or misleading information to the ministry, this is an offence under the CCEYA.



Contravention of subsection 74 may lead to an administrative penalty of **\$750**. See **section 78** and **item 5 of Table 2** under this section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

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## Compliance Indicators

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### Agency Indicators

1. There is a list at the agency head office that includes the names of each provider and the addresses of each premises where it oversees the provision of home child care.
2. The list includes the names and address of all children receiving care at each premises.
3. The licensee confirms that the list has been updated within 1 business day of any change to the information required under subsection (1).

## Part 11.6 Copies of Agreement with a Service System Manager or First Nation

### Ontario Regulation 137/15

- 75 (1)** Every licensee of a home child care agency shall enter into an agreement with each home child care provider at a premises where the licensee oversees the provision of home child care and shall keep a copy of each such agreement at the home child care agency.
- (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.

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### Intent

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Subsections 75(1) and 75(2) are in place to ensure that the licensee, employees of the home child care agency and home child care/in-home services providers are aware of the agreement in place between the licensee and a service system manager or First Nation. This helps everyone at the agency understand various roles and responsibilities.

These provisions apply to both home child care providers and in-home services providers.

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### Clarifying guidance

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If a home child care agency chooses to use a replacement provider, the agency must enter into an agreement with this replacement provider. Once the replacement provider begins to provide care to children, they are acting as a home child care provider or in-home services provider and are required to meet all applicable regulatory requirements. This would include, but not limited to:

- first-aid certification
- implementation of policies, procedures and individualized plans
- immunization



Individuals who are 18 or older and transport children, either walking or by car, are considered to be replacement providers.



**Cross-reference:** while ensuring that there are no more than six children receiving child care at a home child care premises, home child care agencies are also responsible for determining a maximum capacity for each home child care premises that may be lower than the maximum of six children set out in the Act. The maximum capacity must be included in the written agreement between the agency and the provider. See **paragraph 27(2)(a)** and **subsection 9(2)** of the regulation.

See [Part 4.3](#) of this manual for more information.



Contravention of subsection 75 (2) may lead to an administrative penalty of **\$750**. See **section 78** and **item 6 of Table 2** under this section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

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## Compliance Indicators

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### Agency Indicators

1. There is a copy of an agreement between the licensee and each home child care provider and/or in-home services provider that is kept at the agency head office.
2. If the home child care agency provides services on behalf of a municipality or First Nation, a copy of the agreement is kept at the agency head office.

## Part 11.7 Waiting Lists



### 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.

- (2) Every licensee that establishes or maintains a waiting list described in subsection (1) shall develop written policies and procedures that,
  - (a) explain how the licensee determines the order in which children on the waiting list are offered admission; and
  - (b) provide that the waiting list will be made available in a manner that maintains the privacy and confidentiality of the children listed on it, but that allows the position of a child on the list to be ascertained by the affected persons or families.

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## Intent

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Section 75.1 is in place to ensure parents are not required to spend money to get onto a waiting list for a child care program and to ensure that parents know how a licensee manages their waitlist.

These provisions apply to both home child care providers and in-home services providers.

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## Clarifying guidance

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Waiting list fees are not the same as enrolment or registration fees. Waiting lists contain the names of parents who want their child to receive home child care but there isn't a spot for them yet. Enrolment fees can only be charged once the licensee offers the parent a secure spot in a home child care premises or begins providing in-home services for their child. O. Reg. 137/15 does not address enrolment fees. This means that a licensee can choose whether to charge enrolment fees.



**Exemption:** If a licensee does not use/have a waiting list for their centre/program, then they are not required to have written policies and procedures about waiting lists. For example, if the local service system manager establishes and maintains a single, centralized waiting list that would capture children who would attend the licensee's program, the licensee is not required to develop their own waiting list policy.



**Cross-reference:** the regulation requires licensees to have a parent handbook and it requires the licensee's parent handbook to include written policies and procedures about their waiting list (among other things). See **clause 45(1)(e)**.



**Cross-reference:** the regulation requires licensees to make available their parent handbook to any parent considering whether to enrol their child for child care with the licensee. See **clause 45(2)(a)**.

While the waiting list policy must be included in the parent handbook, if a parent specifically asks the licensee for their waiting list policy, the licensee may provide that information in a different form, such as a photocopied page.



**Cross-reference:** licensees must ensure that the written policies and procedures about waiting lists are implemented at each home child care premises the agency oversees and the licensee must monitor for compliance and contraventions. See **section 6.1** of the regulation.



**Sample waiting list policy and procedures template** is available in CCLS under “tools and resources”.

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## Compliance Indicators

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### Agency Indicators

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.
2. Where the licensee confirms that a waiting list is established or maintained, the licensee has developed a written waiting list policy that:

Explains the order in which children are offered admission from the waitlist;

#### **And**

Describes how the waiting list will be available in a manner that maintains privacy of the child listed on it, but informs parents or guardians of the position of a child on the list.

#### **Or**

The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry.

## Part 11.8 Reporting Statistical Information

### *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.

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### Intent

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Subsection 70(1) in the CCEYA and section 77 in O. Reg. 137/15 are in place to authorize the ministry to require licensees to provide certain information, including personal information, when requested for specific purposes.

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### Clarifying guidance

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The Ministry of Education does research and analysis and gathers important statistical information about child care in Ontario. These types of activities help the ministry to develop policies and plan for the child care system in Ontario.

#### Child Care Operations Survey

The Ministry of Education does an annual collection of statistical information about licensed child care operations through the Child Care and Licensing System (CCLS) – this annual collection is done through the **Child Care Operations Survey**. Licensees are required to complete the **Child Care Operations Survey** module in CCLS for each agency/program it operates every year. The survey gathers information about hours of operation, enrolment, fees, service agreements, and other operational information about the agency.



When completing the annual **Child Care Operations Survey**, the licensee must provide information reflective of operations on December 31<sup>st</sup> of that year.

Licensees are to complete the survey module in CCLS, with each section reviewed and saved and the final declaration and consent confirmed.

For multi-site licensees, a survey must be completed for each licensed child care program that the licensee oversees.



To assist with completing the **Child Care Operations Survey**, licensees should refer to the **Licensed Child Care Operations Survey Reference Guide**, which is available in CCLS under “tools and resources”.

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## Compliance Indicators

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### Agency Indicator

1. The operations survey was completed in CCLS by the required due date.

And

All information requested has been provided to the Ministry.

## Part 11.9 Record Retention

### Ontario Regulation 137/15

#### Records retention

**82 (1)** 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, and shall ensure that the record, report or document is made available for inspection by an inspector or program adviser at all times.



**(2)** Unless otherwise specified in this Regulation, any record, report or other document required under this Regulation, or any other regulation made under the Act, may be made or kept in either a hard copy or electronic format.

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## Intent

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Subsection 82(1) is in place to ensure that records are stored in a way that doesn't allow them to be modified or damaged and that they be kept for a good amount of time. Preserving records is a way to have access to a lot of history about a home child care agency and the children who received home child care at the home child care and in-home services premises that the agency oversaw.

Having and holding on to information in records is important because ministry officials need to look at them when they are doing licensing and enforcement activities.

Subsection 82(2) is in place to clarify records can be made and kept as hardcopies (printed out on paper) or digital/electronic documents (in other words, both formats are acceptable).

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## Clarifying guidance

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All records (whether hard copy or digital) must be made available to ministry officials when requested and various records may be used to assess compliance with licensing requirements during a licensing visit.

Off-site records storage (such as at the agency head office) is permitted **unless otherwise specified in the regulation** (for example, subsection 72(1) states that children's records for each child receiving child care must be "kept...at a premises where it oversees the provision of home child care ...").

The compliance indicators found in each section of this manual identify which records may be used to assess compliance with the related requirement (for example, attendance records will be reviewed to meet the requirements around keeping this information).

If a licensee cannot produce a record when asked to by a program advisor, or within a requested time period, this may result in the licensee being cited for non-compliance, which would be noted on the licence inspection summary for the home child care agency.



**Cross-reference:** in addition to requirements in Ontario Regulation 137/15 that address record storage, [Ontario Regulation 138/15](#) also has a requirement that licensees should be aware of:

### Financial records

27.1 (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.

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## Best practices

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Licensees can securely store or archive certain records off-site (for example, at the agency head office). If a licensee chooses to do this, they are to have a system that would enable them to quickly retrieve records.



If a licensee keeps electronic records and all or some of these are password-protected, the licensee should have a system in place to ensure that whoever could be present during a visit from a ministry official will know the current passwords.

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## Compliance Indicators

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1. The licensee verbally confirms that all records, reports, and documents required to be made or kept under the Act/Regulation are kept for at least three years from the date they were made in a secure location, unless otherwise specified.

### And / Or

Where the program advisor has requested a record, report, or document that is required to be made or kept under the Act/Regulation, it has been made available to the inspector or program advisor for inspection.

## Part 11.10 Posting of Licence and Decal (Signage)

### *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 regulations.
- (2) A home child care agency shall post any information or signage prescribed by the regulations in a conspicuous place at each premises where the agency oversees the provision of child care.
- ...
- (4) If the prescribed conditions apply, subsection (2) does not apply with respect to premises where in-home services are provided.
- (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.
- (6) If a licence or any other signage has been provided to a person for the purposes of this Act, the person shall return the licence or signage to a director in the circumstances prescribed by and in accordance with 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.

(2) Subsection 14 (2) of the Act does not apply with respect to premises where in-home services are provided if only in-home services, and no other licensed child care is provided at the premises.

**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.

(3) A home child care provider shall return signage to the home child care agency within 30 days after the day the provider's agreement with the home child care agency expires or otherwise terminates.

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## Intent

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Subsection 14(1) of the CCEYA is in place so that parents can easily figure out that the home child care program they are in/visiting is licensed by the Ministry of Education and people can see important details about the home child care agency (such as the cities and towns the agency oversees home child care premises, any conditions on the licence, etc.).

Subsection 14(5) of the CCEYA is in place because only a licensee can possess its own licence and signage, so copies cannot be made.

Subsection 14(6) is in place because licences and other signage issued by the ministry are the property of the ministry, so they must be returned.

Subsection 84(1) of O. Reg. 137/15 is in place to provide more detail about what is meant by the word "signage" in subsection 14(1) of the CCEYA.

Subsections 85(1) and 85(2) are in place because child care licences and signage issued to a licensee belong to the Ministry of Education, so when a licensee is no longer licensed, the licence and signage must be returned to the ministry within a certain amount of time. These subsections also ensure that licences and signage are not misused or transferred to another person/entity.



See [Appendix C](#) for information about the sales of shares and assets of a corporation.

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## Clarifying guidance

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The word **signage** in the CCEYA and O. Reg. 137/15 refers to licences and **decals** (which are like a sticker) that only child care licensees get from the ministry. The decal has the Ontario logo on it and belongs to the Ministry of Education.

The word **conspicuous** means very noticeable or easy to see. A conspicuous place in a home child care agency and each of the home child care premises that the agency oversees is one where all parents can see what is posted. This means that licences and signage should not be posted in locations where parents don't normally go in to, such as kitchen and rooms.

### Regular licences

Regular child care licences are generated through the Child Care Licensing System; licensees must print their own licence. If the licence is longer than one page when printed, licensees must ensure that all pages of the licence are posted and visible to parents.

Licensees must also post any other information that is specified as a condition of their licence, such as their licence inspection summary.

### Provisional licences

When the ministry issues a provisional licence, the ministry will mail the licence to the licensee so there is no need for the licensee to print anything. Once the licensee receives the licence in the mail, they must post it at the agency head office.

### Decals

When a licence is first issued, the ministry also provides the licensee a **decal** (which is like a sticker).

The licensed child care decal for home child care agencies is designed to be attached to a smooth glass surface, such as a window, and may be posted at the main entrance of the agency's head office. If there is no window to post the decal, licensee may wish to use an upright picture frame to have the decal prominently displayed at the front desk or near the entrance.

Home child care agencies will be issued home child care provider cards equal to the number of homes on their licence. Agencies do not have to return provider cards to the Ministry of Education if a home child care provider or in-home services provider stops providing service to the agency. The home child care agency would instead collect the provider cards from the provider who has stopped providing service and would reuse it.

The licensed child care decal for home child care/in-home services providers is designed to be inserted in a document frame or binder. It is recommended that it is posted within the premises and is not to be posted in a window or door that is visible to the public as a means of protecting the children in care. The decal must include the name of the agency with whom the provider has an active agreement. The home child care provider decal only needs to be displayed within the premises during the hours child care is being provided.



Home child care providers who has an active agreement with more than one agency must have a decal for each agency.

The licensed child care decal is the property of the Ministry of Education and must be returned to the ministry when the home child care agency is no longer operating as licensed child care. Licensees must also return their most recent licence (both regular and provisional licences) when returning their decal.

When returning licensed child care decals, licensees must mail agency and providers decals and their most recent licence to:

**Child Care Branch**

**77 Wellesley Street West, Box 980**

**Toronto, ON M7A 1N3**



Requests for replacement decals must be submitted through the Request Replacement Decal module in Child Care Licensing System (CCLS). Instructions on how to submit a decal request in CCLS can be found in the [Child Care Licensing System Reference Guide for Applicants and Licensees](#).



It is an offence under the CCEYA to contravene or fail to comply with subsection 14(6) of the CCEYA per paragraph 78(1)(7) of the Act.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year, or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 14 of the CCEYA may lead to an administrative penalty of **\$750**. See **section 78** and **item 12 of Table 1** under this section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.

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## Compliance indicators

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### Agency Indicators

1. The licence is posted in a conspicuous place at the home child care agency head office;

**And**

The licensed home child care agency decal is posted in a conspicuous place at the agency head office;

**And**

2. Any additional information that the licensee is required to post through conditions on their licence is posted in a conspicuous place at the agency head office.

### Location Indicator

1. The licensed home child care provider or in-home services providers decal is posted in a conspicuous place within each premises during the hours children receive care.

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# Section 12 – Corporations

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## Part 12.1 Incorporation

*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.

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### 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 home child care agency, among other things (such as the likelihood of operating in accordance with the law).

Subsection 20(6) of the CCEYA is in place to ensure that when there is a change to the directors/officers of a corporation which holds a licence, a ministry's director is notified so that they can review the past conduct and competency of the new directors/officers.

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### Clarifying guidance

When a corporation which is a licensee gets a new director or officer, the licensee needs to:

1. email their program advisor to let them know about the change
2. update their profile in CCLS to remove the name of the director/officer that is being replaced and add in the name of the new director/officer (along with any other required documentation; for example, see [Part 9](#) of the manual regarding police record checks).



The reference to 15 days in subsection 20(6) of the CCEYA means 15 **calendar** days.

### Notification to the Ministry of Public and Business Service Delivery (or any successor of that ministry)

All Ontario corporations, including for-profit, not-for-profit, co-operative and other Ontario corporations must file certain forms as required under the *Corporations Information Act* (CIA). Licensees should refer to the CIA directly and visit the provincial [Central Forms Repository for information](#) about [the required forms](#).



Where a home child care agency is incorporated and a director of the corporation would like to become a home child care provider, the corporation may enter into an agreement with the individual as a home child care provider.

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## Best practices

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A community group, which does or wants to operate a home child care agency can become **incorporated** under different laws, depending on 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 get legal advice.

The [Ontario Business Registry](#) allows for-profit and not-for-profit corporations to complete over 90 transactions online, including registering, incorporating, and updating their information.

The [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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## Section 13 – Enforcement

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Where non-compliances identified in an inspection are not corrected by the licensee within the required timeframe, the ministry may take what is called **enforcement** action. The CCEYA gives the ministry a number of tools to enforce the CCEYA requirements, including:

- **compliance orders**
- **protection orders**
- **administrative penalties**
- **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 [public registry of child care violations](#).

## Part 13.1 Compliance Orders

### *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

- 78(2)** Every person who fails to comply with an order made under section 36, 37 or 38 is guilty of an offence.

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### Intent

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Subsection 36(1) under the CCEYA is in place to give the ministry the legal power to issue a **compliance order**. A compliance order requires a person to comply with a legal requirement and, for this purpose, may order the person to do or refrain from doing anything.

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## Clarifying guidance

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When appropriate, the ministry will take an escalating approach to enforcement, starting first by providing clarity/information to licensees and/or providers on the requirements/rules under the CCEYA. If further actions are required, depending on the nature of the non-compliance/contravention and the specific circumstances, a ministry official may issue a compliance order.



Failure to comply with section 36 of the CCEYA constitutes an offence per subsection 78(2) of the Act.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year, or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).

## Part 13.2 Administrative Penalties

### *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

### Amount of administrative penalty

- 78** (1) The administrative penalty for the first contravention of a provision set out in an item of Table 1 or Table 2 to this section is the amount set out for that item in Column 3 of the Table.
- (2) If, within three years after the first contravention of a provision set out in an item of Table 1 or Table 2, a subsequent contravention of the provision occurs, the administrative penalty is,
- (a) for the second contravention, twice the amount set out for that item in Column 3 of the Table;
- (b) for the third contravention, three times the amount set out for that item in Column 3 of the Table; and
- (c) for each contravention after the third, four times the amount set out for that item in Column 3 of the Table.
- (3) If a contravention of a provision set out in an item of Table 1 continues for two or more successive days, the administrative penalty is the amount determined under subsection (1) or (2) multiplied by the number of successive days that the contravention continues.
- (4) If the amount of an administrative penalty calculated under this section for the contravention of a provision set out in an item of Table 1 or Table 2 exceeds \$100,000, the amount is deemed to be \$100,000, subject to any reduction of the amount under subsection 39 (4) of the Act.

**TABLE 1**

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) subparagraph 1 iv	Prohibition – provision of home child care, number of children younger than two	2000 × number of children that exceed the number specified in the Act
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



<b>Item</b>	<b>Column 1 Contravened provisions</b>	<b>Column 2 Description of contravention</b>	<b>Column 3 Amount of administrative penalty, in dollars</b>
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	2,000
7.	Act, s. 8	Prohibition – operation of multiple unlicensed premises	2,000
8.	Act, s. 9	Prohibition – past conduct, child care providers, etc.	2,000
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 copying licenses	750
13.	Act, s. 15	Duty to provide receipt for payment	500
14.	Act, s. 31 (4)	Obligation to produce and assist	2,000
15.	Act, s. 35	Obligation to provide police record checks	2,000
16.	Act, s. 76	Prohibition – obstruction of inspector	4,000
17.	Regulation, s. 8	Ratios and maximum group sizes, child care centre	2000 × number of children that exceed the number specified in s. 8
18.	Regulation, s. 8.1	Licensed family age groups	2000 × number of children that exceed the number specified in s. 8.1
19.	Regulation, s. 9	Home child care group sizes	2000 × number of children that exceed the number specified in s. 9
20.	Regulation, s. 11	Supervision by adult at all times	2,000
21.	Revoked		
22.	Regulation, s. 77.2	Prohibition – charging base fee higher than applicable base fee	\$750 × number of children for whom a fee higher than the applicable base fee was charged or not credited or refunded

**TABLE 2**

Item	Column 1 Contravened provisions	Column 2 Description of contravention	Column 3 Amount of administrative penalty, in dollars
0.1	Regulation, s. 11.1 (1)	Supervision of volunteers and students at all times	1,000
0.2	Regulation, s. 15 (2)	Designated spaces and items inaccessible to children	1,000
0.3	Regulation, s. 30.1 (1) and (2) (a)	Bodies of water	1,000
0.4	Regulation, s. 31	Hazards	1,000
1.	Regulation, clause 38 (1)(b)	Reporting of serious occurrence	2,000
2.	Regulation, subclause 40 (1) (b) (ii) and clause 40 (1) (d)	Administration of drugs or medications	2,000
3.	Regulation, s. 48 (1)	Prohibited practices, licensee	2,000
3.1	Regulation, s. 60, 61.1 and 63	Duty to obtain record check	1, 000
4.	Regulation, s. 72 (1), (2), (3)	Records re children	750
5.	Regulation, s. 74	Records re home child care providers	750
6.	Regulation, s. 75	Copies of agreements	750

## Intent

Administrative penalties are intended to encourage compliance with the CCEYA and its regulations and prevent individuals from making any money from contravening the Act or the regulations.



An administrative penalty can be issued to any person, including the licensee, home child care provider, in-home services provider, home child care visitor or others.

## Part 13.3 Right to Review

### *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.

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### **Intent**

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Subsection 39(7) of the CCEYA is in place to give an individual or licensee the legal right to ask for the review of an administrative penalty and sets out when the request for review needs to be done by.

Subsections 39(8), (9), (12) and (13) of the CCEYA are in place to set out the rules about how reviews of administrative penalties are done.

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### **Clarifying guidance**

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When an administrative penalty is issued, the notice of the issuance of the administrative penalty is provided to whoever is subject to the issuance; this notice includes information on how to request an appeal.



A person who has been issued a Notice of Administrative Penalty may request a review of the notice in a form in the Government of Ontario's Central Forms Repository - [Notice of Administrative Penalty - Application for Review - Forms - Central Forms Repository \(CFR\) \(gov.on.ca\)](https://www.gov.on.ca/forms/central/forms/central_forms_repository.aspx)

## Part 13.4 Notice to Parents

### *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.

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### Intent

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Subsections 39(10) and 39(11) are in place to make sure there is transparency for parents and access to important information regarding the child care program.

## Part 13.5 Protection Orders

### *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.

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## Intent

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Section 37 of the CCEYA is in place to give the ministry the power to issue a **protection order** to eliminate an imminent (in other words, urgent and upcoming) threat to the health, safety, or welfare of the children or to protect the children from such threat.

When a protection order is issued by the ministry to a home child care or an in-home services provider, the provider must stop providing child care immediately and the provider and the licensee of the home child care agency must carry out the steps set out in the order to eliminate the threat. The order may order the home child care agency to stop operating or suspend the home child care agency's licence.

The order may be lifted when the ministry is satisfied that the provider and/or the licensee has complied with all direction set out in the order. Home child care or in-home service can only be provided at the premises once the order is lifted and the licence is no longer suspended.

## Part 13.6 Offences

### *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.

## List of 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.

## 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 record check).
7. Subsection 31 (4) of the Act (Obligation to produce and assist).
8. Section 35 of the Act (Police record checks).
9. Revoked
10. Section 77.2 of this Regulation (Base fee for licensees enrolled in the Canada-Wide Early Learning and Child Care System)

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## Intent

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Section 78 and 79 of the CCEYA and section 88.1 of O. Reg. 137/15 are in place as part of the ministry's progressive approach to enforcement. The purpose of **offences** is to provide the ministry with another type of enforcement tool to protect the health, safety and well-being of children in child care settings (licensed and unlicensed).

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## Clarifying guidance

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**Cross-reference:** a person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year, or both. See **section 79** of the CCEYA



**Cross-reference:** a person convicted of an offence under the CCEYA is prohibited from providing child care or operating a child care premises in Ontario at any time in the future. See **subparagraph 9(1)(1)(i)** of the CCEYA

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## Part 14 – Other legislation (provincial)

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Licensees are required to comply with all applicable laws, including the provincial laws other than the CCEYA, as well as laws made at the federal and municipal levels. As such, non-compliances/contraventions of other laws are relevant in determining whether the ministry will consider renewal or revocation of a licence under **subsection 20(4)** of the CCEYA.

Below are brief descriptions of some other provincial requirements that may apply to an applicant or licensee; the list of laws below is not an exhaustive one.

There are also federal laws and municipal/First Nation by-laws that may apply to a licensee and their child care program.

Licensees are encouraged to become familiar with all applicable laws and include measures to ensure compliance. If an applicant or licensee has a question about laws that apply to them, they should speak to a lawyer.


### Part 14.1 *Health Protection and Promotion Act*


The [Health Protection and Promotion Act](#) (HPPA) is the provincial law that provides for the organization and delivery of public health programs and services, the prevention of the spread of disease and the promotion and protection of the health of the people in Ontario.

The [Ministry of Health](#) is responsible for the administration of the HPPA.

The HPPA is the law that oversees public health units. The HPPA has regulations that are relevant to child care, including regulations that deal with things like food preparation, public pools and contagious diseases (also called **communicable** diseases).

The HPPA gives medical officers of health (in other words, local public health units) the legal power to issue an order that requires a person to take or to refrain from taking any action that is specified in the order in respect of a communicable disease.

 **Cross-reference:** Ontario Regulation 137/15 requires compliance with the laws affecting the health of inhabitants of the municipality or of the reserve of a First Nation, as the case may be. See **clause 13(1)(a)**.

 **Cross-reference:** Ontario Regulation 137/15 has requirements around what needs to happen when a licensee interacts with a medical officer of health. See **section 32**.



## Part 14.2 Smoke Alarms and Carbon Monoxide Alarms – *Ontario Fire Code* (O. Reg. 213/07) under the *Fire Protection and Prevention Act, 1997*


### Ontario Fire Code (O. Reg. 213/07)

The Ontario Fire Code ([Ontario Regulation 213/07](#)) requires the installation of smoke alarms and carbon monoxide alarms in dwelling units (meaning, homes). Homes can be located in different building types. For example, a home can be in a house, an apartment, a condominium and more. While specific smoke alarm and carbon monoxide alarm requirements vary based on the type and age of the building in which the home is located:

- generally, smoke alarms are required on every storey of a home, and near all sleeping areas in a home.
- generally, carbon monoxide alarms are required in homes that contain a fuel-burning appliance, a fireplace, and/or an attached garage, and must be installed adjacent to all sleeping areas in the home.
- generally, building owners (not tenants) are responsible for complying with Fire Code requirements concerning the installation of smoke alarms and carbon monoxide alarms in homes.

Municipal fire departments are the authority having jurisdiction for enforcing Fire Code requirements.

Building owners are encouraged to contact their local fire department if they have questions regarding compliance with Fire Code requirements.

 **Cross-reference:** clause 13(1)(f) of [Ontario Regulation 137/15](#) made under the [Child Care and Early Years Act, 2014](#) requires licensees to comply with the [Ontario Regulation 213/07 \(Fire Code\)](#) (referred to as the “Fire Code”), made under the *Fire Protection and Prevention Act, 1997*.

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### Intent

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Smoke alarms and carbon monoxide alarms alert building occupants to the presence of smoke (in the case of a smoke alarm) and to the presence of carbon monoxide (in the case of a carbon monoxide alarm). Early warning provides building occupants the opportunity to evacuate safely.

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## Clarifying guidance

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For additional information on smoke alarms, carbon monoxide alarms, and fire safety in the home, please visit the Office of the Fire Marshal webpage on Ontario.ca at the following links:

- [Fire safety at home | ontario.ca](#)
- [Carbon monoxide safety | ontario.ca](#)

The Fire Code is available on e-Laws at the following link:

[O. Reg. 213/07: FIRE CODE \(ontario.ca\)](#)

## Part 14.3 Cannabis Control Act, 2017

### Section 13.1 Child Care Settings

The [Cannabis Control Act, 2017](#) (CCA) establishes prohibitions related to the sale, distribution, purchase, possession, cultivation, propagation and harvesting of cannabis in order to protect public health and safety, protect children and youth and restrict their access to cannabis. The [Ministry of the Attorney General](#) is responsible for the administration of the CCA.

It is a provincial offence under [section 13.1 of the CCA](#) to cultivate, propagate or harvest cannabis in a dwelling in which child care, as defined in the *Child Care and Early Years Act, 2014* (CCEYA), is provided (in other words, home child care premises). A person convicted of contravening section 13.1 is liable to a fine of up to \$1,000 for a first conviction and up to \$5,000 for a subsequent conviction.

Police are responsible for responding to and investigating reports or complaints about the CCA.

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## Intent

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With the goal of limiting children and youth exposure and reducing the risk of normalizing cannabis, legislative amendments to the CCA have been passed to prohibit the cultivation of cannabis in licensed and unlicensed home child care settings. This means that, with few exceptions, you cannot grow cannabis plants in homes where child care is provided.

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## Clarifying guidance

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The prohibition applies to all licensed and unlicensed home child care premises.

The prohibition does not apply to the cultivation of cannabis for medical purposes in accordance with the *Cannabis Regulations* (Canada) or in accordance with a court order.

For questions about the CCA, please contact the Ministry of the Attorney General: [Contact us | ontario.ca](#)

## Part 14.4 *Smoke-Free Ontario Act, 2017*

### *Smoke-Free Ontario Act, 2017*

Under the Act, smoking and vaping is prohibited at all times in places providing home child care, including any outdoor spaces that children use, **even if children are not present**.

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#### Intent

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The [Smoke-Free Ontario Act, 2017](#) protects Ontarians from second-hand smoke and vapour, and keeps harmful products out of the hands of children and youth. This is achieved by prohibiting smoking and the use of electronic cigarettes (also known as vaping) in all enclosed workplaces and enclosed public places, as well as other designated places. The Act also prohibits the sale of tobacco and vapour products to anyone under the age of 19 and prohibits the sale of tobacco and vapour products in certain places.

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#### Clarifying guidance

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
The [Ministry of Health](#) is responsible for the administration of the *Smoke-Free Ontario Act, 2017*.

The *Smoke-Free Ontario Act, 2017* prohibits the following at a home child care premises, including any outdoor spaces that children use:

- smoking or holding lighted tobacco
- smoking or holding lighted cannabis
- use of an electronic cigarette
- sell tobacco products or vapour products

Among other things, licensees must:

- notify all employees and visitors that smoking and the use of electronic cigarettes is prohibited
- post prescribed signage indicating that smoking and vaping is prohibited (such as “No Smoking” and “No Vaping” signs) at all entrances and exits of the home child care agency
- ensure that there are no ashtrays or similar equipment at the home child care agency
- ensure that any individual who refuses to comply with the requirements of the *Smoke-Free Ontario Act, 2017* does not remain at the home child care agency

 **Cross-reference:** Ontario Regulation 137/15 requires compliance with the laws affecting the health of inhabitants of the municipality or of the reserve of a First Nation, as the case may be. See **clause 13(1)(a)**.



**Cross-reference:** Ontario Regulation 137/15 has requirements around what needs to happen when a licensee interacts with a medical officer of health. See **section 32**.

Enforcement of the *Smoke-Free Ontario Act, 2017* is the responsibility of the local Board of Health (in other words, the local public health unit); they are responsible for carrying out inspections and responding to complaints to enforce the Act.

## Penalties

An individual who violates the prohibition on smoking or vaping in a smoke-free and vape-free place may be charged with an offence, and on conviction could be subject to a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any further offences).

Any individual convicted of an offence for selling tobacco or vapour products in a place where home child care is provided could be subject to a maximum fine ranging from \$2,000 to \$50,000, depending on the individual's number of prior convictions.

The proprietor responsible for a home child care setting who fails to fulfill their responsibility under the law may be charged with an offence and if convicted, could face a maximum fine:

- **signage responsibilities:** \$2,000 (for a first offence); \$5,000 (for a second offence); \$10,000 (for a third offence); \$50,000 (four or more offences).
- **other responsibilities:** \$1,000 (for a first offence); \$5,000 (two or more offences).

For more information, please visit: [Where you can't smoke or vape in Ontario | ontario.ca](https://www.ontario.ca/en/where-you-cant-smoke-or-vape)

## Part 14.5 Highway Traffic Act (Car Seat Safety)

### Ontario Regulation 613 (Seat Belt Assemblies)

The provincial [Ministry of Transportation](#) is responsible for the *Highway Traffic Act*. The federal government is responsible for setting and enforcing compliance with safety standards for vehicles as well as child car seats.

Under [Ontario Regulation 613](#) of the provincial [Highway Traffic Act](#), drivers of motor vehicles are required to ensure that children are secured in the appropriate child restraint system.

[Regulation 613](#) of the [Highway Traffic Act](#) sets out the rules/requirements around use of car seats and booster seats and that these meet certain standards set out by the federal government under the [Motor Vehicle Safety Act \(Canada\)](#).



**Cross-reference:** Ontario Regulation 137/15 requires compliance with the laws affecting the health of inhabitants of the municipality or of the reserve of a First Nation, as the case may be. See **clause 13(1)(a)**.



**Cross-reference:** Ontario Regulation 137/15 has requirements around insurance. See **section 71**.

All child car seats and booster seats sold in Canada must be designed and manufactured to follow regulations under Canada's [Motor Vehicle Safety Act](#). When a car/booster seat meets Canadian safety standards, it will have the National Safety Mark, which is a sticker or tag that is attached to the car/booster seat.

Local medical officers of health 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

- [Child care seat safety - Transport Canada, Government of Canada](#)
- [Choosing a child car seat – Ontario Ministry of Transportation](#)
- [Installing a child car seat or booster seat \(canada.ca\)](#)

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# Appendix A – Reportable Serious Occurrences

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## Ontario Regulation 137/15

### 1 (1) In this Regulation,

“serious occurrence” means,

- (a) the death of a child who received child care at a home child care premises or child care centre,
- (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.

### Category 1 - Death of a Child

**Category 1** is related to the death of a child who received child care at a home child care premises.

The following provides some examples of what would and would not be a child's death considered a serious occurrence under this category.

Must be reported as a serious occurrence	Would not be reported as a serious occurrence
<ul style="list-style-type: none"><li>• A child was unresponsive and not breathing while receiving child care. The child was later pronounced dead by emergency medical staff.</li><li>• A child developed a severe illness while at the home child care/in-home services premises and later passed away in hospital.</li><li>• A child developed a high fever at the home child care premises and was sent home. The child later passed away.</li><li>• A child incurred fatal injuries from an accident while playing outside at the home child care premises.</li></ul>	<ul style="list-style-type: none"><li>• A child was taken out of child care by their parents because they were very ill (in other words, the child is no longer enrolled in the home child care program). A few weeks later, one of the staff at the centre let the licensee know that they found out that the child passed away.</li><li>• A child died due to a car accident while in the care of the parents.</li></ul>

## Category 2 - Abuse/Neglect or Allegation of Abuse/Neglect

**Category 2** is related to abuse, neglect or an allegation of abuse or neglect of a child while receiving child care at a home child care premises. This includes an allegation against any person who is on-site at the home child care/in-home services premises (in other words, this category can apply to anyone working, visiting or otherwise attending the home child care premises/program so it's broader than just home child care/in-home services providers and employees of the home child care agency).

The following provides some examples of what would and would not be considered a serious occurrence under this category.

Must be reported as a serious occurrence	Would not be reported as a serious occurrence
<ul style="list-style-type: none"><li>• A home child care visitor observed a home child care provider forcefully grabbing a child.</li><li>• A licensee received an email from a concerned parent alleging that a home child care provider was upset that a preschool aged child had a urine accident and the home child care provider refused to permit the child to change his/her soiled clothes.</li><li>• An in-home services provider is observed using harsh/degrading language to a child.</li><li>• A parent noticed a bruise on their child's face; the child told their parent that the home child care provider was how the bruise happened</li><li>• A staff observed a parent slap a school-age child while on the playground.</li></ul>	<ul style="list-style-type: none"><li>• A child tells a home child care provider/in-home services provider that something bad happened to them while they were at their sibling's soccer game (in other words, not during the time the child was receiving child care at the home child care premises). While this is not considered to be a Serious Occurrence because the alleged incident is not related to the licensee or the home child care program, there is a duty to report the information to the local children's aid society as per <i>Child, Youth and Family Services Act, 2017</i>.</li></ul>

### Duty to report

If anyone in a home child care premises suspects that a child is, or may be, in need of protection, they must report this suspicion to the local children's aid society per section 125 of the [Child, Youth and Family Services Act, 2017](#) (CYFSA).




Under the CYFSA, certain people who work with or around children, including an operator or employee of a child care program or provider of licensed child care, have a heightened responsibility to report suspicions of child neglect and/or abuse. If such a person does not report a suspicion and the information on which it was based was obtained in the course of the person's professional or official duties, the failure to report the suspicion is considered an offence under the CYFSA and the individual may be fined up to \$5,000.

The person who has 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 their behalf. See [Reporting Child Abuse and Neglect: It’s Your Duty and Submit a complaint about child welfare services](#) for more information.

### Category 3 - Life-threatening Injury or Illness

**Category 3** is related to a life-threatening injury to or a life-threatening illness of a child who receives child care at a home child care premises. Life-threatening injury or illness is defined as an incident that is so serious that it has the potential to cause a child to die.

Must be reported as a serious occurrence	Would not be reported as a serious occurrence
<p>CCLS has two sub-categories reportable category 3 Serious Occurrences:</p> <p><b>1. Injuries</b> - including but not limited to:</p> <ul style="list-style-type: none"> <li>• Injuries to the head, back or neck resulting in unconsciousness or physical paralysis</li> <li>• Severe eye injury (impalement)</li> <li>• Injuries to the chest resulting in difficulty breathing (this can be a symptom of a collapsed lung, which is very serious), heart attack or vomiting blood</li> <li>• Anaphylactic reactions</li> <li>• Near drowning</li> <li>• Substantial blood loss</li> <li>• Drug overdose</li> <li>• First time seizure, multiple seizures or long-lasting seizures</li> <li>• Life-threatening suspected fracture with bone deformity and/or bone exposure</li> </ul> <p><b>2. Illness</b> - including but not limited to:</p> <ul style="list-style-type: none"> <li>• E. Coli</li> <li>• Flesh Eating Disease</li> </ul>	<ul style="list-style-type: none"> <li>• A child with a pre-existing seizure disorder had a seizure at the home child care premises. Because the licensee had an individualized plan for the child with medical needs, staff knew what to do and the child was not hurt during the seizure episode. The child did not require emergency medical attention. The supervisor called the child’s parents and they picked up the child.</li> <li>• A child fell on the outdoor playground/structure and sustained a cut that required a few stitches.</li> <li>• A child tripped while running and chipped a tooth.</li> <li>• A child ingested a non-toxic substance (for example, playdough).</li> </ul>

 When reporting a category 3 Serious Occurrence, the licensee must indicate whether the injury or illness being reported as a Serious Occurrence occurred/appeared while the child was receiving care at the home child care premises **or** whether the threatening injury or illness appeared before the child came into care but was sustained/developed while the child attended the home child care/in-home services premises.



## Category 4 – Missing or Temporarily Unsupervised Child(ren)

Category 4 is related to incidents where a child who is receiving child care at a home child care or in-home services premises goes missing or is temporarily unsupervised.

If a child goes missing while getting child care at the home child care or in-home services premises, this must be reported as a Serious Occurrence whether the child was found or is still missing. This is why CCLS has two sub-categories of category 4 serious occurrences (examples of each sub-category provided):

Must be reported as a serious occurrence	Would not be reported as a serious occurrence
<p>CCLS has two sub-categories of reportable category 4 Serious Occurrences:</p> <p><b>1. Missing – Child found</b></p> <ul style="list-style-type: none"><li>• A child was left alone outdoors and was later located.</li><li>• A child was not met by the in-home services provider when getting off a school bus to attend child care and was located before time of reporting.</li><li>• During transition time, a child was left in a room unattended as the home child care provider and other children went outside. Child was found by the home child care provider's spouse.</li><li>• A child left the home child care premises and walked home. The child was greeted by the parents/guardian at home.</li></ul> <p><b>2. Missing – Child still missing:</b></p> <ul style="list-style-type: none"><li>• A child left the home child care premises through the front door. The home child care provider did not notice and the child's whereabouts are unknown.</li></ul>	<ul style="list-style-type: none"><li>• A parent picked up their child early from school and did not inform the home child care provider or the home child care agency. The home child care provider or an employee of the home child care agency called the parent and was able to confirm that the child was with the parent.</li><li>• An expected child did not get off the bus after school. The home child care provider or the home child care agency called the parent and found out that the parent had picked the child up from school.</li><li>• A child went missing while in the care of their parent.</li></ul>

## Category 5 - Unplanned Disruption of Service

Category 5 Serious Occurrences are related to an unplanned disruption of the normal operations of a home child care/ in-home services premises that poses a risk to the health, safety or well-being of children receiving child care at the home child care /in-home services premises.

Unplanned disruption of service may involve program closure, relocation (not including a planned temporary relocation), immediate evacuation, prohibition to enter the premises and/or restrictions placed on people coming and going into the premises (for example, when there is a lockdown or an outbreak of a communicable disease).

CCLS has the following sub-categories of category 5 Serious Occurrences:

1. fire
2. flood
3. gas leak
4. detection of carbon monoxide
5. outbreak
6. lockdown
7. other emergency relocation or temporary closure
8. Public Health ordered closure

The following provides some examples of what would and would not be considered a serious occurrence under this category.

Must be reported as a serious occurrence	Would not be reported as a serious occurrence
<ul style="list-style-type: none"><li>• A fire caused an emergency relocation or closure of the premises.</li><li>• A fire occurred on the weekend when no children were on the premises. The licensee decided to close the home child care premises until repairs are completed or until air quality is tested.</li><li>• There was a gas leak at the home child care premises (occurred before/during/after operational hours).</li><li>• Carbon monoxide was detected at the in-home child care premises; in-home services provider and children had to evacuate.</li><li>• The local medical officer of health declared an outbreak of a contagious disease which has caused closure of the home child care premises.</li><li>• There was a lockdown at the home child care premises.</li></ul>	<ul style="list-style-type: none"><li>• A program does not open or must close due to extreme weather conditions (such as because of a significant snow storm).</li><li>• A boil water advisory was in effect.</li><li>• A fire alarm was activated, the home child care provider and children evacuated and fire services determined that there was no danger (in other words, it was a false alarm because someone pulled the fire alarm).</li><li>• The local medical officer of health declared an outbreak and has put restrictions on the program (for example, directing the provider to discontinue all sensory play).</li></ul>

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## Appendix B – Fee for Licence

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### Ontario Regulation 137/15

**81(2)** The fees payable in respect of an application for a licence to operate a home child care agency shall be determined by reference to the number of premises where the agency oversees the provision of home child care, as set out in Column 1 of the Table to this subsection, and are as follows:

1. For an application for a new licence, the fee is the amount set out in Column 2 of the Table.
2. For an application for a renewal of a licence, which may include revisions to the licence, the fee is the amount set out in Column 3 of the Table.
3. For an application for a revised licence at any time other than upon renewal, the fee is,
  - i. \$25, or
  - ii. if in the opinion of the program adviser, the revision requires him or her to visit the home child care agency, the amount set out in Column 4 of the Table.

**Table**

Item	Column 1 Number of premises	Column 2 Fee for a new licence, in dollars	Column 3 Fee for renewal of a licence, in dollars	Column 4 Revision fee, in dollars
1.	0-25	200	100	50
2.	26-50	250	120	65
3.	51-75	300	140	75
4.	76-100	350	170	90
5.	101-125	400	200	100
6.	126 or more	450	230	115

Subsection 23(11) of the CCEYA requires that, in order for the term of the licence to be extended until a decision is made about the licence renewal, a licensee must apply for the renewal of a licence by submitting an application, an attestation, any other information or documentation specified by the Minister of Education, and the payment of a fee before the licence's expiry date.

Please ensure that your licence renewal documentation is submitted, and your renewal fee is paid before your licence expiry date. If you require technical assistance with submitting your renewal application in CCLS, please contact the CCLS Help Desk at [childcare.helpdesk@ontario.ca](mailto:childcare.helpdesk@ontario.ca).

All fees paid in connection with a new licence application, licence renewal or revision are non-refundable. Licensees are encouraged to carefully review activities initiated in CCLS for accuracy prior to submission.

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# Appendix C – Sales of assets / shares of a corporation

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## Incorporation, amalgamation of corporations, sales of child care agency or sale of assets – new licence required

Per [subsection 20\(5\) of the CCEYA](#), a licence issued under the Act is not transferable. This means that when the legal entity (which could be an individual or corporation) responsible for the operation and management of the home child care agency changes, a new licence is required. There are different situations where this can happen:

- An individual licensee chooses to sell their home child care agency to a corporation or another individual.
- An individual licensee chooses to become incorporated
- An incorporated licensee chooses to sell some of the **assets** of their home child care agency. The purchaser buys some of the assets of the home child care agency as specified in the sale agreement but does not acquire the corporation which is licensed to operate the home child care agency (note that the licence issued by the Ministry of Education is **not** an asset that can be sold or transferred)

In any situation above where there is an effect on existing corporation or an individual wants to become incorporated, the first step is to refer to the provincial [Business Corporations Act](#) and learn about what needs to be done to file the changes to the corporation in question with the [Ministry of Public and Business Service Delivery](#) (or any successor of that ministry).



There is no guarantee that the proposed future licensee will continue be licensed.

When the legal entity holding the licence for an agency is going to change, to minimize disruption in service for families and ensure a smooth transition process, the current licensee must give **advance notice of to the Ministry of Education**. The current licensee must notify their program advisor in writing of their intent **at least 30 days before the tentative closing date** of the incorporation, amalgamation or sale of centres or assets. The notification should include, at a minimum, the following information:

- tentative closing date for the arrangement that is going to happen
- name of the prospective future licensee; and,
- plans to inform parents, staff and the service system manager of the upcoming change in the legal entity operating the child care program

Once the ministry knows who the new owner/corporation will be, the ministry program advisor will reach out to the potential future licensee to let them know what steps are involved, what documentation needs to be gathered and provided and any additional information that may be helpful in the application process.

Following the initial contact from the ministry program advisor, the legal entity that would be running the home child care agency **must initiate the licensing process as if they were an initial applicant for a licence**, starting by registering with the Child Care Licensing System; refer to:

- the [Child care licensing system: registration guide for new applicants](#) provides step-by-step instructions on **how to register**
- the [Child care licensing system: reference guide for applicants and licensees](#) provides step-by-step instructions for **how to use CCLS**

The new applicant must also pay the application fee.



If the *current* licence will be expiring soon, it is best to minimize disruption for the families who have children receiving child care by applying for a **licence renewal**.

In this scenario, the program advisor will conduct a licensing inspection with both the current licensee and the future licensee present. If there are things that need to be addressed coming out of the inspection by the program advisor, the current licensee and the future licensee must decide who is responsible for complying with any outstanding requirements.

After all requirements have been met (which may be confirmed by another licensing inspection) and the future licensee has completed the application process, if approved by the ministry director, a new licence will be issued through CCLS and must be printed and posted in the home child care agency, along with the decal that will be provided by the ministry.

Once the current licensee is no longer operating the child care program, they must return their licence and decal to the ministry.

### **Incorporation, amalgamation of corporations, sales of child care centre or sale of assets – Canada-Wide Early Learning and Child Care (CWELCC) system**

When the legal entity (which could be an individual or corporation) responsible for the operation and management of the home child care agency changes, the new entity **MUST** apply to their service system manager if they want to enrol in CWELCC.

## Sale of *Shares* – new licence not required

When an incorporated licensee sells some or all of the shares of their corporation, a new licence is **not** required because the legal entity responsible for the operation and management of the home child care agency does not change.

Regardless, the current licensee must contact their program advisor to let them know what is happening and so the licensee and program advisor can discuss what needs to be done.

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## Appendix D – Licence Appeal Tribunal

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The mandate of the Licence Appeal Tribunal's (the Tribunal for short) 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 legal 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.



**Cross-reference:** 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.

### 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 director's 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 calendar 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 calendar 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 sets 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 ministry 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 automatically extended until the Tribunal reaches a decision.

If a ministry 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.



A licensee is **not** entitled to appeal conditions imposed on a provisional licence.

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# Resources

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## Canada-Ontario early years and child care agreement

- [Canada-Ontario early years and child care agreement \(Ontario.ca\)](#)
- [Canada – Ontario Canada-wide Early Learning and Child Care Agreement - 2021 to 2026 \(Government of Canada\)](#)

## Carbon Monoxide safety

- [Carbon monoxide safety - Backgrounder](#)
- [Hawkins-Gignac Foundation – Carbon Monoxide Education is Key](#)

## Car seat safety

- [Child care seat safety - Transport Canada, Government of Canada](#)
- [Choosing a child car seat – Ontario Ministry of Transportation](#)

## Central forms repository (Government of Ontario)

- [Central Forms Repository](#)

## Child care law (provincial)

- [Child Care and Early Years Act, 2014](#)
- [Home Child Care and Unlicensed Child Care: How Many Children Are Allowed? \(Infographic\)](#)
- [Ontario Regulation 137/15 \(General\)](#)
- [Ontario Regulation 138/15 \(Funding, cost sharing and financial assistance\)](#)

## Children's development

- [Early child development \(Ontario.ca\)](#)
- [EarlyON Child and Family Centres](#)
- [Early years check-in](#)
- [The Encyclopedia on Early Childhood Development \(CEECD\)](#)
- [Practice Guideline on Child Development \(College of Early Childhood Educators\)](#)
- [Promoting language with books \(The Hanen Centre\)](#)

## Commemorative days

- [Important and commemorative days \(Gov. of Canada\)](#)
- [Ontario's celebrations and commemorations \(Province of Ontario\)](#)

## Early childhood educators

- [College of Early Childhood Educators](#)
- [College of Early Childhood Educators Public Register](#)
- [College program standard: Early Childhood Education \(Ontario.ca\)](#)
- [Early Childhood Educators Act, 2007](#)
- [Early Childhood Educator Support Program \(Métis Nation of Ontario\)](#)
- [Educators \(First Nation Early Learning Collaboration Website\)](#)
- [Qualifications Upgrade Program](#)

## e-Laws (Ontario legislation and regulation)

- [e-Laws](#)

## First aid certification

- [Providers approved to deliver emergency and standard first aid \(WSIB Ontario\)](#) (**note**: not all standard first aid providers include infant/child CPR as part of their training – check each provider's details to confirm)

## Infection prevention and control (IPAC)

- [Public Health Ontario - Health Topic IPAC](#)

## Licence Appeal Tribunal

- [Licence Appeal Tribunal website](#)

## Licensed Child Care Website (LCCW)

- [Licensed Child Care Website](#)

## Medical conditions

- [Allergy Aware](#)
- [Asthma Canada](#)
- [Canadian Paediatric Society](#)

- [Epilepsy Ontario](#)
- [Food Allergy Canada](#)
- [The Lung Association – Ontario](#)

## Mental health

- [Childcare providers and mental health \(Middlesex-London PHU\)](#)
- [Early Childhood Mental Health \(Center on the Developing Child, Harvard University\)](#)
- [Infant and Early Mental Health Promotion \(Sick Kids\)](#)
- [People Connect \(College of ECEs; members online portal\)](#)
- [Canadian Mental Health Association](#)

## Nutrition

- [Canada's Food Guide](#)
- [Ontario Dietitians in Public Health - Child Care Resources](#)

## Pedagogy

- [CMEC Statement on Play-Based Learning](#)
- [How does learning happen? Ontario's pedagogy for the early years](#)
- [Minister's Policy Statement on Programming and Pedagogy](#)
- [The Kindergarten Program](#)
- [Think, feel, act: lessons from research about young children](#)
- [Think, feel, act: empowering children in the middle years](#)

## Public Health Units

- [Public Health Unit locations \(Ontario.ca\)](#)

## Services and support for Indigenous women, children and families

- [Prenatal, postnatal and early years support for Indigenous women, children and families \(Ontario.ca\)](#)

## Service system managers

- [Service system managers for child care and early years programs \(Ontario.ca\)](#)
- [Find your local service manager \(Ontario.ca\)](#)

## Supervision

- [Practice Note: Professional supervision](#) (College of Early Childhood Educators)
- [College Talk: Enhancing children's safety through professional supervision](#) (College of Early Childhood Educators)

## Swimming and water safety

- [Canadian Pediatric Society - Caring for Kids Water Safety](#)
- [Life Saving Society Prevent Drowning and Water-Related Injury](#)
- [Parachute - Drowning Prevention](#)
- [Red Cross Swimming and Water Safety Tips](#)

## Vaccines and immunization

- [Public Health Ontario](#)
- [Vaccines and immunization \(Ontario.ca\)](#)