

Home Child Care Licensing Manual

September, 2017



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*asterisk indicates new regulatory requirement(s)

Introduction

Purpose and Organization

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

The Manual has been written to:

- support agencies achieve and maintain compliance by describing the intent of the regulations and how compliance can be demonstrated;
- help agencies improve program quality by suggesting best practices and providing additional information;
- connect agencies with other resources, where applicable, to expand knowledge and inform best practices.

The Manual has been designed for use in conjunction with the CCEYA and Regulation. References made to sections, subsections or clauses refer to O. Reg. 137/15, unless otherwise specified. Sections of the Manual have been arranged to mirror the layout of the Regulation and include the intent of the provision and compliance indicators.

Each manual section includes the following information:

- **Legislative Reference:** sets out the regulatory requirement.
- **Intent:** sets out the rationale for the requirement and importance in the operation of the home child care service.
- **Special Instructions:** provides information to support licensees in understanding, interpreting and complying with the licensing requirement.
- **Compliance Indicators:** includes evidence of measures that indicate compliance with the Regulation, assessed through documentation, observation or an interview process.
- **Recommendations:** included to assist licensees in considering additional ways in which the home child care agency can meet compliance and enhance their program quality.

What are Compliance Indicators?

Compliance indicators are used by Ministry of Education program advisors when they are to assess compliance with licensing requirements completing the Agency Checklist and Home Child Care Premises Checklist. These compliance indicators have been included in this Manual to help licensees prepare for licensing inspections.

The manual specifies whether the compliance indicators are applicable to the home child care agency, home child care premises and/or both the home child care premises and the agency.

The compliance indicators fall into three categories:

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

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

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

If compliance indicators are linked with “**Or**”, any one indicator may be fulfilled to achieve compliance. For example, licensees are required to ensure that all children spend at least two hours outside each day. The compliance indicators for this requirement involve observation “Or” interview.

If the program advisor sees all children going outside to play for two hours, they have confirmed compliance with the requirement. If unable to observe all children playing outside for two hours, the program advisor will ask questions of the home child care provider or home child care visitor in order to confirm that children go outside for two hours every day, weather permitting.

How Changes are Made to the Manual

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

This manual is current as of September, 2017.

About Child Care in Ontario

Ontario's Vision for the Early Years

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

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

The child care system in Ontario consists of a range of services for families and their children, including licensed child care centres, licensed home child care (offered by home child care providers that have an active agreement with a licensed home child care agency) and unlicensed child care.

Legislative Framework

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

The CCEYA applies to:

- Unlicensed child care;
- Home child care providers that have an active agreement with a licensed agency;
- Licensed home child care agencies; and
- Licensed child care centres.

Unlicensed Child Care

An unlicensed child care provider is permitted to care for a maximum of five children under the age of 13 years, including their own children under the age of six years. For

additional rules that apply to unlicensed providers, please refer to the CCEYA and Ontario Regulation 137/15 and/or refer to the ministry's infographic:

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

Anyone who cares for more than five children under the age of 13 years requires a child care centre licence under the CCEYA, with the following exemptions:

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

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

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

Inquiries can be sent by email to information.met@ontario.ca or by mail to:

Child Care Quality Assurance and Licensing Branch
77 Wellesley Street West, Box 980
Toronto ON M7A 1N3

Licensed Child Care

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

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

be found in the Child Care Centre Licensing Manual available on the Ministry's [Early Years Portal](#) web site.

This Manual focuses on the licensing process and requirements for home child care agencies. Home child care agencies establish agreements with individual providers who use their own homes to provide care to children. The agency screens, approves and monitors the home child care providers. Some agencies may also work with families to find the right home child care provider for their child. Many home child care agencies play a role in recruiting and placing children with home child care providers; however, this is not a legislated responsibility of the agency.

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

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

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

The licensee will also receive copies of a letter indicating that a provisional licence has been issued and a summary of the licensing requirements that were not met (non-compliances) for distribution to parents.

Licences must be posted in a conspicuous place at the home child care agency. A home child care provider decal must be posted at the home premises during the hours of child care.

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

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

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

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

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

Roles and Responsibilities in Licensed Home Child Care

The role of the licensee:

Licensees have responsibility for the operation and management of the home child care agency, including its program, finances and personnel administration ([O. Reg. 137/15, s. 6](#)).

Home child care agencies recruit, monitor and support home child care providers who have an active agreement with the agency. Agency staff, known as home child care visitors, are required to visit and inspect each premises before children are enrolled and at least once every three months.

Licensees are required to achieve and maintain compliance with all licensing requirements set out under the CCEYA and O. Reg. 137/15 at all times. This includes responsibility for:

- Establishing agreements with home child care providers;
- Determining the maximum capacity of each home and including this information in the written agreement with the provider;
- Determining who is responsible for the provision of equipment and including this information in the written agreement with the provider;
- Hiring home visitors to monitor and support providers;
- Conducting unannounced inspections of each premises on a quarterly basis; and
- Maintaining copies of records for all children being cared for on the premises.

It is important to note that all licensing requirements must be met for all children receiving child care (children who are enrolled by the agency, as well as children who are privately placed by the provider).

See Manual Section 1 for information on licensee responsibilities.

The role of the Ministry of Education:

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

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

Ministry staff also investigate complaints received from the public about licensed home child care programs and follow up on serious occurrences.

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

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

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

How to Apply for a Home Child Care Agency Licence

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.

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

advisor will be assigned to process the application.

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

The length of time required to achieve a home child care agency licence depends on a number of factors, including the purchasing of equipment, the hiring of home visitors and the development of policies and procedures. It is important to note that **it may take 4 to 12 months for a licence to be issued.**

To be issued a licence, applicants must demonstrate compliance with the licensing requirements set out in the CCEYA and the O. Reg. 137/15. To demonstrate compliance, applicants must submit a variety of supporting documentation in CCLS.

It is the applicant's responsibility to determine whether home child care premises meet municipal requirements. (e.g., zoning, public health etc.) Written verification must be submitted through CCLS confirming that these requirements have been met prior to a licence being issued.

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

- Process for Monitoring Compliance and Contraventions
- Supervision of Students and Volunteers Policy
- Sanitary Practices
- Sleep Supervision Policy
- Serious Occurrence Policy
- Anaphylactic Policy
- Medication Policy
- Provision of Equipment Procedures
- Program Statement Implementation Policy
- Staff and Provider Training and Development Policy
- Criminal Reference Check/Vulnerable Sector Check Policy
- Standing Bodies of Water Policy
- Written Fire Procedures
- Waiting List Policy
- Parent Issues and Concerns Policy and Procedures

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

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

The [Early Years Portal](#) also contains information to help licensees, home child care providers, visitors and parents understand the requirements of the CCEYA and its regulations.

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

Glossary of Terms and Definitions

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

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

Child with Medical Needs: A child who has one or more chronic or acute medical conditions such that he or she 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 as a director for the purposes of the CCEYA. Directors also supervise program advisors.

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

Home Child Care Visitor: An employee of the home child care agency who will provide support at and monitor each premises and will be responsible to the licensee.

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

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

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

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

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

Ordinarily a Resident of the Premises: Individuals who may have access to children in care (including supervised access) because they use the premises as a primary residence for at least some period during the year (e.g., the provider’s spouse, adult children, 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).

Premises: a building, together with its land (for example, the backyard) where the home child care provider primarily resides. The licensee or designate is expected to visit the premises to verify compliance with the CCEYA and O. Reg. 137/15.

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

***Regularly at the Premises:** An individual who is present at the premises during hours in which care is provided often enough that children in care are able to recognize the individual. This would include persons who are present frequently during a short period of time (e.g., visiting family members) or repeatedly (e.g., the provider’s friend who visits the premises once a week, or a neighbour who visits the premises every other month to provide tutoring to the providers own child).

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

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

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

Section 1- Licensee Responsible

Subsection 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) Omitted – refers to child care centre.
- (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.

Intent

This section requires daily accountability for the operation of a program under the CCEYA and also allows for flexibility in determining which person in the organization is responsible to the licensee for the day-to-day operation and management of the home child care agency.

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

Special Instructions

All home child care visitors must be approved by a Ministry director. See Manual subsection 7.1 for information on home child care visitor qualifications and the process for requesting director approval.

Compliance Indicators

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,

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

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

Subsection 1.2– Implementation and Review 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.
- (2) Every licensee shall review the policies, procedures and individualized plans at least annually and ensure they are current.
- (3) Omitted – refers to child care centre.

- (4) Every licensee of a home child care agency shall ensure that the policies, procedures and individualized plans are reviewed as follows at every premises where it oversees the provision of home child care:
 1. With each home child care provider at each premises, before any child is placed at that premises.
 2. With volunteers or students who will be interacting with children at the premises, before they begin to volunteer or before they begin their educational placement.
 3. With persons who are ordinarily residents of the premises or regularly at the premises, before they begin interacting with the children.
 4. With home child care visitors, before they begin their employment.
 5. With each person described in paragraph 1, 2, 3 or 4, at least annually after the first review and at any other time when changes are made to a policy, procedure or individualized plan.
- (5) Every licensee of a home child care agency shall ensure that the policies and procedures are reviewed by persons who work at the home child care agency before they begin their employment, at least annually after the first review and at any other time when changes are made to a policy or procedure.
- (6) Every licensee shall ensure that a record is kept with the date of each review conducted under subsection (2), (3), (4) or (5) and that each record is signed by each person who conducted or participated in the review, or in the case of a review made by a licensee that is a corporation, by an officer or employee of the corporation who had knowledge of the review.

Intent

This provision requires that licensees, employees (e.g., home child care visitor), home child care providers, volunteers, students, persons who are ordinarily residents or regularly at the premises, employees of the home child care agency review policies and procedures that support the delivery of the program, so that they are more aware of their roles and responsibilities and are better equipped to provide for the health, safety, and well-being of children receiving care.

Special Instructions

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

Licensees are required to develop the following policies and procedures to support the delivery care to children:

- Provision of Equipment Policy
- Standing Bodies of Water Policy
- Anaphylactic Policy
- Sanitary Practices Policy
- Sleep Supervision Policy
- Serious Occurrence Policy
- Medication Policy
- Supervision of Volunteers and Students Policy
- Program Statement Implementation Policy
- Staff and Provider Training and Development Policy
- Criminal Reference Check /Vulnerable Sector Check Policy
- Written Fire Procedures
- Waiting List Policy
- Parent Issues and Concerns Polices and Procedure

Licensees are required to ensure that a review of policies, procedures and individualized plans is conducted. The record must be signed by each person who conducted or participated in the review. If the provider is the individual who conducted the review of the policies, procedures and individualized plans, they can date and sign the review.

Compliance Indicators

Agency and Premises Indicators

1. The policies, procedures and individualized plans are observed to be implemented at the home child care agency and each premises that the home child care agency oversees.

And/Or

All individuals identified in the regulations verbally confirm that they follow the policies, procedures and individualized plans at the home child care agency and each premises that the home child care agency oversees.

Agency Indicators

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

And

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

2. The date on the records of review indicates that the policies, procedures and individualized plans have been reviewed by all individuals (18 years of age or older) required by the regulations before they begin their employment or before any child is placed at that premises.
3. The date on the records of review indicates that the policies, procedures and individualized plans have been reviewed by all individuals (18 years of age or older) required by the regulations annually thereafter.

And

The date on the records of review indicates that the policies, procedures and individualized plans have been reviewed by all individuals (18 years of age or older) required by the regulations whenever changes were made.

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

And

Each record is signed by person who conducted (e.g., licensee; home child care visitor, provider) or participated (e.g., employees, home child care providers, students, volunteers, persons who are ordinarily residents) in the review.

Recommendations

It is recommended that the licensee develop an ongoing tracking tool or chart to demonstrate that all individuals required by the regulations have completed the required reviews of each policy, procedure and individualized plan and have signed and date the reviews. The licensee may also want to include in this tool dates of any modifications or changes made to the policies, procedures and individualized plans.

Subsection 1.3– Written Process 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 a written process that sets out,
 - (a) how compliance with the policies, procedures and individualized plans will be monitored on an ongoing basis, recorded and addressed; and

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

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

Intent

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

This provision also requires that both compliance and contraventions to the policies, procedures and individualized plans are recorded and addressed with all individuals required by the regulations.

Special Instructions

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

As of September 1, 2017 the required policies and procedures are: Provision for Equipment Policy, Standing Bodies of Water Policy, Anaphylactic Policy, Sanitary Practices Policy, Sleep Supervision Policy, Serious Occurrence Policy, Medication Policy, Supervision of Volunteers and Students Policy, Program Statement Implementation Policy, Staff and Provider Training and Development Policy, Criminal Reference Check /Vulnerable Sector Check Policy, Written Fire Procedures, Waiting List Policy and Parent Issues and Concerns Policies and Procedure.

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

Compliance Indicators

Agency Indicators

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

Recommendations

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

- how ongoing monitoring be conducted and by whom;
- what template will be used to record compliances or contraventions;
- procedures set out with respect to dealing with contraventions;
- how often recorded observations should be reviewed with each employee (e.g., home child care visitor), home child care providers, volunteers, and students and persons who are ordinarily residents of the premises or regularly at the premises;
- whether all policies, procedures and individualized plans will have the same monitoring process.

The licensee may use the Ministry's approved checklist (Standard Home Visitor Checklist) as a tool to monitor compliance and contraventions of all policies, procedures and individualized plans under the Regulation by completing and demonstrating compliance with this requirement by providing it to Ministry Staff during the licensing inspection.

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

Subsection 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.

Intent

This provision requires that a child care provider does not prohibit a parent from having access to his/her child at a child care setting or from accessing the premises when their child is in care.

Agency/Premises Compliance Indicators

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,

- a) 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 confirms that no person providing child care or 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;

- 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.

Subsection 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.

Intent

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

Compliance Indicators

Agency Indicators

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

And

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

Section 2- Group Size and Supervision

Subsection 2.1– 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 two 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.

Intent

This provision supports the safety and well-being of children enrolled by limiting the number of children in care at any one time to six and placing limits on the number of very young children (a maximum of two children who are younger than two years of age).

The provision also requires the agency to ensure it is advised of all children at the premises. This requirement supports agencies to make informed decisions when they are placing children.

Special Instructions

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 are required to be counted towards the maximum capacity.

Compliance Indicators

Location Indicators

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

Or

It is observed that the total number of children receiving care, including the provider's own children where applicable, does not exceed the maximum capacity set for the premises as per the agreement.

And

Completed home visitor checklists indicate that the total number of children receiving care, including the provider's own children where applicable, does not exceed the maximum capacity set out in the agreement.

And

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 the maximum capacity set for the premises as per the agreement.

And

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.

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 two 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 two 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 two 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 two 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 two 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 two 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.

Recommendations

Licensees may find more information on how many children are permitted in home child care here: [Home Child Care and Unlicensed Child Care: How Many Children Are Allowed?](#)

Ontario Regulation 137/15

Subsection 2.2– 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 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.

Intent

These provisions require home child care agencies to set a maximum capacity for each premises, document this capacity in the written agreement with each home child care provider and consider specific factors when placing children.

The agency must take into consideration the individual characteristics of the home child care premises, provider and children (as listed in ss. 9 (3)). This approach helps safeguard the safety and well-being of children receiving care.

Special Instructions

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

As well as ensuring that there are no more than six children receiving care at a premises, agencies are responsible for determining a maximum capacity for each premises that may be more stringent than the allowable limit in the CCEYA. The maximum capacity must include the home child care provider's own children under the age of six, agency enrolled-children as well as children enrolled directly by the home child care provider, if the written agreement allows for this practice.

In addition, licensees must consider specific factors when placing children (as listed in ss. 9 (3)) so that children are placed at a premises where their needs can be met.

Compliance Indicators

Location Indicators

1. It is observed that the total number of children counted to be receiving care does not exceed the maximum capacity set for the premises as per the agreement.

And

Attendance records indicate that the total number of children receiving care does not exceed the maximum capacity set for the premises as per the agreement

Or

The home visitor and provider verbally confirm that the total number of children receiving care does not exceed the maximum capacity set for the premises as per the agreement

Agency Indicators

1. The licensee is able to explain:

- (1) how the ages of the children were considered when placing them in a group at any premises
- (2) how children's special 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
- (5) how the physical environment of each premises was considered when deciding to place children at any premises.

Subsection 2.3– 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 six years old or older shall not be counted on any day.
 2. If the child care provider provides care for fewer than two children who are younger than two years old and the child care provider meets the prescribed criteria,
 - i. a child who is enrolled in and regularly attends full day junior kindergarten or full day kindergarten operated by a school board shall not be counted on any day within the school board's school year, as defined in the Education Act, other than a day or part of a day prescribed by the regulations, and
 - ii. a child who is of an age such that he or she would meet the eligibility requirements for enrolment in a full day junior kindergarten or full day kindergarten class operated by a school board and who is instead enrolled in and regularly attends a full day program administered by a First Nation or by the Government of Canada for First Nation children shall not be counted on any day within the school year that applies for the purposes of the program, other than a day or part of a day prescribed by the regulations.

Ontario Regulation 137/15

4(1) The following is prescribed for the purposes of paragraph 2 of subsection 6 (5) of the Act as a criterion that must be met by the child care provider in order for the provider's own children not to be counted under that paragraph:

1. The child care provider has not been convicted of any offence under the Child Care and Early Years Act, 2014 or the Day Nurseries Act.

4(2) For the purposes of subparagraphs 2 i and ii of subsection 6 (5) of the Act, the children described in those provisions shall be counted on weekends and for any part of a weekday that is before 6 a.m. or after 7 p.m.

Intent

Home child care providers are required to count their own children under six years of age when counting the total number of children in care, as younger children require a higher level of care and supervision.

Special Instructions

All of the following conditions must be met for a home child care provider to be exempt from the requirement to count their own four and five year old children.

1. Care is being provided during the school year (as defined by the local school board).
2. Care is being provided between the hours of 6:00 a.m. and 7:00 p.m on weekdays.
3. The four and five year old children are enrolled in and attending a publicly-funded school on a full-time basis.
4. The provider is caring for no more than one child under the age of two.
5. The provider has not been convicted of any offence under the Child Care and Early Years Act, 2014 or the Day Nurseries Act.

Compliance Indicators

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 6 years of age.

And

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 6 years of age.

2. The home child care provider is observed to meet all exemptions under subsections 4(1-2).

Subsection 2.4– Resource Teachers

Ontario Regulation 137/15

10(1) A licensee of an integrated child care centre or home child care agency may employ a resource teacher to plan and implement individual and small group experiences for children with special needs who receive child care in the child care centre or at a premises where the licensee oversees the provision of home child care, and in respect of whom funds are provided under the Act. O. Reg. 126/16, s. 11 (1).

Intent

Specialized and/or individualized support for children with special needs is often offered in addition to regular programming with the intent of providing one to one support or small group experiences. A resource teacher's primary responsibility is support for children with special needs.

Special Instructions

See Manual subsection 7.2 for information on qualifications for resource teachers.

Subsection 2.5– 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.

Intent

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

Special Instructions

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

See Manual subsection 4.13 for information on infant sleep supervision.

Compliance Indicator

Location Indicator

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

Subsection 2.6– 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.

(2) Every licensee shall ensure that there are written policies and procedures regarding volunteers and students that set out, at a minimum,

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

Intent

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

This provision requires a home child care provider always to be present with children to respond in case of an emergency. It also requires that policies and procedures confirm the respective roles and responsibilities of home child care providers, students and volunteers.

Special Instructions

Volunteers and students are not permitted to be alone with a child at any time in a home child care premises.

Information about the requirement regarding the supervision of volunteers and students and the policies and procedures required must be included in the Parent Handbook. Please see Manual subsection 4.5 for more information.

The policies and procedures relating to supervision of students and volunteers must be reviewed with home child care 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, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 of the O.Reg.137/15.

See Manual subsection 1.2 for more information.

Compliance Indicators

Agency Indicators

1. There is 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 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;
 - d) roles and responsibilities of volunteers and students.

Location Indicators

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

And

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

And

Home child care providers verbally confirm that no volunteer or student is left unsupervised with children.

Section 3 – Building, Equipment and Playground

Subsection 3.1: Compliance with Local By-Laws

Ontario Regulation 137/15

25 Every person who applies for 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 is to be provided complies with clauses 13 (1) (a), (b), (c) and (d).

13(1)(a) the laws affecting the health of inhabitants of the municipality or of the reserve of a First Nation, as the case may be;

(b) any rule, regulation, direction or order of the local board of health and any direction or order of the local medical officer of health that may affect the provision of child care;

(c) any by-law of the municipality or any by-law of the council of the First Nation on the reserve, as the case may be, and any other law for the protection of persons from fire hazards; and

(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.

Intent

This provision helps protect the safety of children while attending home child care. The licensee must confirm that each home complies with the requirements of the local authorities that relate to health and safety, fire protection and building and zoning before children are enrolled in the home.

Special Instructions

As local by-laws vary among municipalities and First Nations, licensees must contact their local municipal offices for more information on processes and information on any other by-laws which may be applicable (e.g., fire protection in relation to smoke detectors, zoning in relation to number of children permitted in a home child care setting).

Compliance Indicators

Agency Indicators

1. At time of application, the licensee has confirmed that each premises the home child care agency oversees complies with all of the items listed in section 13(1).

Or

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

Subsection 3.2: 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).

Intent

The agency's responsibility for monitoring compliance with the regulations is fulfilled through the home visitor's initial inspection prior to enrolling children in the home and on an ongoing basis through unscheduled inspections of the premises. Using a checklist provided by the Ministry will support consistency in interpretation and compliance with the regulations.

Special Instructions

For all inspections completed prior to the Ministry's release (August 29, 2016) of the standard home visitor checklist, the agency's completed home visitor checklists are acceptable as written evidence of compliance.

For all inspections completed after the release of the standard home visitor checklist, the only acceptable written evidence of compliance is a completed Ministry of Education standard home visitor checklist.

The Ministry's home visitor checklist must be fully completed by the end of each quarter and cannot be edited or revised by any individual.

Compliance Indicators

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, 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.

Recommendations

Licensees may wish to conduct multiple visits to a premises during a quarter and complete sections of the home visitor checklist at that time.

As well as monitoring to make sure each premises meets requirements of the CCEYA and its regulations, 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.

Licensees may create a separate document with additional content for home visitors to review as part of the quarterly inspections.

See Manual section 6 for more information on program for children, staff and provider training and development and outdoor play requirements.

Subsection 3.3: Provision of Equipment Policy

Ontario Regulation 137/15

27(1) Every licensee shall ensure that there are written policies and procedures with respect to the provision of equipment in each premises where the licensee oversees the provision of home child care, and that the responsibilities of the licensee and each home child care provider in each such premises with respect to the equipment are contained in the written agreement referred to in subsection 75 (1).

Intent

This section sets out that there is a mutual understanding and agreement between an agency and its home child care providers with respect to who is responsible for the provision and maintenance of equipment in supervised homes.

Special Instructions

The policies and procedures relating to equipment must be reviewed with home child care 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, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 of the O.Reg.137/15.

See Manual Subsection 1.2 for these requirements.

Compliance Indicators

Agency Indicators

1. There are written policies, practices and procedures for the provision of equipment in each premises.

And

Each written agreement includes the licensee`s and home child care provider`s responsibilities for the provision of equipment.

Subsection 3.4: 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.
- 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 and clean condition and kept in a good state of repair.

Intent

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

Compliance Indicators

Location Indicators

1. It is observed that there are enough play materials to serve the number of children receiving care at the premises
- Or
- The home child care visitor or provider explain how the play materials are adequate to serve the number of children receiving care at the 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.

Recommendations

When making choices about which play materials to include, consider the following questions from How Does Learning Happen?:

- How can an understanding of the environment as a “third teacher”, as outlined in "How Does Learning Happen?", be a factor in considering the types of materials children should have access to? For more information on How Does Learning Happen?, see Manual section 6.
- Which play materials offer opportunities for complex thinking and creativity?
- What type of materials engage children, draw them in? How can natural materials be integrated into the program? How are children able to make choices about the materials and how they can be used?
- How do the play materials challenge children to take manageable risks that will foster a sense of competence and mastery?
- What opportunities do the materials provide for children to interact, negotiate and collaborate with each other?

Subsection 3.5: 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 or crib or playpen that complies with the standards for cradles, cribs and playpens in the regulations made under the Canada Consumer Product Safety Act, 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.
- (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 and clean condition and kept in a good state of repair.

Intent

The intent is that each home has the appropriate equipment and furnishings necessary for the ages and abilities of children in attendance, and that it is safe, clean and sufficient for the number, ages and abilities of children in care. This includes equipment or furnishings to be used during rest periods as well as equipment that may be necessary during meal and snack times (e.g., high chairs, booster seats) or outdoor time for non-walking children (e.g., strollers). The intent of the provision of bedding is so that each child rests comfortably and bedding is not shared between children.

Special Instructions

The licensee is responsible for confirming that each home has the required equipment and furnishings for the children in attendance, regardless of how the child is placed in 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. See Manual subsection 3.3 for information on this policy.

Safety regulations for cradles, cribs, playpens and other children's equipment are outlined in the Canada Consumer Product Safety Act. For more information, visit the Government of Canada's [Healthy Canadians website](#).

Director approval within this subsection refers to the approval of resting mats to accommodate children who have shorter rest periods or quiet time, or where space in the provider's home is a consideration. In general, the use of mats as an alternate sleep equipment arrangement should be considered when children do not actually sleep, parental permission has been granted and the mat can be placed on a carpeted floor.

Consistent with the “Joint Statement on Safe Sleep: Preventing Sudden Infant Deaths in Canada”, published by the Public Health Agency of Canada, sofa and armchairs are not suitable sleep equipment.

In the case where a child aged 5 years or less unexpectedly falls asleep, the provider is expected to move the child to a sleep furnishing that meets the regulatory requirements according to the child’s age.

For children aged 6 years or older, there are no requirements in the regulation regarding the type of furniture on which such a child may sleep or rest.

Licensees must comply with sleep policies and supervision. See Manual subsection 4.13 for more information.

Compliance Indicators

Location Indicators

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

And

The cradle or crib or playpen complies with the standards for cradles, cribs and playpens in the regulations made under the Canada Consumer Product Safety Act.

And

There is bedding for every child under 18 months receiving care at the premises.

2. There is a cot or bed for every child 18 months old up to and including five years receiving care at the 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 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.

Or

The home child care provider verbally confirms that the alternate sleep equipment arrangements for these children are being approved.

Subsection 3.6– 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.

Intent

This section requires the temperature of the premises to be warm enough for the health and comfort of children.

Compliance Indicator

Location Indicator

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

Subsection 3.7– 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 play on a balcony unless an adult is present on the balcony.

Intent

This section safeguards the health and safety of children by requiring that they are not left alone on balconies.

Compliance Indicators

Location Indicators

Where the premises has a balcony:

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

And

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

Recommendations

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.

Subsection 3.8– 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.

Intent

To support the safety and well-being of each child, supervision plans for outdoor play must be developed and agreed upon by the home child care 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 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.

Special Instructions

Pursuant to Section 11 of O. Reg. 137/15, all children must be supervised by an adult at all times, including when engaged in outdoor play.

Supervision plans must indicate where outdoor play will be taking place (e.g., provider's own fenced backyard, public park).

Compliance Indicators

Location Indicators

1. There are outdoor play supervision plans available for each child receiving care at the premises.

And

The outdoor play supervision plans show evidence of agreement by a home visitor, the provider and a parent of each child receiving care (e.g., signature of home visitor, provider and parents).

And

The outdoor play supervision plan is observed to be followed.

Or

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

Subsection 3.9– 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. 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.

Intent

This provision sets out requirements to protect the health, safety and well-being of children with respect to standing or recreational bodies of water.

Special Instructions

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

- any standing body of water (e.g., pond, lake, etc.)
- recreational body of water (e.g., 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.

Children six years of age or older

Licensees that 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 is a certified life guard, they may act in the role of the lifeguard. Consideration must be given to supervision of the entire group of children when this role is taken.

The policies and procedures relating to bodies of water must be reviewed with home child care 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, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 of the O.Reg. 137/15.

See Manual subsection 1.2 for these requirements.

Compliance Indicators

Location Indicators

1. 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.

And

The home child care 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, 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 16 years of age;

And

The lifeguard currently holds a lifeguard certificate that is not dated more than two years prior to the date on which they are acting as a lifeguard;

And

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

Recommendations

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

- lifesaving equipment (e.g., life jackets)
- additional adult supervision
- parental consent forms

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

- parental consent forms
- supervision by a lifeguard
- additional adult supervision
- age and abilities of each individual child
- lifesaving equipment

Licensee may consider lower risk alternative water opportunities such as splash pads, sprinklers or water tables, under close supervision of adults at all times.

Licensees may consider becoming familiar with basic water/swimming safety practices and precautions.

Resources:

[Parachute - Drowning Prevention](#)

[Caring for Kids Water Safety](#)

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

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

Subsection 3.10– 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 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.

Intent

This provision safeguards the health, safety and well-being of children receiving child care by ensuring that all hazardous or poisonous substances, including firearms and ammunition, are not accessible to children.

Compliance Indicators

Location Indicators

1. Hazardous and poisonous substances are observed to be inaccessible to children in the 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.

Recommendations

In order that poisonous and hazardous substances are inaccessible at all times to all children enrolled, agencies may consider the following areas for review with providers:

- Identification of substances and materials that are poisonous or hazardous.
- Identification of plants 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 (e.g., bows and arrows, swords, knives) in a place that is inaccessible to children regardless of the purpose (e.g., hunting, cultural practices or display).
- Review of procedures for safe storage of firearms as outlined in the [Firearms Act](#).
- Review of safe storage practices for hazardous and poisonous materials with all persons resident or ordinarily present in the home.

Resources:

[Canadian Poisonous Plants Information System](#)

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

[Storing, Transporting and Displaying Firearms](#)

Section 4- Health and Medical Supervision

Subsection 4.1– Reports from Other Authorities

Ontario Regulation 137/15

32(1) Omitted – refers to child care centre

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

Intent

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

Compliance Indicators

Agency Indicators

1. Where a report has been made by the local medical officer of health or the local fire department,

The report is kept on the premises.

And

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

Or

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

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

2. There is a record of all inspections made by the local medical officer of health, local fire department and any inspector or program advisor

Or

The licensee verbally confirms that no inspections have been conducted by the local medical officer of health, local fire department and any inspector or program advisor.

Recommendations

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

Subsection 4.2– Sanitary Practices

Ontario Regulation 137/15

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

Intent

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

Special Instructions

The policies and procedures relating to sanitary practices must be reviewed with home child care 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, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 of the O.Reg.137/15.

See Manual Subsection 1.2 for these requirements.

Compliance Indicators

Agency Indicators

1. There are policies and procedures with respect to sanitary practices in each premises.

And

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

Recommendations

Public health units may provide direction to home child care agencies on sanitary practices and the steps that should be taken to minimize transmission of infectious diseases.

When developing sanitary practices and associated procedures, licensees are encouraged to consult with their local public health unit for more information about local guidelines/requirements.

For water play containers/sensory tables:

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

Contact information for public health units is available here:

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

[Health Canada](#)

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

Subsection 4.3– 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.

Intent

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

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

Compliance Indicators

Location Indicators

1. There is a first-aid kit and manual readily available at the premises

And

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

Recommendations

When determining the amount of first-aid supplies required, it is important that licensees take into account the number of children in care at each specific premises.

It is also recommended that the licensee identify who is responsible for purchasing supplies and keeping the first-aid kit stocked. This information could be included as part of the Provision of Equipment policy. See Manual subsection 3.3 for additional information on this policy.

Subsection 4.4– 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 recommended by the local medical officer of health.

- (2) Subsection (1) does not apply where a parent of the child objects to the immunization on the ground that the immunization conflicts with the sincerely held convictions of the parent's religion or conscience or a legally qualified medical practitioner gives medical reasons in writing to the licensee as to why the child should not be immunized.
- (3) Objections and medical reasons under subsection (2) shall be submitted in a form approved by the Minister.
- (4) An exemption under subsection (2) that was made before August 29, 2016 shall expire on September 1, 2017 unless a new objection or medical reasons are submitted in a form approved by the Minister before that date.

Intent

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

Special Instructions

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

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

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

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

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

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

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

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

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

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

Compliance Indicators

Agency Indicators

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

Children identified as not having been immunized have an objection from either:

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

Or

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

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

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

Recommendations

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

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

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

Subsection 4.5– 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.

Intent

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

Compliance Indicators

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

Recommendations

[Ontario Regulation 559/91](#) made under the Health Protection and Promotion Act, specifies which communicable diseases must be reported to the local Medical Officer of Health.

Licensees should check with their local public health unit to determine when and how these diseases, or suspected occurrences of these diseases, should be reported.

In addition to looking for and documenting symptoms of ill health such as fever, rash or gastrointestinal symptoms, the ministry recommends that home child care providers be mindful of any sudden or gradual changes to a child's behaviour, sleeping or eating

patterns, or signs that a child has lost some previously acquired skill(s) (e.g., stopped being able feed him/herself, stopped using language). Home child care providers are strongly advised to communicate any such changes to parents immediately, as atypical behaviour could be a sign of something more serious.

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

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

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

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

Subsection 4.6– Arrangements for Ill Children

Ontario Regulation 137/15

36(2) Every licensee shall ensure that where a child receiving child care at a child care centre it operates or at a premises where it oversees the provision of home child care appears to be ill, the child is separated from other children and the symptoms of the illness noted in the child's records.

(3) Where a child is separated from other children because of a suspected illness, the licensee shall ensure that,

(a) a parent of the child takes the child home; or

(b) where it is not possible for a parent of the child to take the child home or where it appears that the child requires immediate medical attention, the child is examined by a legally qualified medical practitioner or a nurse registered with the College of Nurses of Ontario.

Intent

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

Compliance Indicators

Location Indicators

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

Or

The home child care provider verbally confirms that children with symptoms of illness are separated from other children.

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

Or

The home child care provider verbally confirms that children with observed symptoms of illness are taken home.

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

Or

The home child care provider verbally confirms that arrangements have been made to have children with symptoms of illness and who require immediate medical attention to be examined by a legally qualified medical practitioner or registered nurse.

Recommendations

Licensees should obtain and distribute to home child care providers information (available from the local public health unit) on the symptoms, incubation periods and isolation periods of various diseases. Home child care providers should be familiar with this information and pay close attention to any changes in children's behaviour, daily routine or demeanor.

Home child care providers should pay particular attention to:

- elevated temperatures, flushing, pallor or listlessness;
- an acute cold, nasal discharge or coughing;
- vomiting or diarrhea;

- red or discharging eyes or ears;
- undiagnosed skin rashes or infections; and
- unusual irritability, fussiness and restlessness.

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

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

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

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

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

Subsection 4.7– 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.

Intent

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

Special Instructions

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

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

Compliance Indicators

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 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 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 verbally confirms that a copy of the accident report has been provided to the child's parents.

Recommendations

Accident reports should be signed by the home child care provider and a parent and, at a minimum, contain the following information:

- Child's name
- Home child care provider's name
- Date and time of accident
- Location of accident
- Description of accident
- Nature of injury
- Home child care provider response and first aid
- Copy of form provided to parent (e.g., hard copy, email, etc.)

Subsection 4.8– 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.

37(2) If an incident described in clause (1) (a) or (c) occurs, the licensee shall ensure that a parent of the child is notified.

Intent

This provision requires that each home child care provider keeps a record of significant events that affect the health, safety or well-being of children and providers.

Special Instructions

Each premises must maintain a daily written record.

The daily written record must contain a dated entry for each day the program operates. If there is nothing to report for that day, the entry can reflect that the day was uneventful.

Compliance Indicators

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 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.

Recommendations

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

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

Wednesday April 15, 2015

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

Thursday April 16, 2015

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

Friday April 17, 2015

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

S.H. tripped on front stairs. Scrapes on hands and knees. Accident report completed.

Subsection 4.9– 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,
- (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, and that address, at a minimum, how to identify, respond and report a serious occurrence;
- (b) a report is provided to a program adviser of any serious occurrence in any child care centre operated by the licensee or any premises where it oversees the provision of home child care within 24 hours of the licensee or supervisor becoming aware of the occurrence;

- (c) a summary of the report provided under clause (b) and of any action taken as a result is posted for at least 10 business days in a conspicuous place at the child care centre or home child care premises; and
 - (d) the report and the summary of the report are each kept in accordance with section 82.
- (2) Every licensee of a child care centre or home child care agency shall,
- (a) conduct an annual analysis of all serious occurrences that occurred in the previous year at each child care centre operated by the licensee and at each premises where the licensee oversees the provision of home child care; and
 - (b) keep records of the actions taken in response to the analysis.

Intent

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

Special Instructions

The serious occurrence policy must specify:

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

The policies and procedures relating to serious occurrences must be reviewed with home child care 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, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 of the O.Reg.137/15.

See Manual subsection 1.2 for these requirements.

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

The serious occurrence categories in CCLS are:

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

Duty to Report

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

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

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

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

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

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

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

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

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

Employer’s Mandatory Reporting Obligations

In 2015 changes to the Early Childhood Educators Act, 2007 (ECEA) came into effect. Included in these changes are new requirements for **employers** to submit mandatory reports to the College of Early Childhood Educators. In addition, the legislative changes specify required time lines for reporting and set out information the College must provide to employers in response to any reports that are received. For more information, please visit the Ontario e-laws website to view the [ECEA](#) and visit the [College of Early Childhood Educators website](#).

Serious Occurrence Notification Form

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

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

Serious Occurrence Annual Analysis

Licensees are required to conduct an annual analysis of all serious occurrences that occurred in the previous calendar year. The annual analysis is to be used as a method of identifying issues, trends and actions taken. The analysis and record of actions taken

in response to the analysis must be kept on file at the home child care agency. In addition to ongoing reviews and follow-up to serious occurrences, licensing ministry staff will review the serious occurrence annual analysis during licence renewal inspections.

Administrative Penalty - Non-Report of a Serious Occurrence

As of January 1, 2017, new administrative penalties come into effect, including a \$2000 penalty when a serious occurrence is not reported as prescribed by the Regulation.

Compliance Indicators

Agency Indicators

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

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

Location Indicators

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

Or

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

Recommendations

The regulation does not set out the length of time for a child to be “temporarily unsupervised”, however licensees may define temporarily unsupervised in their policy.

It is recommended that licensees develop a protocol for home child care visitors and/or providers to respond to a situation where a child has gone missing while receiving care at a premises where home child care is provided.

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

- Alert home child care visitor
- Immediately search the premises, including outdoor areas (e.g. front and back yard)
- Have the home child care visitor who is not searching the premises immediately alert the child’s parents (in case parents have additional information about child’s whereabouts)
- Advise the police by telephone

Subsection 4.10– 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 or in-home services has an anaphylactic policy that includes the following:
1. A strategy to reduce the risk of exposure to anaphylactic causative agents.
 2. A communication plan for the dissemination of information on life-threatening allergies, including anaphylactic allergies.
 3. Development of an individualized plan for each child with an anaphylactic allergy who,
 - i. 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 or in-home services.
 4. Training on procedures to be followed in the event of a child having an anaphylactic reaction.

- (2) The individualized plan referred to in paragraph 3 of subsection (1) shall,
- (a) be developed in consultation with a parent of the child and with any regulated health professional who is involved in the child’s health care and who, in the parent’s opinion, should be included in the consultation; and
 - (b) include a description of the procedures to be followed in the event of an allergic reaction or other medical emergency.

(3) In this section,

“anaphylaxis” means a severe systemic allergic reaction which can be fatal, resulting in circulatory collapse or shock, and “anaphylactic” has a corresponding meaning.

Intent

Anaphylaxis is a serious allergic reaction and can be life-threatening. The requirement for an anaphylaxis policy is intended to help support the needs of children with severe allergies and provide relevant and important information on anaphylaxis to parents, home child care providers, volunteers, students, persons who are ordinarily residents, and persons regularly at the premises at each home child care premises.

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

Special Instructions

The policies relating to anaphylactic allergies must be reviewed with home child care 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, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 of the O.Reg.137/15.

See Manual subsection 1.2 for these requirements.

Anaphylactic Policy

At a minimum, the anaphylactic policy must include:

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

The strategy should include a statement that indicates:

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

2. A communication plan

The communication plan should identify:

- general information on life-threatening allergies, including anaphylactic allergies, for home child care visitors and providers, parents, students, volunteers, persons who are ordinarily residents, and persons who are regularly at the premises;
- a process for obtaining information from parents about their child's medical condition, including whether children are at risk of anaphylaxis;
- a process for advising home child care visitors and providers, parents, students, volunteers, persons who are ordinarily residents, and persons who are regularly at the premises that there are children in care who are at risk for potentially life-threatening allergies and the foods and causative agents to be avoided;
- a process for reviewing the strategies intended to reduce the risk of exposure to life threatening allergies;
- appropriate food substitutions to be provided.

3. Individual plans and emergency procedures

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

Licensees should encourage parents to advise the licensee as soon as possible if their child develops an allergy and requires medication, if there are any changes to the child's individual plan (e.g., new symptoms of a reaction) or if their child has outgrown an allergy and no longer requires medication.

Individual plans should include:

- a description of the child's allergy;
- monitoring and avoidance strategies;
- signs and symptoms of an anaphylactic reaction;

- action to be taken by the home child care provider in the event the child has an anaphylactic reaction;
- whether parent/guardian consent for the child to self-administer allergy medication has been granted;
- whether parent/guardian consent for the home child care provider to administer the allergy medication has been granted; and
- emergency contact information (parent/alternate emergency contact/emergency services).

Licensees must review individualized plans, including the emergency procedures, with home child care providers, volunteers and students, persons who are ordinarily residents of the premises or regularly at the premises and home child care visitors, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 in the O.Reg.137/15.

4. Training

Where a child has an anaphylactic allergy, home child care visitors and providers, students, volunteers, persons who are ordinarily residents and persons who are regularly at the premises must be provided with training on the procedures to be followed in the event of a child having an anaphylactic reaction, including how to recognize the signs and symptoms of anaphylaxis and administer medication.

A “train the trainer” model can be used to satisfy this requirement. A parent may train the licensee, home child care visitor or provider, and this individual can then train the home child care provider, students, volunteers, persons who are ordinarily residents and persons who are regularly at the premises.

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

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

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

If children do not self-administer asthma or allergy medication, home child care providers must ensure it is easily accessible at all times but kept out of children’s reach.

Emergency allergy and asthma medication should not be locked up. Home child care providers must also ensure that emergency asthma and allergy medication is in the provider's possession when leaving the premises (for example, walking children to school, going on a field trip).

Compliance Indicators

Agency Indicators

1. There is a written anaphylactic policy that includes the items listed in 39 (1).
2. There is a written record of training for home child care visitors and providers, students, volunteers, persons who are ordinarily residents, and persons who are regularly at the premises.
3. There is evidence that information on life threatening allergies (including anaphylactic allergies) has been communicated according to the communication plan outlined in the policy.

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.

2. The strategy to reduce the risk of exposure to anaphylactic causative agents is being followed.

Or

The home child care provider verbally confirm that the strategy to reduce the risk of exposure to anaphylactic causative agents is being followed.

Recommendations

It is recommended the home child care provider post a list of known allergies of agency-enrolled children in food preparation, eating areas and activity rooms in a conspicuous place in the premises, or have the list in an area that is readily accessible to the provider.

Additionally, the home child care provider may want to take steps to protect the health of any non-agency enrolled child at the premises and to provide opportunities for other children enrolled at the home child care premises to learn about allergies and foods/causative agents that are not permitted on the premises.

The Ministry of Education's website includes an e-learning module regarding anaphylaxis which can be accessed here:

<http://www.eworkshop.on.ca/edu/anaphylaxis/>

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

***Subsection 4.11– 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) receives child care at a child care centre it operates; or
 - (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 or in-home services.
- (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 or in-home services; 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.

Intent

This provision requires that an individualized plan be developed for each child with medical needs and that licensees take all necessary steps to support the child's medical needs and ensure his or her inclusion in the program.

The review of each individualized plan supports the child(ren)'s ability to participate in the child care program, and provides staff with all necessary information to deal with any medical situation pertaining to the child.

Special Instructions

A child with medical needs is defined as a child who has one or more chronic or acute medical conditions and he or she requires additional supports or accommodations. For example, a child with diabetes may require that a staff check the child's blood sugar levels with a glucose monitor several times a day.

An individualized medical plan must be developed in consultation with the parent of the child and any regulated professional involved in the child's care who the parent believes should be consulted.

Licensees are required to maintain the confidentiality of a child's medical history including diagnosis. Sensitive or confidential medical information and detailed reports from medical professionals should not be included in the plan unless consent, in writing, has been given by the parent.

The individualized plan for a child with medical needs must include the items listed in 39.1(3) a to e.

Where a child has an anaphylaxis allergy, licensees are only required to develop an individualized plan as outlined in section 39. An individual medical plan is not required.

The individualized plans must be reviewed with home child care 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, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 of the O.Reg.137/15.

Compliance Indicators

1. Each child with medical needs has an individualized plan.
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.

Recommendations

The licensee may wish to include in the parent handbook the requirement for an individualized plan for children with medical needs and how frequently these plans will be reviewed and updated:

The following examples may assist the licensee in developing the individual medical plan.

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

Examples:

- Limiting child's outdoor time and exposure to sun
- Use of protective clothing
- Pureeing food to minimize choking

Description of medical devices and instructions related to use

Examples:

- Blood glucose reader: prep, storage and sanitation of device
- Insulin injections: use of needles, storage of insulin, disposal of needles
- Feeding tube: prep, storage and sanitation of device

Procedure to be followed in the event of an allergic reaction or other medical emergency

Examples:

- Administer Benadryl or other allergy medication such as epinephrine, contact parents and seek immediate medical attention
- Administer fever reliever and contact parent
- Seek emergency medical attention and contact parent

Description of supports available to the child

Examples:

- Adaptive feeding chair
- Occupational therapist or other person providing support

Procedures to be followed in the event of an evacuation or participation in an off-site field trip

Examples:

- Ice packs for medication or items that require refrigeration
- Carrying case for devices

Excluding a child from care due to medical needs may be considered a violation of the Ontario Human Rights Code. Licensees should familiarize themselves with the Ontario Human Rights Code . <http://www.ohrc.on.ca/en/ontario-human-rights-code>

Subsection 4.12– 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, including those records required under the Controlled Drugs and Substances Act (Canada);
- (b) all drugs and medications on the premises of a child care centre operated by the licensee or at a premises where it oversees the provision of home child care are,
 - (i) stored in accordance with the instructions for storage on the label,
 - (ii) administered in accordance with the instructions on the label and the authorization received under clause (d),
 - (iii) inaccessible at all times to children, and
 - (iv) refers to child care centres only
- (c) one person in each child care centre operated by the licensee and in each premises where it oversees the provision of home child care is in charge of all drugs and medications and that all drugs and medications are dealt with by that person or a person designated by that person in accordance with the procedures established under clause (a);
- (d) a drug or medication is administered to a child only where a parent of the child gives written authorization for the administration of the drug or medication and that included with the authorization is a schedule that sets out the times the drug or medication is to be given and amounts to be administered; and
- (e) a drug or medication is administered to a child only from the original container as supplied by a pharmacist or the original package and that the container or package is clearly labelled with the child's name, the name of

the drug or medication, the dosage of the drug or medication, the date of purchase and expiration, if applicable, and instructions for storage and administration.

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

Intent

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

Section 40 (1) (b) sets out requirements for protecting the health and safety of children by requiring that drugs and medication are stored properly to maintain their effectiveness and kept out of the reach of children to prevent accidental ingestion.

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

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

Section 40 (1) (e) requires that drugs or medication be stored in original containers so that medication intended for a specific child is correctly administered. This also allows home child care providers to confirm is not out of date. Clearly labelling all containers avoids confusion in the event that more than one child is receiving medication helps minimize spoilage of medication due to improper storage.

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

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

Special Instructions

Written instructions and record keeping

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

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

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

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

Drugs and medications requiring refrigeration must be inaccessible to children at all times.

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

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

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

Drug Identification Numbers

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

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

Compliance Indicators

Agency Indicators

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

1. There is a written procedure established for the administration of any drug or medication to a child receiving care that includes information about record keeping practices when drugs or medications are administered to a child.
2. The written procedures document a designated position that is in charge of drugs or medications.

Location Indicators

1. All drugs or medications are observed to be stored according to the storage instructions on the label.
2. All drugs or medications are observed to be inaccessible to children at all times (with the exception of asthmas or emergency allergy medication that a child may self-administer).
3. All drugs or medications are administered according to the instructions on the label and written parental authorization.

Or

The home child care provider and/or visitor verbally confirms 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 designated position, or the person designated by the designated position.

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.

Recommendations

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

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

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

Left over medication or surplus of medication should be returned in the original container to a parent of the child or safely discarded (see <http://healthycanadians.gc.ca/drugs-products-medicaments-produits/buying-using-achat-utilisation/disposal-defaire-eng.php>) with parental permission,

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

Subsection 4.13– Animals

Ontario Regulation 137/15

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

Intent

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

Compliance Indicator

Premises Indicator

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

Recommendations

Prior to contact with animals

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

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

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

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

- Always treat animals gently and calmly. Never hurt, tease, frighten, chase, surprise or corner an animal.
- Avoid kissing animals.
- Never disturb an animal that is eating or sleeping.

- Always perform hand hygiene (wash hands or 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.

Subsection 4.14– 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 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 premises where it oversees the provision of home child care,

(a) a home child care provider periodically performs a direct visual check of each sleeping child by being physically present beside the child while the child is sleeping and looking for indicators of distress or unusual behaviours;

(b) there is sufficient light in the sleeping area or room to conduct direct visual checks; and

(c) there are written policies and procedures at the 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 home child care premises will be advised of the 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

Intent

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

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

Special Instructions

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

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

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

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

There are no specific requirements regarding how sleep supervision should be conducted for children during overnight or extended hour care. However, the requirements related to sleep supervision (e.g., sleep position and the performance and documentation of direct visual checks) apply.

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.

The policies and procedures relating to sleep supervision must be reviewed with home child care 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, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 of the O.Reg.137/15.

See Manual Subsection 1.2 for these requirements.

Compliance Indicators

Agency Indicator

1. There is a written policy that includes the items listed in 33.1(2)(c)

Location Indicators

1. Each child who is younger than 12 months who receives home child care at a 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 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 is observed to periodically perform a direct visual check of each sleeping child by being physically present beside the child while the child is sleeping

Or

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

Or

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

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

Or

A home child care provider verbally confirms there is sufficient light in the sleeping area or room to conduct direct visual checks

Recommendations

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

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

Sleep Policy

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

1. Assignment of cribs and cots to children:
 - how the licensee will assign the cribs and cots to each child
 - how home child care providers, parents and other individuals know which crib or cot belongs to which child
 - how home child care providers, parents and other individuals will be made aware when there is a change to the assignment of cribs and cots.
2. Consultation with parents with respect to a child's sleeping arrangements:
 - at time of enrollment and at any other appropriate time, such as how the licensee will consult with parents to receive information on the child's sleep preferences, required accommodations, precautions etc.
 - a process for advising home child care visitors and providers, students and volunteers on each child's sleep preferences
 - where the child's sleep preferences will be documented
 - a process for how each child's sleep preferences will be implemented
 - how often parents' will be consulted with respect to their child's sleeping arrangements.
3. Parents being advised of the licensee's obligation under subsection (1)
 - how the licensee will advise parents of children younger than 12 months of their obligation to place children on their backs for sleep, in accordance with the Joint Statement
4. The process for the licensee to advise parents of all children who regularly sleep at the home child care premises of the policies and procedures regarding children's sleep
5. Communicating to parents any significant changes in a child's sleeping patterns or behaviours:
 - the process for advising home child care visitors and providers, students and volunteers of the requirement that they document and communicate when there is any significant change in a child's sleep pattern or behaviour
 - how the licensee or home child care visitor and/or provider will advise parents when there is any significant change in a child's sleep pattern or behaviour

- how the licensee and home child care visitor and/or provider will implement adjustments to the manner in which the child is supervised during sleep when an observance of any significant change in a child's sleeping patterns or behaviours during sleep have been made
6. Details regarding the performance of direct visual checks:
- what steps are to be followed in the direct visual checks
 - the frequency of direct visual checks
 - the potential indicators of distress
 - how direct visual checks will be documented (e.g. children's daily record, separate binder to log checks).

The licensee should recognize that infant children do not have set rest/sleep schedules and will need to rest/sleep based on each child's individual needs. See Manual subsection 6.3 for more information regarding infant's sleep schedule.

Subsection 4.15– 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).

Intent

These provisions have been added to the regulations to reduce risk of harm and injury, including death, when children are sleeping. If the licensee chooses to use electronic

monitoring devices, they need to ensure the devices are working appropriately and picking up the sounds and/or images of all sleeping children.

Special Instructions

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

Compliance Indicators

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 they are working properly;

Or

A home child care provider verbally confirms that the electronic monitoring devices are checked daily to ensure that they are working properly;

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

Recommendations

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

- How will the home child care provider document the daily checks of the electronic monitoring devices
- What steps home child care providers will take if a monitoring device does not work.

Section 5- Nutrition

Subsection 5.1– Requirements for Children 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.

Intent

Adequate and appropriate nutrition is vital to the health, development, and growth of children in their first year. The amount and scheduling of nourishment must accommodate the needs of each individual child.

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

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

Compliance Indicators

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.

Recommendations

Children under one year should be fed following the written instructions provided by their parents; however, bottles should not be given to children while they are lying down. Children under one year should be held up at a 45 degree angle or greater when feeding. An adult should always hold the bottle until the child is able to do so independently. Bottles should never be propped against something or left in a child's mouth when they are falling or are asleep.

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

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

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

Subsection 5.2– Food Storage and Preparation

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

Intent

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

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

Special Instructions

Licensees must consult with their local public health unit for additional information on safe food storage, preparation and service procedures, including correct temperatures for fridge and freezer, premises of food within the fridge and sanitation/dish washing procedures.

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

Compliance Indicators

Premises Indicators

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

Recommendations

Licensees may wish to review the requirements of [Regulation 562 \(Food Premises\)](#), made under the Health Protection and Promotion Act, 1990.

Subsection 5.3– 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 where otherwise approved by a director in the case of a child in a licensed kindergarten group or older child.
2. Between-meal snacks must be supplied and provided by the licensee or provider, except where otherwise approved by a director in the case of a child in a licensed kindergarten group or older child.
3. Where a child receives child care for six hours or more, the licensee or provider shall ensure that the total food offered to the child includes, in addition to any meals provided, two snacks.
4. Drinking water must be available at all times.
5. All meals, snacks and beverages must meet the recommendations set out in the Health Canada documents “Eating Well with Canada’s Food Guide”, “Eating Well with Canada’s Food Guide – First Nations, Inuit and Métis” or “Nutrition for Healthy Term Infants”, as amended from time to time, as the case may be.

Intent

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

Meals should be served at regular meal times and provide nutrients necessary for growth and development. Home child care providers can create environments to support children’s health and well-being by providing healthy meals and snacks and establishing positive eating environments that are responsive to children’s cues of hunger and fullness.

Snacks should provide nutritional value as well as refreshment in a child’s busy day. These foods should be easy for the child to handle and not detrimental to dental health.

Children attending home child care for a full day may be very active throughout the day and therefore depend heavily on the food served to provide the necessary energy to sustain their activity. These children may also spend many of their waking hours at home child care, and it is important that they receive a sufficient portion of their daily nutrient intake.

Proper hydration is important for children, particularly during hot summer months, and water suitable for drinking must be available at all times including between snacks and meal times.

It is the licensee's responsibility to require home child care provider in each premises where the licensee oversees the provision of home child care provides snacks and meals, however, clauses 42 (2) 1 and 2 allow for a director to approve an alternate arrangement for older children. This alternate arrangement generally involves children bringing bag lunches from home.

Special Instructions

All nutrition requirements are subject to section 44 of Ontario Regulation 137/15 which provides that parents may identify special dietary and feeding arrangements for their children. These special arrangements must be provided in writing to the licensee and the licensee must ensure that they are carried out.

The foundational documents required for menu planning ("Eating Well with Canada's Food Guide", "Eating Well with Canada's Food Guide – First Nations, Inuit and Métis" or "Nutrition for Healthy Term Infants") can be found at the following link: [Canada's Food Guide](#).

Bagged Lunches:

When director's approval for bagged lunches has been granted, the licensee is to develop policies and procedures that are provided to parents. These policies and procedures should include,

- guidelines for the content of bagged lunches and examples of bagged lunches which meet Canada's Food Guide requirements;
- allergy awareness procedures (including any prohibited foods);
- what, if anything, will be routinely provided by the home child care provider at lunch (e.g., milk, soup, etc.); and
- back up procedures if bagged lunches are forgotten or need to be supplemented due to the presence of allergen containing foods or foods of low nutritional value (e.g., available replacements or snacks).

When children bring bagged lunches, these must be labelled and refrigerated to help ensure that food is maintained at a safe temperature and nutritional value is maintained.

It is also important to remember that children's appetites vary from meal to meal and may change over time. No child must ever be forced to eat (per Ontario Regulation 137/15 ss. 48(f)); however, parents should be advised to consult with their physician in circumstances where a child continually refuses to eat.

Additionally, food must never be used to reward children and the removal/deprivation of food/drink is prohibited (per Ontario Regulation 137/15 s.48(e)).

Compliance Indicators

Location Indicators

1. Children one year of age or older who are present at meal time are observed to be provided 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

Director approval has been granted for other feeding arrangements for children 44 months or older (i.e., director approval for bagged lunches provided by parents).

2. Children one year of age or older are observed to be provided 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

Director approval has been granted for other feeding arrangements for children 44 months or older (i.e., director approval for bagged lunches provided by parents).

3. Children who are in care for six hours or more are observed to be provided 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 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”.

Recommendations

For more information to help support interpretation and implementation of Canada’s Food Guide and supplemental documents refer to the Nutrition Recommendations for Licensed Child Care Providers in Ontario.

Food service and nutrition programs in home child care premises should provide:

- nutritionally adequate meals and snacks;
- opportunities for children to develop a positive attitude toward a wide variety of foods;
- opportunities for children to prepare and serve food; and
- opportunities to develop and enhance socialization skills, self-regulation and language skills.

Promoting Good Eating Habits

Enjoying food and meal times depends to a great extent on the way food is offered and the models provided by adults. There are a variety of ways in which home child care providers can impact children’s health and well-being with regards to eating and nutrition, such as by:

- providing nutritious food and beverages that incorporate family and cultural preferences;

- creating positive eating environments with foods and portion sizes that are responsive to children’s cues of hunger and fullness;
- using a bright, attractive, well-ventilated and comfortable room for serving meals;
- providing suitable child-sized tables and chairs;
- supplying dishes and eating utensils that are attractive, durable and of suitable size and shape for small hands;
- ensuring that dishes and utensils match the children's capabilities so that they can graduate from bowls and spoons to forks and plates;
- providing a quiet time just before meals so that the atmosphere can be friendly and relaxed at meal time;
- avoiding delays in food services so that the children will not have to sit and wait;
- having home child care providers eat with the children whenever possible and always eating the same meal as the children;
- providing an opportunity for children to leave the table if they become restless before the meal is over (e.g., let them take their plates to the counter and bring their dessert back to the table);
- encouraging children to practice self-care skills (e.g., feeding themselves) and help with food preparation and distribution (e.g., filling their own glasses or cups, arranging crackers and fruit on plates etc.);
- setting a good example by having a positive approach to new foods and pleasant table manners;
- being prepared for spills and calmly cleaning up and offering reassurance when they happen;
- encouraging interesting conversation and modeling language related to food, drink and eating to support communication development; and
- avoiding the use of mealtimes as a time to criticize or to air unpleasant occurrences.

Home child care 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.

Home child care providers should be vigilant in watching for signs/symptoms of choking or inhaling food/drink or other distress when eating and drinking such as gagging, coughing, and/or food or drink pooling in a child’s mouth, and in delivering first aid when necessary. In addition, the identification of such signs/symptoms should be reported to the child’s parent(s).

It is also important to remember that children's appetites vary from meal to meal and may change over time.

Snacks:

Snacks should be served at times that will not interfere with the children's appetite for the main meal.

Morning snacks may be served quite early depending on when the children arrive and whether they have had an early breakfast or not eaten yet. Afternoon snacks should take into consideration that many children may not eat dinner until 6:00 p.m. or later.

Try to serve a snack at least two hours before the next meal and make foods interesting by,

- serving buffet style so that children can choose between snacks (e.g., three or four raw vegetables or fruits); and
- inviting children to help with the preparation of snacks.

Certain foods that are high in sugar or salt content (e.g., candy, dried fruit, cookies, chips, pretzels, etc.) are not consistent with Canada's Food Guides as they offer little nutritional value and promote tooth decay. Licensees should limit serving such foods to children, if offered at all.

The importance of nutritional snacks is heightened when bagged lunches are being provided, as the home child care provider does not control what food is offered. Home child care providers should monitor the content of bagged lunches and discuss with parents when there are concerns regarding the nutritional adequacy of snacks and meals.

Subsection 5.4– Menu

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 Health Canada documents “Eating Well with Canada’s Food Guide”, “Eating Well with Canada’s Food Guide – First Nations, Inuit and Métis” or “Nutrition for Healthy Term Infants”, as amended from time to time, as the case may be.

Intent

Careful menu planning is essential to meet children's nutritional needs and to offer a wide variety of foods (consistent with Ontario Regulation 137/15, clause 42 (2) (5)). It also promotes economical purchasing and financial management.

Planning menus in consultation with parents and home visitors ensures that the food served at each home child care premises will meet the nutritional needs of the children receiving care.

Compliance Indicators

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 verbally confirms menus are planned in consultation with a parent of the child and a home visitor.

Subsection 5.5– 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.

Intent

Parents may wish to make special dietary and feeding arrangements with the licensee regarding food/drink in order to meet the individual nutritional needs of their child. This may include an arrangement where the parent chooses to provide the meals and/or snacks for the child, or the parent supplements the meals and snacks provided by the licensee.

Where a child requires special foods and/or feeding arrangements at meal times and/or snack times, it is important that the expectations and responsibilities of both the licensee and the parent are clearly set out in writing.

See Manual subsection 5.2

Compliance Indicators

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.

Recommendations

Some things to consider specifying when developing the written instructions may include:

- whether the parent will be providing all between-meal snacks for the child or if the child may choose a snack offered by the home child care provider;
- whether the parent will be providing an ingredient list to help ensure that allergens are not brought into the home child care premises;
- whether the home child care provider will still offer drinks, other than water, to the child (home child care providers are responsible for making drinking water available to children at all times);
- an arrangement if the child is still hungry after consuming the lunch and/or snacks from home; and,
- a contingency arrangement if the lunch and/or snacks from home are forgotten.

Parents should be advised that they need to make known to the licensee when there are any changes to the written instructions.

Licensees should consider having policies to set out that the parent-provided lunch meets the nutritional requirements set out in the Canada's Food Guides and are provided in keeping with the licensee's anaphylaxis policy.

Section 6 – Program for Children

Subsection 6.1– 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 fee for services and the admission and discharge policy, and
 - (iv) activities off the premises;

(a.1) information about the requirement regarding supervision of volunteers and students set out in subsection 11.1 (1) and about the policies and procedures required under subsection 11.1 (2);

(a.2) a copy of the licensee’s policies and procedures required under 45.1 regarding how parents’ issues and concerns will be addressed;

(b) a copy of the program statement described in section 46; and

(c) a list of the prohibited practices set out in section 48.

(e) a copy of the policies and procedures described in section 75.1.

(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.

Intent

The parent handbook supports transparency and communication with parents and families. It provides information about the services that are offered so that parents and licensees share similar expectations about the program.

Information should be detailed so that parents who are considering whether to enrol their child(ren) at a specific home child care agency can make informed choices among programs offered within the community.

Special Instructions

The parent handbook does not have to be provided in hard copy. An electronic version may be provided to current families as well as to parents considering enrolling their children. Licensees must be able to demonstrate that parents are informed of any revisions at the time they are made.

Compliance Indicators

Agency Indicators

1. There is a parent handbook that includes information about:
 - i. the services offered and the age category served,
 - ii. the times when the services are offered and the holidays observed,
 - iii. the fee for services and the admission and discharge policy,
 - iv. activities off the premises;
 - v. information about volunteers and students being supervised by a home child care provider at all times and not being permitted to be alone with any child.
 - vi. Waiting list policies and procedures

And

The parent handbook includes a copy of the program statement described in s. 46, a list of prohibited practices set out in section 48 and a copy of the licensee's policies and procedures required under 45.1 regarding how parents' issues and concerns will be addressed.

2. The home visitor and/or provider verbally confirm that all parents, including prospective parents, have access to the handbook;

And

The home visitor and/or provider verbally confirm that parents are provided an updated version of the parent handbook when modifications are made.

Recommendations

If the home child care agency has a website, the agency may consider publishing the most current version of its parent handbook online to make it available to parents and prospective parents.

In addition to the required content, licensees may wish to consider the following topics as they create a parent handbook:

- Arrival and departure procedures (e.g., attendance; communicating with providers)
- Inclement weather policies and procedures (e.g., extreme weather policies, closures due to inclement weather)
- Nutrition policies and/or sample menus
- Copies of policies and procedures (e.g., Anaphylaxis, Administration of Medication, Serious Occurrence Reporting, Criminal Reference Checks)
- Complaint resolution procedures
- Links to resources about licensed child care (e.g., [How Does Learning Happen?](#) or [Child Care Information for Families](#))

If publishing the parent handbook as a hard copy for parents, the information which changes annually or more frequently (e.g., sample menus and holidays observed), could be placed on the last page or in a separate leaflet. This approach will minimize the cost of printing when revisions are made.

***Subsection 6.2– 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.

Intent

This provision is intended to provide licensees and parents with a clear and transparent procedure to follow when a parent has brought forward an issue or concern they wish to have addressed by the licensee.

Special Instructions

The licensee must develop written policies and procedures that set out how parents' issues and concerns are addressed or adopt the standard policy developed by the Ministry. If the licensee chooses to adopt the Ministry policy, the licensee must complete all customizable areas of the standard policy.

The licensee must ensure that the parent handbook includes a copy of the policy and procedure for addressing parent issues and concerns.

Parent Issues and Concerns Policies and Procedures must be reviewed with home child care 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, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 of the O.Reg.137/15.

See Manual subsection 1.2 for these requirements.

Compliance Indicators

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.

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;
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.

Recommendations

In developing the written policies and procedures that set out how parents' issues and concerns will be addressed, the licensee may wish to consider providing parents with direction on who will be contacted in the following situations:

- If the concern or issue is directly related to a program room (e.g. addressed directly with the program staff).
- If the concern is regarding a staff member (e.g. addressed with the supervisor).
- If the concern is regarding the supervisor (e.g. addressed with the licensee or board of directors).
- If the concern is related to an allegation of abuse (e.g. contact Children's Aid Society).

When determining when an initial response will be provided to a parent, the licensee may wish to consider setting out a timeframe (e.g. 24 hours to acknowledge receipt of the issue/concern).

The licensee may wish to familiarize themselves with the Ontario Human Rights Code when developing the policy and procedures in order to ensure that policies are not discriminatory. <http://www.ohrc.on.ca/en/ontario-human-rights-code>

Subsection 6.3– 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;
 - (g) incorporate indoor and outdoor play, as well as active play, rest and quiet time, into the day, and give consideration to the individual needs of the children receiving child care;
 - (h) foster the engagement of and ongoing communication with parents about the program and their children;
 - (i) involve local community partners and allow those partners to support the children, their families and staff;
 - (j) support staff, home child care providers or others who interact with the children at a child care centre or home child care premises in relation to continuous professional learning; and
 - (k) document and review the impact of the strategies set out in clauses (a) to (j) on the children and their families.
- (4) Every licensee shall ensure that all new staff, home child care providers, students and volunteers review the program statement prior to interacting with children and at any time when the program statement is modified.
- (5) Every licensee shall ensure that the approaches set out in its program statement are implemented in the operation of its program at each child care centre it operates and each premises where it oversees the provision of home child care.

Intent

Subsection 55(3) of the Child Care and Early Years Act, 2014 (CCEYA) authorizes the Minister of Education to issue policy statements regarding programming and pedagogy for the purpose of guiding child care licensees and early years providers in developing their programs and services.

Under this authority, the Minister has named How Does Learning Happen? (HDLH) as the common provincial framework to guide programming and pedagogy in licensed child care settings.

HDLH is a professional learning resource that provides a common framework to help licensees focus on knowledge from research, theory and practice on what’s most

important for children. It encompasses a broad range of program philosophies and approaches, and may look quite different when put into practice in a variety of settings.

The program-related requirements from Ontario Regulation 137/15 align with HDLH and help licensees put the goals and approaches of the pedagogical framework into practice.

This policy statement, together with the Ontario Regulation 137/15 are intended to strengthen the quality of programs and experiences that lead to positive outcomes in relation to children's learning, development, health and well-being.

Compliance Indicators

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:
 - promote the health, safety, nutrition and well-being of the children; and
 - support positive and responsive interactions among the children, parents, child care providers and staff; and
 - encourage the children to interact and communicate in a positive way and support their ability to self-regulate; and
 - foster the children's exploration, play and inquiry; and
 - provide child-initiated and adult-supported experiences; and
 - plan for and create positive learning environments and experiences in which each child's learning and development will be supported; and
 - 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
 - foster the engagement of and ongoing communication with parents about the program and their children; and
 - involve local community partners and allow those partners to support the children, their families and staff; and

- support staff, home child care providers or others who interact with the children at a home child care premises in relation to continuous professional learning; and
 - document and review the impact of the strategies set out in clauses (a) to (j) of subsection 46 (3) on the children and their families.
4. There is written evidence that home child care providers and students and volunteers have reviewed the program statement prior to interacting with children and at any time when the program statement is modified;

Or

Home child care providers and 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 provider verbally confirms how approaches being implemented.

Recommendations

How Does Learning Happen? is a professional learning resource for educators and administrators in early years settings. The four foundations of HDLH are intended to guide program development and implementation. HDLH pedagogy encourages adults to provide environments, experiences and interactions that are based on:

- A view of children as competent and capable of complex thinking, curious and rich in potential. The government set out this understanding of children for all early years programs and services in the 2013 Early Years Policy Framework.
- Goals for children, expectations for programs and questions for reflection. These areas are organized around four interconnected foundations of belonging, well-being, engagement and expression.
- Pedagogical approaches that provide the “how” for working toward the goals for children. Grounded in research, theory and practice, these approaches include:
 - Responsive relationships
 - Learning through exploration, play and inquiry
 - Educators as co-learners

- Environment as third teacher
- Pedagogical documentation
- Reflective practice and collaborative inquiry

Developing a Program Statement

When developing the program statement, the approach each licensee takes is an important consideration and should reflect the unique and authentic nature of the program. Licensees have the flexibility to ensure that the program statement fits the services offered and various methods can be used to develop the program statement.

The program statement tells families, home child care providers, home visitors and others what licensees are striving to achieve (goals) and what actions are going to be put in place to achieve these goals (approaches). The program statement is a living, breathing document that will continue to evolve with the program as our learning and understanding expands, our processes change and our families, home child care providers and children change.

Licensees are encouraged to use HDLH as a starting point when developing a program statement for programs and practices to support learning in their agencies and premises. The view of the child, goals for children, expectations for programs and questions for reflection can be used to inform the program statement.

Licensees may also collaborate with agency staff, home child care providers, home visitors and families to gather various perspectives and ideas to support the development of the program statement. A shared vision of the program helps ensure that everyone is involved and committed to putting the program statement into practice.

Developing Program Statement Goals

A goal is a desired outcome the licensee strives to achieve. It can be viewed as a written commitment to the families, home child care providers, home visitors and children of what the licensee wants to accomplish through the program.

There are a variety of ways licensees can articulate their goals:

- Licensees can choose to use the actual requirement wording of Ontario Regulation 137/15 ss. 46(3)(a-k) when creating goals. An example of this for goal ss.46(3)(a) would be “to promote, the health, safety, nutrition and well-being of the children”
- Licensees could also choose the goal to be one of the four foundations (belonging, well-being, engagement or expression) from HDLH; or

- Licensees can establish their goals using their own unique wording.

When establishing goals for subsection 46(3)(a-k) the licensee may consider the following questions:

- Who is the audience for the program statement? Will those individuals (i.e. parents, educators, etc.) understand the language used?
- Is the goal clear and easily identifiable in the program statement?
- Are the goals achievable in the program?
- Have the opinions of others who directly interact with the children and their families been considered in the development of the goals?

Some of these goals may overlap and may be grouped together in the program statement.

Developing Program Statement Approaches

An approach is the action the licensee puts into practice to achieve the goal. The approaches described in the program statement will demonstrate the unique nature of the home child care agency and each home child care premises. The approaches should be measurable and observable for Ministry staff, home child care providers, home visitors and families.

When developing approaches, the licensee may consider whether:

- the approaches align with the agency's pedagogy
- the approach will support achievement of the goal
- home child care visitors and providers, staff and students and volunteers understand the approaches
- the licensee can observe and assess that these approaches are implemented in the program.

There is no mandatory or recommended length for the program statement, therefore the level of detail and length of the program statement is the choice of the licensee.

Implementation of the Program Statement Approaches

Home child care visitors, providers and students and volunteers are required to implement the approaches outlined in the program statement when they are applicable. The implementation of each approach may not be observed in practice on a daily basis; for example, unless a community event is happening that day, it may not be observed on a given day that home child care visitors, providers, students and volunteers are implementing the approaches for involving local community partners (ss. 46(3)(i)).

However, any time a home child care visitor, provider, student and/or volunteer is interacting with a child it would be expected that the approaches for positive and responsive interactions (ss. 46(3)(b)) would be implemented.

The licensee may consider using forms of pedagogical documentation for parents to illustrate how the approaches are being implemented into the program. This will provide evidence that the approaches described in the program statement are being implemented when they cannot be observed.

Additional Considerations

Where applicable, the licensee may choose to align the program statement with municipal quality assurance mechanisms/measures.

For more information on developing, reviewing and implementing a program statement, please refer to the following resources:

[Early Years Portal](#)

[Minister's Policy Statement on Programming and Pedagogy](#)

[How Does Learning Happen?](#)

[How Does Learning Happen? For Home Child Care Providers](#)

[Think, Feel, Act: Lessons from Research About Young Children](#)

Subsection 6.4– Program Requirements re: 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 toddler or preschool child 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 toddler, preschool or kindergarten child is permitted to sleep, rest or engage in quiet activities based on the child's needs.

Intent

While not all children need a mid-day nap, young children benefit from periods of quiet relaxation to balance their active play.

Some children who are tired may take a relatively long time to relax and sleep, while others only require a short rest period. Children's needs may also change from day to day or week to week.

Children under two years of age will likely have irregular sleep schedules. Licensees and home child care providers should recognize this and allow for this age group to rest as needed. The licensee should follow the individual schedule of each child and not implement a standardized sleep schedule for all the children of this age. The need for rest and sleep varies greatly at different ages, and even among children of the same age; however, rest is an important part of the day for all children. This provision allows for a period during which quiet activities are encouraged and children can nap if needed.

Special Instructions

Licensees and home child care providers must take into consideration instructions given from parents regarding their children's sleep and rest period. These instructions must be followed as closely as possible but the licensee and home child care provider must also consider the needs of the individual child.

See Manual section 4.13 for more information on sleep supervision practices for infants.

See Manual section 3.5 for more information sleep equipment.

Compliance Indicators

Location Indicators

1. Rest periods for children over 18 months of age 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 of do not exceed two hours in length.

2. Children over 18 months 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.

Recommendations

As discussed in *How Does Learning Happen?*, children’s well-being is supported when adults respect and find ways to support each child’s varied physiological and biological rhythms and needs for active play, rest and quiet time.

Finding ways to reduce stress by providing space and time for rest and quiet play based on individual differences and needs helps children become increasingly aware of their own basic needs and supports their developing self-regulation skills.

Licensees and home child care providers are encouraged to reflect on how the organization of time, space and materials supports children’s varied needs for sleep, rest and quiet time.

For more information, please refer to the following resources:

[Early Years Portal](#)

[How Does Learning Happen?](#)

[How Does Learning Happen? For Home Child Care Providers](#)

[Think, Feel, Act: Lessons from Research About Young Children](#)

Subsection 6.5– Program Requirements re: 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.

Intent

All children benefit from time spent outside playing and exploring where they are able to connect with the natural world and their community.

Opportunities for gross motor and highly active play are often easier to offer in outdoor environments and play spaces. Integrating physical activity into the daily routine in a home child care premises helps develop a foundation and love for movement, physical activity and a connection with nature that will support health and well-being throughout the child's life.

Compliance Indicators

Location Indicators

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.

Recommendations

Being active can help young children stay healthy, improve movement skills, have fun and feel happy, develop self-confidence, collaborative skills and improve learning and attention.

As described in *How Does Learning Happen?*, research suggests that allowing children to actively explore and investigate what they are naturally curious about, to test their limits, take manageable risks appropriate for their age and abilities, and engage in creative problem-solving is critical for children's physical and mental health and well-being.

Not all outdoor play needs to be high energy or focussed on gross motor skills. Children benefit from a variety of opportunities to engage with the natural world, including exploration, investigation and observation of the environment.

A growing body of research suggests that connecting to the natural world contributes to children's mental, physical, emotional, and spiritual health. Children may be provided

opportunities to engage with nature and seasonal changes regardless of where the home child care premises is located. All varieties of natural environments provide opportunities to enhance children’s sense of wonder and joy in the world around them, from urban home child care premises with small patches of green space to rural home child care premises with vast fields and forests.

For more information on ways to create outdoor environments and experiences that foster children’s learning, development, health and well-being, refer to the following resources:

[Early Years Portal](#)

[Minister’s Policy Statement on Programming and Pedagogy](#)

[How Does Learning Happen?](#)

[How Does Learning Happen? For Home Child Care Providers](#)

[Think, Feel, Act: Lessons from Research About Young Children](#)

Subsection 6.6– Prohibited Practices

Ontario Regulation 137/15

- 48 No licensee shall permit, with respect to a child receiving child care at a child care centre it operates or at a premises where it oversees the provision of child care,
- (a) corporal punishment of the child;
 - (b) physical restraint of the child, such as confining the child to a high chair, car seat, stroller or other device for the purposes of discipline or in lieu of supervision, unless the physical restraint is for the purpose of preventing a child from hurting himself, herself or someone else, and is used only as a last resort and only until the risk of injury is no longer imminent;
 - (c) locking the exits of the child care centre or home child care premises for the purpose of confining the child, or confining the child in an area or room without adult supervision, unless such confinement occurs during an emergency and is required as part of the licensee’s emergency management policies and procedures;
 - (d) use of harsh or degrading measures or threats or use of derogatory language directed at or used in the presence of a child that would humiliate, shame or frighten the child or undermine his or her self-respect, dignity or self-worth;

- (e) depriving the child of basic needs including food, drink, shelter, sleep, toilet use, clothing or bedding; or
- (f) inflicting any bodily harm on children including making children eat or drink against their will.

Intent

This provision forbids physical punishment and other harmful disciplinary practices to protect the emotional and physical well-being of children. It sets out clear direction regarding prohibited practices to support the overall well-being of children. These practices are never permitted by a home child care agency, at a home child care premises or at other premises, where children are being cared for by the home child care provider.

Young children benefit from an affirming approach that encourages positive interactions with other children and with adults, rather than from a negative or punitive approach to managing unwanted behaviour.

Compliance Indicators

Location Indicators

1. None of the following practices are observed in the home child care 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 home child care premises 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, 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

The home child care visitor and/or the home child care provider verbally confirm that these practices are not allowed and do not occur.

Recommendations

Rather than setting out practices to be used for discipline or to manage children's behaviour, licensees must instead examine and set out in their program statement how they will support positive interactions among children, families, home child care providers and the community.

See Manual subsection 6.2 for more information.

Research, from diverse fields of study shows that children who attend programs where they experience warm, supportive relationships are happier, less anxious, feel valued and are more motivated to learn than those who do not. Experiencing positive relationships in early childhood also has significant long term impacts on physical and mental health, and success in school and beyond.

HDLH provides information on ways adults can engage in positive, responsive interactions and why this is critical for children's overall learning, development, health and well-being.

For more information, please refer to the following resources:

[Early Years Portal](#)

[How Does Learning Happen?](#)

[How Does Learning Happen? For Home Child Care Providers](#)

[Think, Feel, Act: Lessons from Research About Young Children](#)

Subsection 6.7– 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 or volunteers are to implement the approaches specified in the program statement required under subsection 46 (1);
 - (b) the prohibited practices set out in section 48; and
 - (c) the measures that the licensee will use to deal with contraventions of the policies and procedures and with the commission of a prohibited practice.

Intent

This section requires the licensee to develop written policies that set out how the program statement will be implemented. These policies set out how the approaches communicated in the program statement will be put into practice by the licensee and are referred to in licensing documents as the Program Statement Implementation Policy.

The Program Statement Implementation Policy must also set out the list of prohibited practices identified in s. 48 of Ontario Regulation 137/15 and the measures that will be used to deal with any contraventions of the policy or commission of the prohibited practices.

Special Instructions

The policies and procedures relating to program statement implementation policy must be reviewed with home child care 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, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 in the O.Reg.137/15.

See Manual subsection 1.2 for these requirements.

Compliance Indicators

Agency Indicators

1. There are written policies and procedures that identify how home child care providers, other staff and volunteers and/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 in dealing with a contravention of the policies and the use of a prohibited practice.

Recommendations

Program Statement Implementation Policy

A program statement implementation policy requires that all individuals involved in caring for the children are aware of the expectations set out by the licensee. The expectations should outline how home child care providers, other employees and students and volunteers are to implement the approaches in the program statement, what the prohibited practices are and how the licensee will deal with a contravention of the program statement and/or a commission of a prohibited practice.

The program statement implementation policy should be developed in a manner that responds to the needs of home child care providers, other employees and 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 several ways the licensee can specify the expectations of how home child care providers, other employees, students and volunteers will implement the program statement approaches.

Examples of how the licensee may choose to develop their program statement implementation policy include, but are not limited to:

- Specifying the implementation expectations for each provision in ss. 46(3) (a-k). This can produce a detailed policy that specifically addresses the implementation of the approaches to achieve the goals for each requirement in this section.
- Alternately, the policy may set out a broader, more general description of the implementation expectations across all the program statement requirements.

The licensee may consider how home child care providers, other employees, students and volunteers will be engaged and supported in putting these goals and approaches

into practice (e.g. team meetings; peer coaching and mentoring; regular professional learning sessions; a staff pedagogical leader who provides ongoing professional support and training for all individuals)

The policy should provide sufficient detail and clarity to support new home child care providers, other employees and volunteers and students to understand the expectations.

The policy is meant to focus on the positive means of implementing the program statement. The licensee may choose to also specifically identify unacceptable actions or practices that may contravene the program statement (e.g., harsh or angry voice tone; the use of “time out”). If the licensee identifies practices that do not support the implementation of the program statement, the licensee should consider how the contravention section will address the use of those or similar practices.

Prohibited Practices

The licensee must list all prohibited practices set out in section 48 of the O. Reg. 137/15 in the policy. See Manual subsection 6.5 for the complete list.

If a prohibited practice is observed, the individual who has observed the incident must make the report directly to a children’s aid society. For more information on the Child and Family Services Act and the duty to report, see [Reporting Child Abuse and Neglect: It’s Your Duty.](#)

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

Measures for Dealing with Contraventions

The primary purpose of the measures the licensee will use in dealing with a contravention is to assist the home child care provider, other employees and volunteers or students to understand that the requirements have not been met and an opportunity for improvement exists.

There are various ways the licensee can choose to deal with a contravention of the program statement and/or the commission of a prohibited practice. Consideration should first be given to identify the reason for the contravention:

- Does the individual fully understand the requirements?
- Has sufficient orientation, tools and training been provided for individuals?

In developing the measures, the licensee may consider actions that can help to improve the individual's ability to meet the expectations and requirements, which may include, but are not limited to, peer mentoring; direct review of the policies and procedures with the home child care visitor; formal feedback from the licensee; training.

Where the commission of a prohibited practice has taken place, the policy should set out a progressive sequence of actions to be taken, reflective of the severity and number of prior contraventions.

Additional Considerations

The licensee may wish to consider how the program statement implementation policy will align with any municipal quality assurance mechanisms/measures that they are required to follow.

For more information on the written process for how compliance and contraventions of the policies, procedures and individualized plans will be monitored on an ongoing basis, recorded and addressed, please refer to Section 1 of the manual.

For more information, please refer to the following resources:

[Early Years Portal](#)

[Minister's Policy Statement on Programming and Pedagogy](#)

[How Does Learning Happen?](#)

[How Does Learning Happen? For Home Child Care Providers](#)

[Think, Feel, Act: Lessons from Research About Young Children](#)

Subsection 6.8– Individualized Support Plans and Inclusive Programming

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.

Intent

This provision requires that an appropriate individualized support plan is developed for each child with special needs and that licensees take all necessary steps to support children with special needs to participate to the maximum extent possible in the home child care program.

Licensees must include information on the individualized support plan on each child's required supports, including specific aids (e.g., mobility devices, hearing aids) and modifications to the environment (e.g., specific furniture, additional staff).

Special Instructions

When developing an individualized support plan, the parent of the child, the child (if appropriate) 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 must be consulted. If one of these individuals or the licensee identifies the child as a child with special needs then an individualized support plan should be developed. If a child is not identified as a child with special needs an individualized support plan would not be needed.

Licensees are required to maintain the confidentiality of a child's medical history including diagnosis. Sensitive or confidential medical information and detailed reports from medical professionals should not be included in the plan unless consent, in writing, has been given by the parent. Licensees must develop an individualized support plan that contains the following information:

- how the child care centre will support the child to function and participate while in the care of the centre;

- any supports or aids, or adaptations or other modifications to the physical, social and learning environment that are necessary to achieve clause (a), where applicable; and
- 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.

The individualized support plans must be reviewed with each home child care provider, volunteers and students, persons who are ordinarily residents of the premises or persons regularly at the premises and home child care visitors, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 of the O.Reg.137/15.

See Manual subsection 1.2 for these requirements.

Compliance Indicators

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 or aids, or adaptations or other modifications to the physical, social and learning environment that are necessary to achieve clause (a), where applicable; and
 - c. instructions relating to the child’s use of the supports or aids referred to in clause (b) or, if necessary, the child’s use of or interaction with the adapted or modified environment, where applicable.
2. Individuals who have participated in the development of the individualized support plan are listed in the document or have signed it.

And

This list of individuals includes a parent of the child with special needs.

Recommendations

The goals and approaches in *How Does Learning Happen?* (HDLH) can help programs as they consider ways to ensure each child is able to participate fully in the program and engage with peers in a meaningful way.

HDLH sets out a view of the child as competent and capable, curious and rich in potential. Using this view can help programs focus on the strengths of each child rather than their needs and deficits.

Approaches such as pedagogical documentation can help educators continue to learn about each child's unique abilities, characteristics and growth. This documentation can be shared with parents and other professionals working with a child to gain a deeper understanding of the child. Knowledge gained through documentation can also help programs to create environments and experiences that best support the learning and development of each child.

This information can also be used to update the individualized support plan, which should be reviewed on an ongoing basis with changes over time and as the child's abilities, needs and circumstances change.

For more information, please refer to the following resources:

[Early Years Portal](#)

[How Does Learning Happen?](#)

[How Does Learning Happen? For Home Child Care Providers](#)

[Think, Feel, Act: Lessons from Research About Young Children](#)

Section 7- Qualifications

Subsection 7.1– 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.

Intent

The intent of this provision is to protect the health, safety and well-being of children by requiring that agencies employ appropriately qualified and experienced home child care visitors to support and monitor all active homes and home child care visitors have appropriate qualifications. Qualified home visitors act on behalf of the agency to regularly monitor compliance in every premises contracted with the agency.

Generally home child care visitors must have a strong theoretical background in the practice of early childhood education and experience working with children under 13 years of age.

Special Instructions

Licensees are accountable for ensuring that the home child care visitors are capable of providing support and monitoring every home the visitor is assigned too. 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
- The ages and needs of the children, as well as the total number of children being cared for
- The frequency and type of serious occurrences and licensed complaints and;

- The level of support the home child care provider requires to meet the requirements of the CCEYA

Licensees must apply for director approval of either a registered early childhood educator (RECE) or a person who is otherwise capable of providing support and supervision through the Child Care Licensing System. The approved home child care visitors' name(s) will appear on the licensing letter and the director approval letter, along with any conditions imposed on the approval (such as additional training requirements).

To learn more about requirements for RECEs, see the [College of Early Childhood Educators website](#).

Note: Under the *Early Childhood Educators Act, 2007*, home child care providers who hold an Early Childhood Education credential must be registered with the College of Early Childhood Educators. In addition, anyone using the ECE or RECE title, regardless of their position, must be a member in good standing of the College.

It is the responsibility of the home child care agency to ensure compliance with these requirements.

Compliance Indicators

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).

Subsection 7.2– Resource Teacher Qualifications

Ontario Regulation 137/15

55(1) A resource teacher shall be a person who,

- (a) is a member in good standing of the College of Early Childhood Educators and has completed a post-secondary program of studies approved by a director that is both theoretical and practical and that relates to the needs of children with special needs; or
 - (b) is otherwise approved by a director.
- (2) Every licensee shall ensure that every resource teacher has a valid certification in standard first aid, including infant and child CPR, issued by a training agency recognized by the Workplace Safety and Insurance Board (WSIB) or otherwise approved by a director.

Intent

Resource teachers provide specialized and individualized support to children with special needs and must have specific theoretical and practical knowledge that relates to this work.

These individuals may also work with children who have heightened medical needs or risk of injury and therefore are required to have certification in standard first aid.

Compliance Indicators

Agency Indicators

1. It is observed all resource teachers employed by the licensee are listed on the College of Early Childhood Educators' Public Register as members in good standing ("current member") and have completed a post-secondary program of studies approved by a director that is both theoretical and practical and that relates to the needs of children with special needs

Or

have been otherwise approved by a director.

2. All resource teachers employed by the licensee have a valid certification in standard first aid, including infant and child CPR, that is issued by a training agency recognized by the WSIB

Recommendations

Whenever possible, it is recommended that resource teachers have at least one year of work experience in a position that includes support for and care of children with special needs.

WSIB approved providers may offer both emergency and standard first aid courses with a range of different CPR training options. Not all providers offer infant and child CPR.

Licensees may find more information about first aid training here: [WSIB First Aid Program](#)

Subsection 7.3– Health Assessments and Immunization

Ontario Regulation 137/15

- 57(1) Omitted – refers to child care.
- 57(2) Every licensee of a home child care agency shall ensure that, before any child is provided with home child care, each home child care provider at a premises at which the licensee oversees the provision of home child care and each person who is ordinarily a resident of the premises or regularly at the premises has a health assessment and immunization as recommended by the local medical officer of health.
 - (3) Subsections (1) and (2) do not apply where the person, or where the person is a child, a parent of the person, objects to the immunization on the ground that the immunization conflicts with the sincerely held convictions of the person or parent based on the person’s or parent’s religion or conscience or a legally qualified medical practitioner gives medical reasons to the licensee as to why the person should not be immunized.
 - (4) Objections and medical reasons under subsection (3) shall be submitted in a form approved by the Minister.
 - (5) An exemption under subsection (3) that was made before August 29, 2016 shall expire on September 1, 2017 unless a new objection or medical reasons are submitted in a form approved by the Minister before that date.

Intent

Preventative health care strategies within home child care include immunization of persons at the premises, as deemed appropriate by the local medical officer of health.

In particular, home child care providers and others who are either ordinarily resident or regularly at the premises must also undergo a health assessment before beginning to care for children to identify any active communicable diseases or other infection risks. This assessment allows licensees and the required individuals to take the appropriate measures to prevent the spread of infection and disease.

Special Instructions

Objection/Exemption from Immunization

Files for home child care providers and persons ordinarily resident at the premises who began providing care prior to August 29, 2016 and object to immunization based on religious or conscience grounds or for medical reasons will need to include a completed form approved by the Minister by September 1, 2017 to maintain compliance.

Licensees will have until September 1, 2017 to obtain documentation for immunization objections for home child care providers and others who are ordinarily resident at the premises who began providing care prior to August 29, 2016, using the new forms approved by the Minister for both types of objections (i.e. objections based on religious/conscience grounds and based on medical reasons).

Health Assessments

The medical officer of health determines what is needed for a health assessment and it is the agency's responsibility to make sure that all home child care providers and people who are ordinarily resident or regularly at the premises have the appropriate health assessments.

Compliance Indicators

Agency Indicators

1. The agency's files of home child care providers and others who are either ordinarily resident or regularly at the premises include health assessments.
2. The agency's files of home child care providers and others who are either ordinarily resident or regularly at the premises include immunization records.

Or

3. Where a home child care provider and other who are ordinarily resident at the premises begin providing care to children as of **August 29, 2016 or later** and does not have an immunization record on file:

The required form approved by the Minister, which would set out objections and/or medical reasons as to why the person should not be immunized, has been completed and kept in the agency's files for the home child care provider and others who are ordinarily resident at the home child care premises;

Or

4. Where a home child care provider and other who are ordinarily resident at the premises begin providing care to children **before August 29, 2016** and does not have an immunization record on file:

Written objection by a person to immunization on the grounds that immunization conflicts with his or her sincerely held convictions, based on religion or conscience for the home child care provider and others who are ordinarily resident at the home child care premises

Or

A written document from a legally qualified medical practitioner providing medical reasons as to why the individual should not be immunized.

Recommendations

The English and French forms approved by the Minister for personal objections are:

- [Link to Statement of Conscience or Religious Belief form](#)
- [Déclaration d'exemption médicale](#)

The English and French forms approved by the Minister for medical exemptions are:

- [Link to Statement of Medical Exemption Form](#)
- [Déclaration de conscience ou de croyance](#)

Subsection 7.4– 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.

Intent

Home child care visitors and providers have varying levels of knowledge, skill and experience. The agency should clearly communicate its employment and contractual expectations of its home child care visitors and providers in order for the home child care visitors and providers to understand what is required in their work. Home child care visitors and providers should be provided with opportunities to acquire new information and support to upgrade and continue to improve their professional skills, knowledge and practices.

Special Instructions

Clause 46(3) (j) of Ontario Regulation 137/15 requires that licensees support home child care visitors and providers in relation to continuous professional learning.

The policies and procedures relating to staff and provider training and development must be reviewed with home child care 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, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 of the O.Reg. 137/15.

See Manual Subsection 1.2 for these requirements.

Compliance Indicator

Agency Indicator

1. There is a written policy on staff and provider training and development.

Recommendations

When developing staff and provider training and development policies, licensees should consider the unique professional learning needs of home child care visitors and providers. Home child care visitors and providers will have different learning needs, and the needs of each group may evolve over time as individuals become more experienced and gain new skills and interests.

The [Early Years Portal](#) is a valuable resource for all individuals involved in providing licensed child care. The website provides an overview of licensing standards and should be used along with the Act, Ontario Regulation 137/15 and this Manual to help develop a comprehensive understanding of the requirements for and expectations of licensed child care programs.

The Ministry of Education's [How Does Learning Happen?](#) webpage provides a range of resources to support professional learning for individuals, teams and others in the community that may be used as part of the licensee's plan for staff and provider training and development.

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, plan for and document their professional learning in a meaningful way. CPL **will become mandatory for registered early childhood educators in September 2016** as prescribed in [Ontario Regulation 359/15: Continuous Professional Learning](#) under the CECE act.

Licensees may 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 commencing employment, or shortly after beginning work?
- What training do new home child care providers need before children are placed in their home?
- Regular training schedule – what training needs to be upgraded or offered on a regular basis to ensure currency (e.g. First Aid, car seat clinics)?
- Qualification upgrades – what opportunities might be available for otherwise-approved home child care visitors to take specialized early childhood education courses and work towards upgrading their qualifications? Are there home child care providers who may wish to work towards early childhood education qualifications and could be supported to do so?
- Ongoing professional learning – what opportunities are there for engaging in individual reflection about pedagogy and daily practice and discussion and collaborative inquiry among home visitors, providers and others in the community?
- External tools and resources – what courses are available in the community? Are there online learning opportunities? Is there an ECE leadership course that might be of interest to home child care visitors or providers?
- Is certain training required and other training optional?
- How will professional learning for staff be supported by the licensee? (e.g., paid time, resource materials)

Subsection 7.5– 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 or in-home services.

(3) A person is not required to have the certification mentioned in subsection (2) if the director is satisfied that the person would not be able to obtain the certification due to a disability.

Intent

This provision protects the health and safety of children by requiring that all home child care providers hold valid certification in standard first aid, including infant and child CPR.

Special Instructions

O. Reg. 137/15 only requires that home child care providers have certification in standard first aid and infant and child CPR; however, agencies that are registered with the Workplace Safety and Insurance Board (WSIB) must confirm they are meeting their first aid obligations as an employer under [Regulation 1101 under the Workplace Safety and Insurance Act, 1997](#). All employers covered by the WSIB are required to have first aid equipment, facilities and trained workers in all workplaces and this may include ensuring that a certain number of employees (home visitors or other staff) have valid first aid certification.

It is the licensee's responsibility to require that all home child care providers have the required standard first aid certification with infant and child CPR. Licensees will need to contact the WSIB recognized first aid training providers in their community to determine which standard first aid courses include infant and child CPR.

The list of WSIB approved providers can be found here: [WSIB Approved First Aid Training Providers](#).

Where a person is not able to obtain the standard first aid certification with infant and child CPR due to a disability, the licensee must request an exemption letter from the Ministry director and retain the letter on file for review.

Compliance Indicator

Agency Indicator

1. Files for home child care providers and/or in-home service 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.

Recommendations

WSIB approved providers may offer both emergency and standard first aid courses with a range of different CPR training options. Not all providers offer infant and child CPR.

Licensees may find more information about first aid training here: [WSIB First Aid Program](#).

Section 8- Screening Measures and Criminal Reference Checks

Special Instructions

Criminal Reference Check: A document concerning an individual that was prepared by a police force or service from national data on the Canadian Police Information Centre system, contains information concerning the individual's personal criminal history, and that may include criminal convictions and findings of guilt under the Youth Criminal Justice Act.

Offence Declaration: A written declaration signed by an individual that lists all of the individual's convictions for offences under the Criminal Code (Canada), if any, during the period specified in the declaration.

Police Record Check: A search of entries that are held in police databases pertaining to a specific individual. The two types of police record checks referenced in the CCEYA are criminal reference checks and vulnerable sector checks.

Vulnerable Sector Check: An enhanced type of police record check that may include criminal convictions, findings of guilt under the Youth Criminal Justice Act, outstanding charges, arrest warrants, certain judicial orders, absolute discharges, conditional discharges, other records as authorized by the Criminal Records Act, findings of not criminally responsible due to mental disorder, record suspensions (pardons) related to sexually-based offences, and non-conviction information related to the predation of a child or other vulnerable person (i.e., charges that were withdrawn, dismissed or stayed, or that resulted in acquittals). A vulnerable sector check is conducted in cases where an individual would be in an employment or volunteer position of trust or authority over children or other vulnerable persons.

Vulnerable Person: A person who, because of age, disability or other circumstances, whether temporary or permanent, is

- a) in a position of dependence on others; or
- b) is otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust towards them.

Subsection 8.1– Duty to Provide a Criminal Reference Check

Child Care and Early Years Act, 2014

Criminal reference checks

35(1) A director or an inspector may require any of the following persons to provide him or her with a criminal reference check concerning the person:

1. A licensee or person who has applied for a licence, or an employee of the licensee or applicant.
2. If the person described in paragraph 1 is a corporation, an officer, director or employee of the corporation or any other person with a controlling interest in the corporation.
3. A person who provides home child care or in-home services.
4. Any other person prescribed by the regulations.

Same, person in violation of s. 9

(2) If a director or inspector believes on reasonable grounds that a person is contravening section 9, the director or inspector may require the person to provide him or her with a criminal reference check concerning the person.

Same

- (3) A criminal reference check,
- (a) must have been prepared within the period of time prescribed by the regulations; and
 - (b) must meet any other requirements prescribed by the regulations.
 - (c) must meet any other requirements prescribed by the regulations, including requirements relating to the type of police record check.

Duty to comply

(4) The person shall provide the director with the criminal reference check as soon as reasonably possible or within such other time period prescribed by the regulations.

Intent

In order to determine that applicants/licensees are not prohibited from operating a home child care agency under the legislation and do not have a criminal history that may put children in care at risk, the ministry requires applicants/licensees to submit a police record check (criminal reference check or vulnerable sector check) and/or an offence declaration through the Child Care Licensing System (CCLS) as part of licensing application.

Special Instructions

The ministry requires a police record check from all new applicants. Where the applicant is a corporation, the requirement applies to all directors/officers of the corporation.

If the applicant is a corporation, and the directors/ officers of the corporation **will not** be interacting with children in the proposed program, each director/officer must submit a criminal reference check, using CCLS, along with one document for each director/officer who will be providing a criminal reference check that contains the following:

- A clear statement for each director/officer who will not be interacting with the children in the program
- Name(s) and signature(s) of the applicant, who provided a criminal reference check
- Date the director(s)/officer(s) signed the confirmation

If a director/officer **will** be interacting with children in the proposed program, the director/officer must submit a vulnerable sector check using the CCLS.

Applicants who are also existing licensees can make a request to their assigned program advisor to use the police record check they previously uploaded into the CCLS as part of a previous licensing application.

Please note that police record checks must never be mailed, faxed or emailed to the ministry as they contain sensitive and confidential information. Where required, the applicant's/licensee's police record check must only be submitted through the CCLS or made available for the program advisor to review during a site inspection.

Subsection 8.2– Definitions and Duty to Obtain

Ontario Regulation 137/15

Interpretation:

59(1) In sections 60 to 65,

“offence declaration” means a written declaration signed by an individual that lists all of the individual’s convictions for offences under the Criminal Code (Canada), if any, during the period specified in the declaration.

- (2) Any requirement set out in sections 60 to 66 to obtain a criminal reference check, including a vulnerable sector check, shall be considered to be satisfied only if the criminal reference check is,
- (a) conducted by a police force; and
 - (b) prepared no earlier than six months before the day it is obtained by the licensee.

Duty to obtain initial reference check:

60(1) - 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.

Intent

Obtaining a vulnerable sector check, offence declaration or criminal reference check is a measure that is used to help licensees determine whether individuals involved in the provision of child care may hold these positions of trust. Considering a person's relevant criminal history helps licensees determine whether individuals who will be participating in their program have been convicted of any offences that prohibit them from participating in child care or may put children at risk.

Special Instructions

Licensees must use one of the following as documentation to meet vulnerable sector check requirements:

- Original vulnerable sector check;
- True copy of a vulnerable sector check (in hard copy or digital format);
- A copy of a vulnerable sector check for a volunteer or student (in hard copy or digital format); or
- Attestation by the licensee for a vulnerable sector check reviewed prior to August 31, 2015 (in hard copy or digital format).

Where a police force will not issue a vulnerable sector check, and will only issue a criminal reference check for an individual, the licensee must provide written evidence (e.g., email, fax, etc.) to support they have attempted to obtain a vulnerable sector check but the police force will not issue a VSC, for that individual. In this case, the licensee must use one of the following as documentation to confirm compliance with vulnerable sector check requirements;

- Original criminal reference check;
- True copy of a criminal reference check (in hard copy or digital format); or
- A copy of a criminal reference check for a volunteer or student (in hard copy or digital format).

Some individuals may require their original police record check (e.g., they may be employed by multiple licensees who need to see their police record check or may be a student on placement). As such, licensees also have the option of creating and retaining a true copy of the individual's police record check to demonstrate compliance with the requirements. A true copy of a police record check is a photocopy of the original police record check that is signed and dated by the licensee to confirm that the original document was reviewed.

Volunteers and students may be required to provide their original police record check elsewhere (e.g., place of employment, school, etc.). As such, licensees may obtain and retain a photocopy of a volunteer's or student's police record check to demonstrate compliance.

Some licensees/designates may have reviewed new vulnerable sector checks from individuals in their program on an annual basis prior to the CCEYA coming into effect on August 31, 2015, but may not have obtained these as part of their business practices. As part of the ministry's efforts to support licensees in transitioning to the new requirements under the CCEYA, licensees may provide written attestations for employees (e.g., home child care visitors or any other staff who will interact with the children in care), home child care providers, persons who are or intend to be ordinarily residents of the premises, persons who are or intend to be regularly present at the premises, volunteer, or student vulnerable sector checks if the vulnerable sector check was:

- conducted less than 5 years ago from the date of the attestation; and
- reviewed by the licensee/designate before August 31, 2015.

The written attestation must include the following information:

- Name(s) of the individual the attestation applies to
- Confirmation that the vulnerable sector check was conducted less than 5 years ago from the date of the attestation (e.g., month and year of the VSC date)

- Confirmation that the vulnerable sector check was conducted by a police force
- Confirmation that the vulnerable sector check did not list convictions for any offences set out under Section 9 of the CCEYA (see Manual Subsection 8.9 for more information)
- Signature of the licensee/designate

Where the licensee cannot attest to the information required, the licensee must obtain a new vulnerable sector check for that individual.

Employees – Any individual who is paid by the licensee to provide a service for the children and interacts with children in the home child care program is considered an employee for the purpose of vulnerable sector check requirements.

The following are examples of employees for the purposes of s. 60(2)3i:

- Home child care visitors
- Manager/supervisor of the agency

The following are examples of individuals who are **not** considered employees for the purposes of submitting a vulnerable sector check to the licensee:

- Individuals employed by an agency that has an active agreement by the licensee to provide a service in the child care program (e.g., resource teacher); these individuals are considered to be a third party

Volunteers – Any individual who is engaged in the home 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 for the purposes of submitting a vulnerable sector check to the licensee:

- Parents assisting on an occasional or recurring basis with home child care programming, such as excursions, field trips, etc.

The following are examples of individuals who are **not** considered volunteers for the purposes of submitting a vulnerable sector check to the licensee:

- Parents who engage with their child and other children at arrival or pick up time in the program (e.g., reading a book; having a conversation with children)
- Individuals in the community engaging with the children where they are not left alone with the children in care (e.g., staff from an Ontario Early Years Centre)

See Manual subsection 8.4 for information on international students.

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 vulnerable sector check to the licensee:

- The provider's spouse
- The provider's adult children
- The provider's adult dependents
- Individuals who are renting space in the provider's home

Persons who are regularly at the Premises – Individuals who may have access to children in 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 require a vulnerable sector check for the purposes of submitting a vulnerable sector check to the licensee:

- A neighbour who visits on the weekdays during the hours of children receiving 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:

- 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.

Compliance Indicators

Agency Indicators

See the 'Special Instructions' section above for information on what type of documentation may be used and when a criminal reference check may be accepted in the place of a vulnerable sector check.

For Home Child Care Providers

1. All home child care providers' files contain documentation that indicates a vulnerable sector check was conducted by a police force.
2. The documentation indicates the vulnerable sector check was conducted no more than:
 - a) 5 years before the date it was obtained/reviewed by the licensee if the agency and the home provider entered into an agreement prior to August 31, 2015; or
 - b) 6 months before the date it was obtained by the licensee if the agency and the home provider entered into an agreement after August 31, 2015.
3. If the agency and the home provider entered into an after August 31, 2015, 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 Section 61(1) of O. Reg. 137/15 are met. [See Manual subsection 8.3 for more information.

For Employees

1. All employee files contain documentation that indicates a vulnerable sector check was conducted by a police force.

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 who began their employment prior to August 31, 2015; or
 - b) 6 months before the date it was obtained by the licensee for individuals who began their employment after August 31, 2015.
3. For individuals who began their employment after August 31, 2015, the documentation indicates the vulnerable sector check was obtained by the licensee
 - a) prior to the start of their employment; or
 - b) requirements under Section 61(1) of O. Reg. 137/15 are met. [See Manual subsection 8.3 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 force.
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 for individuals who began their volunteer position / student placement prior to August 31, 2015.
3. For volunteers or students who began interacting with children on or after August 31, 2015, where the vulnerable sector check was conducted more than 6 months before the date obtained by the licensee, there is an offence declaration on file, addressing the period since the vulnerable sector check was performed.

Individuals who are Ordinarily/Regularly Residents at the Premises or Intend to be Ordinarily/Regularly Residents at the Premises

1. All individuals who are ordinarily or regularly at the premises files contain documentation that indicates a vulnerable sector check was conducted by a police force.

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 if the agency and the home provider entered into an agreement prior to August 31, 2015; 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 if the agency and the home provider entered into an agreement after August 31, 2015
3. If the agency and the home provider entered into an after August 31, 2015, the documentation indicates the vulnerable sector check was obtained by the licensee
 - a) before they begin interacting with children; or
 - b) requirements under Section 61(1) of O. Reg. 137/15 are met. [See Manual subsection 8.3 for more information.

Recommendations

In order to assist licensees with tracking of the documents they collect to meet the requirements in this section, the ministry has developed a Verification and Tracking

Workbook: Vulnerable Sector Checks (VSC) and Offence Declarations (OD) and Regulatory Body Membership and Past Conduct. Licensees are encouraged to use this form and may request a copy of the form from their ministry program advisor.

Subsection 8.3– Exceptions, where conflict with other legislation

Ontario Regulation 137/1

64 Despite any requirement in sections 60 to 63 that a licensee obtain a vulnerable sector check, if any statute of Ontario or Canada prohibits the disclosure of information contained in a vulnerable sector check in respect of a person, the requirement in those sections may be met by obtaining a criminal reference check.

Intent

Where disclosure of information contained in an individual's vulnerable sector check is prohibited under other legislation this provision allows for the requirements of a vulnerable sector check to be met with a criminal reference check.

Special Instructions

Where a statute prohibits disclosure of the information on a vulnerable sector check, the police force may issue a criminal reference check instead. For these cases, the licensee must provide written evidence (e.g., email, fax, etc.) to support they have attempted to obtain a vulnerable sector check but the police force 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 reference check;
- True copy of a criminal reference check (in hard copy or digital format); or
- A copy of a criminal reference check for a volunteer or student (in hard copy or digital format).

Compliance Indicators

This requirement is assessed as part of the licensee's duty to obtain a police record check. See Manual subsection 8.2.

Subsection 8.4– Exceptions, Additional Measures

Ontario Regulation 137/15

Exceptions

61(1) Despite section 60, a licensee may permit a person who has not provided a vulnerable sector check to start their employment or volunteer position, or to start providing home child care or otherwise start interacting with children at a child care centre or home child care premises if,

- (a) the licensee requires the person to apply to obtain a vulnerable sector check as soon as reasonably possible;
- (b) the length of time required to obtain a vulnerable sector check justifies it; and
- (c) the employer puts additional measures in place to protect children who interact with the person until the vulnerable sector check is obtained.

Intent

This provision gives the licensee the flexibility to make decisions related to staffing, home child care providers and other persons who may be on the premises while children are receiving child care, at the same time, ensuring that a vulnerable sector check is being obtained. For example, a licensee may have an immediate need to hire another home visitor in order to maintain operations but may not be able to immediately obtain a vulnerable sector check for the individual (e.g., due to processing times at the local police services). Additional measures help to reduce risk where there is a gap between the hiring of an individual and obtaining their vulnerable sector check.

Special Instructions

O. Reg. 137/15 section 61(1) does not apply to employees, students or volunteers, home child care providers or visitors and other individuals who start interacting with children at a home child care premises from whom the licensee has previously obtained:

- a vulnerable sector check; or
- a criminal reference check where the police force will not issue a vulnerable sector check for the individual.

International Students – A Canadian police force may not issue a police record check for an international student if they have not resided in the country long enough. In these cases, a police record check (original or copy) conducted by a police force in their home country may be used to meet the requirement. The police record check must have been

conducted less than 5 years prior to the date obtained by the licensee. Where the police record check was conducted more than 6 months before the date obtained by the licensee, the licensee must also obtain an offence declaration addressing the period since the date of the police record check and speaking to offences under the Criminal Code (Canada). Where the student needs time to obtain a police record check from their home country, the licensee may use O. Reg. 137/15 section 61(1) to permit the student to begin their placement before a police record check is obtained (see Manual Subsection 8.4 for more information).

Some examples of documentation that the licensee may use to demonstrate that the student has been required to obtain the police record check include:

- Written correspondence to the police force in the home country requesting a police record check
- Written correspondence to the Canadian Embassy where the student submitted a police record check as part of their visa application, requesting a copy of the police record check submitted
- A ticket to the home country where the student must be physically present to obtain the police record check

Compliance Indicators

Agency Indicators

See Manual Subsection 8.2 for the type of documentation that may be used and when a criminal reference check may be accepted in the place of a vulnerable sector check.

Where a vulnerable sector check has not yet been obtained and an employee over the age of 19 years has started working, a provider over the age of 19 years has begun providing care to children, or a volunteer or student over the age of 19 years has started interacting with children, then:

1. The individual's file contains documentation indicating that the licensee required the individual to obtain a vulnerable sector check as soon as reasonably possible.

And

The licensee is able to explain, or there is documentation indicating, why the length of time required to obtain a vulnerable sector check justifies permitting the individual to begin employment or otherwise interacting with children.

And

2. Individuals who have begun residing at the premises and/or interacting with children verbally confirm that additional measures to support children's safety (e.g.,

obtaining an offence declaration from the individual; not leaving the individual alone/unsupervised with children) have been implemented.

And

It is observed that the additional measures to support children's safety are implemented.

Recommendations

The licensee is encouraged to document the rationale for permitting the individual to begin employment and/or interact with children, prior to obtaining a vulnerable sector check.

An example of an additional measure that the licensee may put in place to protect children who interact with the individual until the vulnerable sector check is obtained may include obtaining an offence declaration from the individual (see Manual subsection 8.6 for information on offence declarations).

Once the vulnerable sector check is obtained from the individual, the licensee is encouraged to review the check for past history that may be relevant to the individual's position at the home child care centre.

Subsection 8.5– Exceptions, individuals under 19 years of age

Ontario Regulation 137/15

Exceptions

- 61(2) Despite section 60, no person is required to provide or obtain a vulnerable sector check or offence declaration in respect of a person who is under 18 years old.
- (3) If a person turns 18 years old while in a position where he or she interacts with children receiving child care at a child care centre operated by a licensee or home child care premises where the licensee oversees the provision of home child care, the licensee shall obtain from the person, within one month after the person turns 18 years old, a statement that discloses every previous finding of guilt of the person under the Youth Criminal Justice Act (Canada), if the person received an adult sentence.
- (4) If a person turns 19 years old while in a position where he or she interacts with children receiving child care at a child care centre operated by a licensee or home child care premises where the licensee oversees the provision of home child care, the licensee shall require the person to apply to obtain a vulnerable sector check within one month after the person turns 19 years old.

Intent

These provisions set out requirements regarding vulnerable sector checks with respect to persons younger than 18 years old. The Youth Criminal Justice Act (YCJA) restricts access to criminal records of youth. The statement that is provided when an individual turns 18 years old if the person received an adult sentence serves as a measure that is used to help licensees determine whether individuals involved in the provision of home child care may continue to 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 home child care or may put children at risk.

Special Instructions

Individuals who turn 18 years while in a position where they interact with children:

Within one month after the person turns 18 years old, the licensee must obtain a statement in writing from the person that: 1) discloses every previous finding of guilt of the person under the YCJA, if the person received an adult sentence, or; indicate that there were no such findings of guilt.

Individuals who turn 19 years while in a position where they interact with children:

The licensee must have documentation that indicates that the licensee has required the individual to obtain a vulnerable sector check (e.g., application to a police force requesting a check, etc.) within one month (31 days) after the individual turns 19 years.

Compliance Indicators

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:

See Manual Subsection 8.2 for what type of documentation may be used and when a criminal reference check may be accepted in the place of a vulnerable sector check.

2. Where the individual turned 19 years while in a position where they interact with children, the individual's file contains:
 - a) documentation indicating that the licensee required the individual to obtain a vulnerable sector check as soon as reasonably possible; or
 - b) vulnerable sector check documentation that indicates a vulnerable sector check was conducted by a police force.
3. Where the individual's file contains vulnerable sector check documentation, the documentation indicates that:
 - a) Where the individual is an employee, the vulnerable sector check was conducted no more than 6 months before the date obtained the by the licensee; or
 - b) Where the individual is a home child care provider, volunteer/student, persons who are ordinarily present or regularly present at the premises 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.

Subsection 8.6– Timing for New Criminal Reference 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).

Intent

These provisions require licensees to regularly screen individuals who continue to participate in their program to determine if there have been any changes in their criminal history that may put children at risk.

Special Instructions

An offence declaration is a written declaration that lists all of the individual's convictions for offences under the Criminal Code (Canada), if any, up to the date of the declaration and is signed by the individual.

Licensees must obtain an offence declaration no later than 15 days after the anniversary of the previous offence declaration or vulnerable sector check, whichever is most recent.

Vulnerable Sector Check Schedules - Licensees are required to obtain a new vulnerable sector check on or before the fifth anniversary of the most recent vulnerable sector check on file, regardless of the individual's offence declaration schedule.

Leaves of Absence - If an individual from whom the licensee is required to obtain a new vulnerable sector check or new offence declaration is on leave (e.g., parental leave, leave of absence for medical reasons), the licensee must work with the individual to ensure the new vulnerable sector check/offence declaration is obtained as per the required timeline. These leaves are not considered a break in employment.

If there has been a break in employment, see Manual subsection 8.7 for requirements related to new offence declarations and vulnerable sector checks.

Compliance Indicators

Agency Indicators

See Manual subsection 8.2 for the type of documentation that may be used and when a criminal reference check may be accepted in the place of a vulnerable sector check.

Where the fifth anniversary of the previously obtained vulnerable sector check has passed:

1. The individual's file contains documentation indicating that a new vulnerable sector check was obtained that was:
 - a) conducted by a police force;
 - b) conducted no more than 6 months ago from the date it was obtained by the licensee; and
 - c) obtained on or before the fifth anniversary of the previously obtained vulnerable sector check.

Where 15 days after the anniversary date of the previous offence declaration or vulnerable sector check, whichever was most recent, have passed:

2. The individual's file contains an offence declaration that:
 - a. addresses the time period since the previously obtained vulnerable sector check or offence declaration, whichever is most recent; and
 - b. was obtained no more than 15 days after the anniversary date of the previous offence declaration or vulnerable sector check, whichever was most recent.

For all individuals interacting with the children at the premises from whom a licensee is required to obtain a vulnerable sector check:

3. The licensee verbally confirms, or the offence declaration shows, that they have obtained an offence declaration as soon as reasonably possible any time a person is convicted of an offence under the Criminal Code (Canada).

Recommendations

In order to assist licensees with tracking vulnerable sector checks, criminal reference checks and offence declarations they obtain to meet licensing requirements, the ministry has developed a Verification and Tracking Workbook: Vulnerable Sector Checks (VSC) and Offence Declarations (OD) and Regulatory Body Membership and Past Conduct. Licensees are encouraged to use this form and may request a copy of the form from their ministry program advisor.

An offence declaration template is available on the [Early Years Portal](#). Licensees may use their own template so long as the required information is included.

Aligning Offence Declaration Schedules - Licensees may wish to set one day in the calendar year on which they obtain offence declarations from all individuals who are 19 years of age or older and will be interacting with children at the premises. When deciding on a set date, the licensee needs to still maintain compliance with the required timeline for when a new offence declaration is required for all individuals who are 19 years of age or older and will be interacting with children at the premises.

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 for 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 annual offence declaration schedule, the licensee is encouraged to consider how to maintain compliance in the following situations:

- years in which the set date falls on days when the centre is closed (e.g., holiday);
- years in which the licensee has to obtain a new vulnerable sector check as this affects an individual's offence declaration schedule; and
- occasions where an individual provides an offence declaration following a conviction under the Criminal Code (Canada) as this affects the individual's offence declaration schedule.

Subsection 8.7– Break in Employment or Relationship

Ontario Regulation 137/15

- 63 If a licensee's relationship with a person in respect of whom it has previously obtained a vulnerable sector check terminates and then subsequently resumes, the licensee shall obtain a new vulnerable sector check or offence declaration as follows:
1. If the relationship was terminated for six or more months, the licensee shall obtain a new vulnerable sector check from the person before the relationship resumes.
 2. If the relationship was terminated for less than six months and, but for the termination, the person would have provided a vulnerable sector check or offence declaration during the period of termination, the licensee shall obtain from the person such vulnerable sector check or offence declaration before the relationship resumes.

Intent

This provision recognizes situations where an individual's employment or other relationship with the licensee may end and then resume. The provision requires licensees to obtain up-to-date information. These measures help the licensee to support the health and safety of children and in licensed home child care settings.

Special Instructions

Leaves and absences (e.g., sick leave, parental leave, summer closures, etc.) are not considered breaks in employment or relationship.

Breaks in employment or other 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 is not providing care because there are no children placed by the agency at the home, 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.

Compliance Indicators

Agency Indicators

See Manual subsection 8.2 for the type of documentation that may be used and when a criminal reference check may be accepted in the place of a vulnerable sector check.

For employees, home child care 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 force;
 - b) conducted no more than 6 months before the date it was obtained by the licensee; and
 - c) obtained before the relationship resumed.

For employees, home child care 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 force;

- b) conducted no more than 6 months before the date it was obtained by the licensee; and
 - c) obtained before the relationship resumed.
2. Where the individual would have provided a new offence declaration during the period of the break, the individual's file contains a new offence declaration that:
- a. addresses the time period since the previously obtained vulnerable sector check or offence declaration, whichever is most recent; and
 - b. was obtained before the relationship resumed.

Subsection 8.8– CRC Policies and Procedures

Ontario Regulation 137/15

- 65 Every licensee shall ensure that there are written policies and procedures that address,
- (a) the process for 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.

Intent

These provisions set out the requirements for policies and procedures regarding vulnerable sector checks, offence declarations, and attestations and support licensees in establishing a framework for collecting, using and protecting the information. Policies and procedures provide clear processes for the licensee and all individuals who will be interacting with children at the premises of a home contracted with an agency to achieve compliance as well as transparency regarding how screening measures are applied.

Special Instructions

Licensees must have policies and procedures containing all elements specified in the regulation.

The policies and procedures relating to the criminal reference check/vulnerable sector must be reviewed with home child care 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, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 of O.Reg.137/15.

See Manual subsection 1.2 for these requirements.

Compliance Indicators

1. There is a criminal reference check policy that includes information on the following:
 - a. the process for obtaining a vulnerable sector check or attestation;
 - b. the process for submitting an offence declaration;
 - c. how the licensee will protect the confidentiality of information in a vulnerable sector check, attestation or offence declaration;
 - d. how the licensee will consider/use the information in a vulnerable sector check, attestation or offence declaration;
 - e. the additional measures that the licensee will put in place to protect the children who interact with the person until the vulnerable sector check is obtained.

Recommendations

Licensees are encouraged to use a variety of information when making employment decisions, such as experience and education. The information revealed in a police records check should not be the only information used in determining suitability for staff employment or contracting with a home child care provider.

The ministry has developed a Verification and Tracking Workbook: Vulnerable Sector Checks (VSC) and Offence Declarations (OD) and Regulatory Body Membership and Past Conduct to help licensees track vulnerable sector checks and offence declarations they have obtained as well as when new vulnerable sector checks and offence declarations are required. Licensees are encouraged to use this form and may request a copy of the form from their ministry program advisor. Licensees are also encouraged to specify in their policies/procedures how frequently they will update their Verification and Tracking Workbook.

Subsection 8.9– Past Conduct

Child Care and Early Years Act, 2014

9(1) No individual shall provide child care, operate a premises where child care is provided or enter into an agreement described in section 7 (home child care) if:

1. The individual has been convicted of any of the following offences:
 - i. An offence under this Act.
 - ii. An offence under any of the following sections of the Criminal Code (Canada):
 - A. Section 151 (sexual interference).
 - B. Section 163.1 (child pornography).
 - C. Section 215 (duty of persons to provide necessaries).
 - D. Section 229 (murder).
 - E. Section 233 (infanticide).
 - iii. Any other federal or provincial offence prescribed by the regulations.
2. The individual has been found guilty of professional misconduct under the Early Childhood Educators Act, 2007, the Ontario College of Teachers Act, 1996, the Social Work and Social Service Work Act, 1998 or another prescribed Act, and based on that finding,
 - i. the individual's membership in the regulatory body established under that Act was revoked and the individual has not been readmitted since that time,
 - ii. a certificate or documentation issued to the individual under that Act that authorized the individual to practice was revoked and has not been reissued since that time, or
 - iii. the individual's authority to practice was restricted in any other way prescribed by the regulations.

Ontario Regulation 137/15

Prescribed offences

88.1 The following provisions are prescribed for the purposes of paragraph 13 of subsection 78 (1) of the Act:

1. Section 12 of the Act (Duty to disclose if not licensed and to retain record of disclosure).
2. Section 15 of the Act (Duty to provide receipt for payment).
3. Section 8 of this Regulation (Ratios and maximum group sizes, child care centre).
4. Section 11 of this Regulation (Supervision by adult at all times).
5. Section 48 of this Regulation (Prohibited practices).
6. Section 60 of this Regulation (Duty to obtain initial reference check)

Intent

The CCEYA provides that individuals convicted of certain offences are not permitted to provide child care so that children are not placed at risk. S. 88.1 of Ontario Regulation 137/15 provides an enforcement tool as these offences can be prosecuted and lead to fines and/or imprisonment.

Special Instructions

Licensees must review vulnerable sector checks to ensure that individuals have not been convicted of any of the above offences. If an individual has been convicted of the above offences, they are not permitted to provide care for children in either a paid or volunteer capacity.

Licensees must also review membership status of employees who are members of the College of Early Childhood Educators, Ontario College of Teachers and/or Ontario College of Social Workers and Social Service Workers, to ensure that the individual has not been found guilty of professional misconduct.

Information about whether an RECE, Certified Teacher or Social Worker is in good standing with their professional college is available at:

[College of ECE Public Register](#)

[Ontario College of Teachers Find a Teacher](#)

Compliance Indicators

Agency Indicators

See Manual Subsection 8.2 for what type of documentation may be used and when a criminal reference check may be accepted in the place of a vulnerable sector check.

1. A review of all vulnerable sector check documentation and/or offence declarations confirms that no individual providing child care and/or operating a home child care agency has been convicted of any offence set out under the CCEYA or prescribed by regulations.

And

2. A review of membership status of employees who are members of the College of Early Childhood Educators, Ontario College of Teachers and/or Ontario College of Social Workers and Social Service Workers confirms that no individual has been found guilty of professional misconduct.

Recommendations

In order to assist licensees with tracking potential Criminal Code offences and professional misconduct, the ministry has developed a Verification and Tracking Workbook: Vulnerable Sector Checks (VSC) and Offence Declarations (OD) and Regulatory Body Membership and Past Conduct. Licensees are encouraged to use this form and may request a copy of the form from their ministry program advisor.

As part of the annual review of vulnerable sector check and offence declaration documentation, licensees should also annually review the status of the membership of RECEs, Certified Teachers or Social Workers online on the respective public registers.

Section 9- Emergency Preparedness

Subsection 9.1– 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 that is approved by a director.

Intent

Telephones provide prompt access to emergency assistance and facilitate communication with parents and other resources.

Where telephone service is not available, an alternative means of obtaining emergency assistance is necessary to ensure prompt aid in the event of an emergency.

Compliance Indicators

Location Indicators

1. There is a working telephone service that is accessible at all times that can be used to obtain emergency assistance.

Or

Director approval has been granted for an alternative means of obtaining emergency assistance.

Note: Telephone service includes cell phone service.

Recommendations

It is recommended that each home child care provider have their own telephone number that is available to the agency and parents.

Subsection 9.2– Fire Evacuation Procedures

Ontario Regulation 137/15

68(1) Omitted – refers to child care centres.

68(2) Omitted- refers to child care centres.

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.

Intent

This provision requires that evacuation procedures are clearly outlined for each premises where child care is provided and that home child care providers are prepared to respond appropriately in the event of a fire.

Special Instructions

A designated place of shelter in the event of evacuation must be identified.

Each municipality may impose further restrictions related to fire safety. Licensees should check with the local fire department for additional information.

The policies and procedures relating to fire evacuation procedures must be reviewed with home child care 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, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 of the O.Reg.137/15.

See Manual subsection 1.2 for information on these requirements.

Compliance Indicators

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 premises.

And

2. The written procedure for evacuation is specific to the provider's home.

Recommendations

Information regarding fire safety is available from the [Office of the Fire Marshall](#).

The following steps are recommended in the event of a fire emergency:

- 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 the 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.

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 house will practice evacuations be scheduled?
- Where is the safe area away from the house 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?

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

Subsection 9.3– Emergency Contact Information

Ontario Regulation 137/15

69 Every licensee shall ensure that there is an up-to-date list of telephone numbers in each child care centre it operates and in each premises where the licensee

oversees the provision of home child care that is accessible in the event of an emergency and that includes contact information for,

- (a) emergency services;
- (b) the nearest poison control centre;
- (c) a taxi service; and
- (d) the home child care agency, in the case of a premises where the licensee oversees the provision of home child care.

70 Every licensee shall ensure that the following information is up to date and readily accessible in the event of an emergency to each staff member of each child care centre or home child care agency it operates and to each home child care provider at a premises where the licensee oversees the provision of home child care:

1. The home and work addresses and telephone numbers of a parent of each child receiving child care at the child care centre or home child care premises, and a telephone number of a person to be contacted if a parent cannot be reached.
2. Any special medical or additional information provided by a parent of each child receiving child care at the child care centre or home child care premises that could be helpful in an emergency.

Intent

These provisions set out that the information required during an emergency is readily available and the appropriate services can be contacted promptly.

Basic information about each child must be available in an emergency situation as there may not be enough time to retrieve children's records. Special medical and additional information includes allergies and any other information that would be necessary to provide care at the designated place of shelter, if required.

Compliance Indicators

Location Indicators

1. There is a list that includes phone numbers for emergency services, nearest poison control centre, a taxi service and the home child care agency, where applicable.

And

The home child care provider can identify the location of the emergency contact list and confirm that it is accessible at all times.

2. There are emergency records readily accessible to the home provider for all children in care that include:
 - home, work addresses and telephone numbers of at least one parent;
 - a phone number for an alternate emergency contact
 - Where applicable, special medical or additional information provided by parents, including any allergies or known medical conditions.
3. The home child care provider verbally confirms that the information is up-to-date.

Section 10- Administrative Matters

Subsection 10.1– 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.

Intent

This provision sets out that there is adequate insurance to protect the interests of children, home child care providers, volunteers and staff in the event of an accident or injury.

Special Instructions

If a licensee cannot provide evidence of current comprehensive insurance coverage, the Ministry may take enforcement action against the licensee (e.g., immediate licence suspension).

It is important that licensees make their insurance brokers aware of every aspect of their program, including, where applicable, transportation of children, excursions off the premises, coverage for volunteers, contract liability, and liability of board members.

Compliance Indicators

Agency Indicators

1. There is documentation of a current insurance policy that includes comprehensive general liability coverage and personal injury coverage for the employees of the agency and volunteers, where applicable.

And

There is documentation of a current insurance policy that shows coverage for all vehicles owned by the licensee.

Recommendations

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.

Subsection 10.2– Children’s Records

Ontario Regulation 137/15

72(1) Every licensee shall ensure that up-to-date records that are available for inspection by an inspector or program adviser at all times are kept of the following matters in respect of each child receiving child care at a child care centre operated by the licensee or receiving child care at a premises where it oversees the provision of home child care:

1. An application for enrolment signed by a parent of the child.
2. The name, date of birth and home address of the child.
3. The names, home addresses and telephone numbers of the parents of the child.
4. The address and telephone number at which a parent of the child or other person can be reached in case of an emergency during the hours when the child receives child care.
5. The names of persons to whom the child may be released.
6. The date of admission of the child.
7. The date of discharge of the child.
8. The child’s previous history of communicable diseases, conditions requiring medical attention and, in the case of a child who is not in attendance at a school or private school within the meaning of the Education Act, immunization or any statement or required form completed by a parent or legally qualified medical practitioner as to why the child should not be immunized.
9. Any symptoms indicative of ill health.

- 9.1 A copy of any individualized plan.
10. Written instructions signed by a parent of the child for any medical treatment or drug or medication that is to be administered during the hours the child receives child care.
11. Written instructions signed by a parent of the child concerning any special requirements in respect of diet, rest or physical activity.
12. A copy of any written recommendation referred to in subsection 33.1(1) from a child's physician regarding the placement 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 subsection 10.3
- (4) Revoked.
- (5) Every licensee shall ensure that the records required to be maintained under this section with respect to a child are kept for at least three years from the date the child is discharged at the child care centre or home child care agency.
- (6) Every licensee shall ensure that,
- (a) the medical officer of health or his or her designate, upon producing proper identification, is permitted to inspect the records referred to in paragraphs 2, 3, 8 and 9 of subsection (1); and
 - (b) copies of those records are provided to him or her on request.

Intent

This provision requires that licensees collect and maintain the information necessary to provide appropriate and responsive service for children receiving care, including children privately enrolled by the home child care provider, and that this information can be easily accessed by the licensee, home child care visitor and providers.

The information must be available to the Ministry of Education for at least three years after a child has left the program. Certain documents must also be made available to the local medical officer of health.

Special Instructions

For greater clarity, if information is not available, either because a certain section is not applicable to a given child or a parent does not wish to provide the information, licensees must record the reason that the information is not available by indicating “not applicable” or “parent did not wish to provide”. This record makes it clear that the licensee has made an effort to collect the information.

Compliance Indicators

Agency and Location Indicators

1. Children's records include all of the information identified in 72(1) (see above).
2. Children's records (original or copies) are kept on the premises at each home child care 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 a child is discharged.
2. The licensee verbally confirms that the medical officer of health is permitted to inspect the records.

And

The licensee verbally confirms that copies of relevant records are provided to the medical officer of health on request.

Recommendations

Licensees are responsible for securing children’s records against loss, fire, theft, defacement, tampering and copying, or use by unauthorized persons. It is recommended that the licensee develop and implement policies on how records are to be kept secure when out of a locked cabinet and in use, and restrictions on the removal of records from the premises.

Dated, time-limited, specific consent forms are recommended for field trips, special events and parental instructions. The use of blanket consent forms for emergency treatment, public health examinations, field trips, etc., is an undesirable practice and the legal status of such forms is questionable.

The English and French forms approved by the Minister for children immunization can be found below:

For personal objections:

- [Link to Statement of Conscience or Religious Belief form](#)
- [Déclaration de conscience ou de croyance](#)

For medical exemptions:

- [Link to Statement of Medical Exemption Form](#)
- [Déclaration d'exemption médicale](#)

Subsection 10.3– 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.

Intent

This section requires that all children in care can be accounted for at any given moment, particularly in the event that a home child care premises must be evacuated. It also enables the licensee to demonstrate that the maximum number of children allowed is not exceeded.

Special Instructions

A daily record indicating actual time of arrivals (e.g., 8:20am), departures (e.g., 5:15pm) and absences helps to establish a current and accurate account of all children in the event of an emergency. Attendance records are necessary during evacuation; therefore, it is important that home child care providers make sure that the attendance record is easily accessible at all times and ensure missing children can be identified promptly.

Attendance records must accurately reflect when children are in the care of the home child care provider, especially when transporting children to or from different locations. Records must only indicate that a child is signed out of the program when that child has been picked up by a parent or officially left the care of the home child care premises (e.g., dropped off at school).

Compliance Indicators

Location Indicators

1. Attendance records are available on the premises;

And

The attendance records include the actual time of arrival and departure for each child listed in attendance or a record that the child is absent.

Recommendations

Where a child arrives and/or departs from a home child care premises by themselves, such as in the case of older school age children who may walk to the home child care provider's home on their own, it is recommended that the licensee obtain this information and consent in writing from the parent. It is also recommended that the licensee establish a safe arrival attendance process. This process could specify that, if a child does not arrive within a pre-determined time period, missing child or other procedures will be initiated to find the child. These procedures may include checking the child's normal path to the home child care premises and calling the child's parent.

When deciding on a method for recording daily attendance, licensees should develop a format and procedure that is appropriate for their program. The minimum information required is each child's name, their time of arrival and time of departure or whether they were absent. Considerations for attendance format include the number of days per record sheet and the location of the attendance sheet. Licensees may also want to consider if other information should be included on the attendance sheet, such as whether children are part-time or full-time.

Subsection 10.4– Register of Homes

Ontario Regulation 137/15

- 74 Every licensee of a home child care agency shall ensure that an up-to-date 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.

Intent

This section ensures that there is an accurate record of providers, children and their placement.

Special Instructions

The CCEYA and its regulations do not prohibit a home child care provider from caring for privately placed children as well as agency placed children. However, home child care 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 as soon as the licensee is aware of new child care arrangements.

Compliance Indicators

Agency Indicators

1. There is a list of addresses of each premises that is kept at the agency head office.
2. The list is up to date.
3. The list includes the names and addresses of all children receiving care at each premises.
4. The list includes the name of each provider.

Subsection 10.5– Agreement with Agency, Municipality 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.

Intent

These provisions protect home child care providers, licensees and municipalities or First Nations by requiring that there is a mutual understanding as to each party's respective responsibilities.

Special Instructions

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 and are required to meet all applicable regulatory requirements. This would include but is not limited to: first-aid certification, review and implementation of policies, procedures and individualized plans and immunization.

Individuals who are 18 or older and transport children, either walking or by car, are considered to be replacement providers.

Compliance Indicators

Agency Indicators

1. There is a copy of an agreement between the licensee and each home child care 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.

Recommendations

Please see Manual subsection 2.2 for more information including the maximum capacity of each premises in the written agreement.

Subsection 10.6– 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 to 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. O. Reg. 274/16, s. 4 (2).

Intent

This provision is intended to prohibit licensees from charging parents a fee or deposit for the placement of their child on a waiting list for a spot in a home premises that the home child care agency oversees.

This provision is also intended to ensure that waiting lists are administered in a transparent manner and that information about the waiting list is available to prospective parents in a way that maintains the privacy and confidentiality of the children on the list, but allows the position of a child on the list to be ascertained by the affected persons or families.

Special Instructions

This requirement does not prohibit licensees from charging parents an enrolment fee once a child has been offered a spot in a home child care premises. For example, a licensee may charge the fees for the first month of attendance at the time of offering a spot in the premises.

The policies and procedures relating to the waiting list must be reviewed with home child care 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, implemented and monitored for compliance and contraventions in accordance with subsection 6.1 of O.Reg.137/15.

See Manual subsection 1.2 for these requirements.

Licensees who do not establish or maintain a waiting list are not required to develop a waiting list policy.

Compliance Indicator

Agency Indicator

1. The licensee verbally confirms that fees and/or deposits are not charged for the placement of a child's name on a waiting list.

2. Where the licensee confirms that a waiting list is established or maintained, there is 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.

Subsection 10. 7– Financial Records

Ontario Regulation 137/15

- 76(1) Every licensee shall keep financial records for each child care centre or home child care agency it operates and shall keep such financial records for at least six years from the time of their making.
- (2) The financial records referred to in subsection (1) shall show at least the assets, liabilities, income, expenses and accumulated surplus and deficit, of the child care centre or home child care agency.

Intent

This section emphasizes the importance of maintaining accurate financial records, which assist the licensee in planning and establishing priorities.

Compliance Indicators

Agency Indicators

1. There is written evidence that financial records are kept for at least six years

Or

The licensee verbally confirms that financial records are kept for at least six years.

2. a) Financial records available for inspection include, at a minimum:

- Assets;
- Liabilities;
- Income;

- Expenses; and
- Accumulated surplus and deficit

b) The licensee verbally confirms that financial records include, at a minimum:

- Assets;
- Liabilities;
- Income;
- Expenses; and
- Accumulated surplus and deficit

Subsection 10.8– 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.

Intent

This provision sets out that the Ministry has access to personal information, when requested, which is intended to assist the Ministry in conducting research, analysis and compiling statistical information.

Special Instructions

Operational Survey

Licensees are required to complete the Operational Survey module in CCLS for each associated centre and/or agency on an annual basis. Information provided in the survey should be reflective of operations on March 31 of that year.

The module must be completed between April 1 and May 30 of each year, with each section reviewed and saved and the final declaration and consent confirmed.

Compliance Indicator

Agency Indicator

1. The operational survey was completed in CCLS between April 1 and May 30 of each year.

And

All information requested has been provided to the Ministry.

Subsection 10.9– Record Retention

Ontario Regulation 137/15

- 82 Where a licensee is required under this Regulation to make or keep a record, report or other document, it shall keep the record, report or other document in a secure location for at least three years from the date it is made, unless otherwise specified.

Intent

This provision sets out that records will be available for the minimum amount of time required for effective licensing and enforcement activities, if required.

Special Instructions

Records created on or before August 30, 2015 are subject to the record keeping provisions that applied to the respective record under the Day Nurseries Act.

All records must be made available to Ministry of Education staff if requested and many records may be used to assess compliance during a licensing visit. The indicators found in each section of this Manual identify what records may be used to assess compliance with the related requirement (e.g., attendance records). The inability to produce a record during a licensing visit, or within a requested time period, may result in a finding of non-compliance and will be noted on the licence inspection summary.

Compliance Indicators

Note: Compliance is assessed (and non-compliance cited) in each individual section where records, reports or documents are required.

Recommendations

Agencies may wish to securely store or archive certain records off site (e.g., head office). Off-site records storage is permitted unless otherwise specified, such as with active children's records.

It is recommended that licensees have the records required for licensing on site, at the agency or premises, or establish a process for quickly retrieving them if requested.

Subsection 10.10– Posting of Licence and Decal

Child Care and Early Years Act, 2014

- 14(1) A licensee shall post a copy of a licence in a conspicuous place at the child care centre or the premises where the home child care agency is located, as the case may be together with any other information or signage prescribed by the regulation.
- (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.
- (5) If a licence or any other signage has been provided to a person for the purposes of this Act, the person shall not make copies of the licence or signage, except as required for the purposes of this section, as otherwise required by law, or as permitted by the regulations.

Ontario Regulation 137/15

- 84(1) For the purposes of subsections 14 (1) and (2) of the Act, the signage that shall be posted is signage provided by the Minister that identifies that the premises is licensed.

85(1) A licence or signage that was provided to a person for the purposes of the Act shall be returned, as required under subsection 14 (6) of the Act, in the circumstances set out in this section.

(2) A licensee shall return the licence and signage within 30 days after the day,

(a) the licensee's licence expires and is not renewed;

(b) the licensee's licence is revoked; or

(c) the licensee voluntarily ceases operating the child care centre or agency in respect of which the licence was issued.

(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.

Intent

This provision makes it easier for parents to recognize licensed child care and access important information about the licensed home child care program.

Special Instructions

The home child care agency must post a copy of their licence at the agency's head office. Licences are generated through the Child Care Licensing System and will print on regular letter size paper. In cases where the licence is longer than one page, licensees must ensure that all pages of the licence are posted and visible to parents.

Licensees must also post any additional information as required through conditions on their licence, such as their licence inspection summary.

Home child care agencies will be issued decals equal to the number of homes on their licence. Agencies do not have to return decals to the Ministry of Education if a home child care provider stops providing service to the agency. The home child care agency would instead collect the decal from the provider who has stopped providing service and would reuse it.

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 when returning their decal.

The licensed child care decal for home child care providers is designed to be inserted in a document frame or binder. The decal is intended to be posted within the home

premises and is not to be posted in a window or door that is visible to the public. The decal must include the name of the agency to whom the provider has an active agreement with. . Home child care providers who has an active agreement with more than one agency must have a decal for each agency.

When returning a licensed child care decal, licensees should mail the decal and their most recent licence to:

Child Care Quality Assurance and Licensing Branch
77 Wellesley Street West, Box 980
Toronto ON
M7A 1N3.

If a licensed child care decal has not been received by the licensee, becomes damaged, is lost, or is stolen, the licensee should contact the CCLS Help Desk as soon as possible at 1-855-457-5478 or email childcare.helpdesk@ontario.ca.

Compliance Indicators

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 decal is posted in a conspicuous place within each premises during the hours children receive care.

Recommendations

The licensed child care decal for home child care agencies is designed to be affixed to a smooth glass surface, such as a window, and may be posted at the main entrance of the agency's head office.

In situations where there is no conspicuous window location in which to post the decal, licensees may wish to use a small upright picture frame so that the decal can be prominently displayed at the front desk or near the entrance.

The home child care provider decal only needs to be displayed within the premises during the hours child care is being provided.

Section 11- Other Legislation

Introduction

Licensees are required to comply with laws of Ontario and contraventions of other legislation are relevant to the determination of whether the Ministry will consider renewal or revocation under ss. 20(4) of the CCEYA. Some notable pieces of other legislation are included below but this is not an exhaustive list.

Licensees are encouraged to become familiar with all applicable legislation and include measures to ensure compliance.

Subsection 11.1 – Smoke-Free Ontario Act

Smoke-Free Ontario Act

Home child care agencies and providers must comply with the rules that prohibit smoking tobacco in certain locations under the Smoke-Free Ontario Act.

All agency employees, home child care providers and persons who are ordinarily residents or who are regularly at the premises are notified that smoking is prohibited, post signage indicating that smoking is prohibited, ensure that there are no ashtrays inside the premises where home child care is provided and ensure that any individual who refuses to comply with the requirements does not remain at the premises.

Enforcement of the Smoke-Free Ontario Act is the responsibility of tobacco control inspectors from local public health units. Local public health units will carry out inspections in and investigate complaints to enforce the Act.

Intent

The Smoke-Free Ontario Act helps protect the health of all Ontarians by prohibiting smoking in all enclosed workplaces and public places. Under the Act, smoking is prohibited at all times in a place where home child care is provided, whether or not children are present.

Recommendations

It is recommended that a smoke-free policy be included in the home child care agency's parent handbook and reviewed with home child care providers before they start providing child care, with parents prior to enrollment of their children, and with students and volunteers prior to commencement of their placement.

For more information, contact the [local public health unit](#) or visit the Ontario government's website – [Smoke-Free Ontario](#).

Subsection 11.2 – Car Seat Safety – Highway Traffic Act

Regulation 613 (Seat Belt Assemblies)

Under [Regulation 613](#) of the [Highway Traffic Act](#), drivers of motor vehicles are required to ensure that children are secured in the appropriate child restraint system.

Intent

The requirements of the Highway Traffic Act are intended to enhance the safety of children being transported in a vehicle.

Recommendations

To verify Canadian Motor Vehicle Safety Standard (CMVSS) certification, child car seating and restraint systems must have a sticker or tag attached verifying that they are compliant with CMVSS.

It is recommended that the child car seating and restraint system equipment used is not older than ten years.

Local public health units may be able to provide additional information on car seat safety. Licensees may also be able to attend a car seat safety clinic. These clinics are offered by a variety of different organizations, including the Ontario Provincial Police and Transport Canada.

Resources

[Keep Kids Safe - Transport Canada](#)

[Choosing the Right Car Seat – Ontario Ministry of Transportation](#)

[Install a Car Seat – Ontario Ministry of Transportation](#)

Subsection 11.3 – Fire Alarms and Carbon Monoxide Detectors – Hawkins Gignac Act

Hawkins Gignac Act (Carbon Monoxide Safety)

All agency employees and home child care providers are expected to follow the regulations set out in the Hawkins Gignac Act regarding smoke and carbon monoxide detectors.

The Hawkins Gignac Act requires fire protection equipment (e.g., fire alarm detectors) and protection equipment to detect the presence of unsafe levels of carbon monoxide (e.g., carbon monoxide detectors) in buildings, structures, land and premises.

All premises providing child care should have working smoke and carbon monoxide detectors in the appropriate places. For smoke detectors, they should be working near all sleeping areas at the premises and on every storey that does not have a sleeping area. For carbon monoxide detectors they should be working adjacent to each sleeping area in the house and/or apartment.

Intent

The Hawkins Gignac Act reminds Ontarians of the importance of having functioning fire and carbon monoxide protection equipment. Having functioning equipment can help save lives.

Recommendations

The Hawkins Gignac Act has designated the calendar week beginning on November 1 as Carbon Monoxide Awareness Week.

As winter approaches the use of, gas fired appliances (such as fireplaces) that can produce lethal carbon monoxide increases. Appliances that are rarely used over the summer months may develop leaks or blockages and cause carbon monoxide to accumulate inside the home. Therefore, it is important to inspect appliances and carbon monoxide detectors when the colder temperatures begin.

It is recommended that, as part of the initial and quarterly home inspections, home child care visitors check that carbon monoxide and fire alarm detectors are in working order.

For more information visit Ontario's government website - [Hawkins Gignac Act](#)

Section 12- Corporations

Subsection 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.

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.

Corporations are required to list their directors and officers in the Child Care Licensing System at time of application and notify the ministry in writing within 15 days of any change in the directors or officers. This notification allows the Ministry director an opportunity to review the past conduct and competency of new directors and officers.

Special Instructions

Corporations must complete and submit an Initial Return to the Ministry of Government and Consumer Services within 60 days after the date of incorporation, amalgamation or continuation.

After filing an Initial Return, corporations must complete and submit a Notice of Change to the Ministry of Government and Consumer Services within 15 days after any change takes place (e.g., when a corporation changes its address, directors or officers).

These forms can be accessed online [here](#).

Recommendations

A community group which has established or intends to establish a home child care agency can become incorporated under various pieces of legislation according to their methods of funding and operation. Incorporation enables a group to continue functioning even if its executive or membership should change.

A corporation may hold real estate, may borrow money and may contract in its own name.

Individual members of the corporation are generally exempt from personal liability for the debts and obligations of the corporation. However, under certain circumstances, the Board of Directors may be personally liable for certain debts and obligations of the corporation. Should this situation arise, the individual should obtain legal advice.

Resources

[ONE-Source for Business](#)

- Provides information on opening and operating a business in Ontario, including, registering your business, filling out the appropriate permits and licences, and searching for financing and other important information.
- Note that this website provides information on registering business names and obtaining a **master business licence** which is not the same as a **licence to operate a home child care agency**. Applicants and licensees are encouraged to consult with their legal counsel to determine whether they must register their business name. Please note that corporations are prohibited from offering child care for more than five children until a child care licence has been issued by the Ministry of Education.
- Includes information for commercial/for-profit corporation and not-for-profit corporations.

[Not-For-Profit Incorporator's Handbook](#)

- Provides general information on the nature of a not-for-profit corporation and guidelines on how to incorporate such a corporation.

Subsection 12.2– Sales

Intent

To provide information on licensing processes and requirements when an individual or corporation is considering selling a home child care agency.

Licences are issued for a specific agency. It is important to note that a home child care agency licence issued by the Ministry of Education is not transferrable to another individual, corporation, or First Nation.

Special Instructions

Sale of Assets – new licence required

A new licence is required when the legal entity responsible for the operation and management of the home child care agency changes. This change could happen in two situations:

- An individual licensee (vendor) chooses to sell their home child care agency to a corporation or another individual (purchaser).
- An incorporated licensee chooses to sell some of the assets of their home child care agency to a corporation or another individual (purchaser). 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. The licence issued by the Ministry of Education is not an asset that can be sold.

In both situations described above, a new individual or corporation will be responsible for the operation and management of the home child care agency. The new owner will need to apply for and be issued a new licence to operate a home child care agency before assuming responsibility for the agency.

To minimize disruption in service for families, the following licensing process should be followed.

1. The current licensee notifies their program advisor in writing of their intent to sell at least 30 days before the tentative closing date. The notification should include:
 - a. tentative closing date
 - b. name of the prospective purchaser; and,
 - c. plans to inform parents, providers, staff and the CMSM/DSSAB.
2. If the expiry date for the current licence is imminent, the vendor submits a licence renewal request in CCLS and submits the renewal fee to the ministry prior to the expiry of the current licence. This ensures that the licence remains in effect during the sale process.
3. The program advisor contacts the prospective purchaser to inform them of the process required to obtain a new licence under the CCEYA.
4. The program advisor informs the prospective purchaser that all requirements of the CCEYA must be met and a new licence must be issued before the prospective purchaser can assume responsibility for the agency.

5. The prospective purchaser applies for a licence using the Child Care Licensing System ([Registration Guide for Licensed Child Care Programs](#)).
6. The prospective purchaser provides all initial documentation required by the ministry, including:
 - a. Application fee: cheque or money order made out to the Minister of Finance
 - b. Written confirmation of compliance with local zoning, fire, health and building departments (where applicable). Note: the applicant will need to confirm that the municipality/district does not provide approvals for the agency or home premises. Some municipalities require zoning approval to be confirmed for the agency office if it is located in a residential premises.
 - c. Incorporation papers (where applicable), including a list of officers and directors of the corporation.
 - d. A Criminal Reference Check for the applicant or, if the applicant is a corporation, for each director. If the applicant or director(s) will be interacting with children, a Vulnerable Sector Check is required.
 - e. Verification of current insurance.
7. The program advisor conducts a licensing inspection with both the vendor/current licensee and the prospective purchaser/applicant.
 - a. A licensing inspection is conducted prior to the closing date to ensure sufficient time to achieve compliance with licensing requirements.
 - b. The prospective purchaser/applicant should establish new agreements with existing providers who hold contracts with the vendor and are planning to continue to offer child care after the purchaser has assumed responsibility for the agency. These agreements should have effective dates that align with the purchaser's anticipated licence issue date and should be made available for review by the program advisor during the licensing visit.
 - c. The vendor and prospective purchaser must decide who is responsible to comply with any outstanding requirements. The program advisor documents the name of the responsible party in the licensing summary sheets.

- d. Copies of the summary sheets identifying outstanding requirements are provided to both parties.
 - e. Compliance with all outstanding requirements is required prior to a new licence being issued.
8. Letters from the legal representatives of both purchaser and vendor verifying details, including the closing date, are submitted to the program advisor.
 - a. The actual sale date must coincide with the date the new licence is issued and the Ministry must receive written confirmation from legal representatives of both the purchaser and vendor that the sale is complete.
9. The program advisor verifies compliance with all outstanding requirements. A final agency visit may take place just prior to the closing date to verify that all requirements for the issuance of a licence have been met.
10. The new licence is issued through CCLS and printed and posted in the home child care agency.

Sale of Shares – new licence NOT required

When the legal entity responsible for the operation and management of the home child care agency does not change, a new licence is not required. This could happen in the following situation:

- An incorporated licensee sells the shares of their corporation.

In the situation described above, the purchaser buys the entire corporation and continues to operate the home child care agency under the existing licence. A new licence is not required because the same corporation continues to be responsible for the operation and management of the child care agency.

To minimize disruption in service for families, the following licensing process should be followed.

1. The current licensee (vendor) notifies their program advisor in writing of their intent to sell at least 30 days before the tentative closing date. The notification should include:
 - a. tentative closing date
 - b. name of the prospective purchaser; and,
 - c. plan to inform parents, providers, staff and the CMSM/DSSAB.

2. If the expiry date for the current licence is imminent, the vendor submits a licence renewal request in CCLS and submits the renewal fee to the ministry prior to the expiry of the current licence. This ensures that the licence remains in effect during the sale.
3. The program advisor contacts the prospective purchaser to inform them of the documents required to continue operating the child care agency under the existing licence.
4. The prospective purchaser submits to the ministry:
 - a. A copy of the Notice of Change form that has been filed with the Ministry of Government and Consumer Services, including a list of new directors and officers of the corporation (must be provided to the Ministry within 15 days of the change occurring).
 - b. Confirmation of whether the new director(s) will have direct contact with children receiving child care.
 - c. Criminal Reference Checks for the new director(s). If the new director(s) will be interacting with children, a Vulnerable Sector Check is required.
 - d. Proof of insurance.
 - e. Written verification from the lawyer for the vendor and the lawyer for the purchaser that the sale is complete.
 - f. Confirmation that the purchaser has registered in CCLS and been provisioned licensee access.

NOTE: There is no guarantee that the purchaser will continue to be licensed.

The Ministry director will review the information about the new directors and officers of the corporation (provided by the purchaser), including criminal reference checks. If there are grounds (past conduct or lack of competence) to refuse to issue a licence had the corporation been applying for a licence in the first instance, the director may propose to revoke or refuse to renew the licence.

5. The program advisor conducts an unannounced monitoring visit to the home child care agency after the sale is complete.

Section 13- Enforcement

Where non-compliances identified in an inspection are not rectified by the licensee within the required timeframe, the matter may be referred to enforcement for further action. The CCEYA gives the Ministry a number of tools to enforce the CCEYA requirements, including compliance orders, protection orders, administrative penalties and prosecution of offences committed under the Act.

Public Registry of Child Care Violations:

Inspections or investigations which result in a compliance order, protection order, administrative penalty or prosecution of a licensed child care program are posted on the Ministry's website at

<http://www.edu.gov.on.ca/childcare/unlicensed.html>

Subsection 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.

Intent

Whenever appropriate, the ministry will take an escalating approach to enforcement, starting first by providing clarity to providers, staff and licensees on the rules of the new legislation. This clarity may be provided by ministry Program Advisors or Enforcement Investigators. If further actions are required, depending on the nature of the contravention and the specific circumstances, a compliance order may be issued.

Subsection 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

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	Prohibition – provision of home child care, advising home child care	1,000

	(3) subparagraph 1 iii	agency	
4.	Act, s. 6 (1), read with s. 6 (3) subparagraph 2 i	Prohibition – provision of unlicensed child care, total number of children	2000 × number of children that exceed the number specified in the Act
5.	Act, s. 6 (1), read with s. 6 (3) subparagraph 2 iii	Prohibition – provision of unlicensed child care, number of children younger than two	2000 × number of children that exceed the number specified in the Act
6.	Act, s. 7	Prohibition – operation of home child care agency	1,000
7.	Act, s. 8	Prohibition – operation of multiple unlicensed premises	2,000
8.	Act, s. 9	Prohibition – past conduct, child care providers, etc.	1,000
9.	Act, s. 10	Prohibition – preventing parental access to the child and premises	1,000
10.	Act, s. 11	Prohibition – use of terms re licensing	750
11.	Act, s. 12	Duty to disclose if not licensed	750
12.	Act, s. 14	Duties re posting, returning and copying licences	750
13.	Act, s. 15	Duty to provide receipt for payment	500
14.	Act, s. 31 (4)	Obligation to produce and assist	500

15.	Act, s. 35	Obligation to provide criminal reference checks	2,000
16.	Act, s. 76	Prohibition – obstruction of inspector	4,000
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

TABLE 2

Item	Column 1 Contravened provisions	Column 2 Description of contravention	Column 3 Amount of administrative penalty, in dollars
1.	Regulation, clause 38 (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	Prohibited practices	2,000
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

As per the Act, administrative penalties are intended to encourage compliance and prevent individuals from deriving economic benefit from contravening the Act or the regulations.

Special Instructions

An administrative penalty can be issued to any person, including the licensee, home child care provider, home visitor or others.

Subsection 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.

Intent

To provide a fair process, an individual or licensee has a legislated right to request a review of the notice of administrative penalty.

Subsection 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.

Intent

This requirement provides transparency for parents and access important information regarding the child care program.

Subsection 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.

Intent

The purpose of this provision is to eliminate the threat to the health, safety, or welfare of the children; or to protect the children from such threat. A protection order requires that the provision of child care cease immediately until such time as the ministry is assured that the threat is resolved.

Subsection 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.

Penalties for offences

- 79 A person convicted of an offence under this Act is liable to a fine of not more than \$250,000, imprisonment for a term of not more than one year, or both.
- 9 (1) No individual shall provide child care, operate a premises where child care is provided or enter into an agreement described in section 7 if:
1. The individual has been convicted of any of the following offences:
 - i. An offence under this Act.

Ontario Regulation 137/15

Prescribed Offences

88.1 The following provisions are prescribed for the purposes of paragraph 13 of subsection 78 (1) of the Act:

1. Section 12 of the Act (Duty to disclose if not licensed and to retain record of disclosure).
2. Section 15 of the Act (Duty to provide receipt for payment).
3. Section 8 of this Regulation (Ratios and maximum group sizes, child care centre).
4. Section 11 of this Regulation (Supervision by adult at all times).
5. Section 48 of this Regulation (Prohibited practices).

6. Section 60 of this Regulation (Duty to obtain initial reference check). O. Reg. 126/16, s. 48.

Intent

The purpose of offences is to provide the Ministry with additional tools apart from the revocation of a licence to protect the health safety and well-being of children in all child care settings.

Appendix A- Licence Appeal Tribunal

The Licence Appeal Tribunal's mandate is to provide a fair, impartial and efficient means to appeal decisions concerning compensation claims and licensing activities regulated by several ministries of the provincial government, including child care licensing regulated by the Ministry of Education.

An applicant or licensee has a legislated right to a hearing by the Tribunal when the applicant's/licensee's application for a licence or licence renewal is not approved, or a licensee's licence is revoked, suspended, the status of the licence is changed from regular to provisional or conditions imposed on the regular licence are not satisfactory to the licensee.

Sections 23, 24, 25 and 37 of the Child Care and Early Years Act, 2014 set out the situations in which an applicant or licensee may appeal licensing decisions.

A licensee is not entitled to appeal conditions imposed on a provisional licence.

Notice of Proposal to Applicant or Licensee

A Ministry of Education director must notify an applicant or licensee in writing if the director proposes to:

- refuse to issue a licence;
- refuse to renew a licence;
- revoke a licence;
- change the status of a licence to a provisional licence;
- impose conditions on a licence; or,
- amend existing conditions on a licence.

The written notice will indicate that the applicant or licensee is entitled to a hearing if they are dissatisfied with the decision(s) of the Ministry director, so long as written notice of the request for a hearing is sent to the director and the Tribunal within 15 days.

A licensee can also appeal a protection order if written notice is sent to the director and the Tribunal within 15 days of receiving the protection order.

If an applicant or licensee has not requested a hearing within the 15 day time limit, the Ministry director may proceed with his/her decision.

Procedure for Hearing

When a request for a hearing has been received, the Tribunal determines the time and location for the hearing.

The following are the possible results of an appeal to the Tribunal. The Tribunal may:

- affirm the decision, order or proposal of the Ministry director, which means it remains in effect;
- rescind the decision, order or proposal of the Ministry director, which means it is no longer in effect; or
- substitute its own decision for the decision, order or proposal of the Ministry director, and direct that the Ministry director implement the decision of the Tribunal in accordance with the directions, if any, that the Tribunal considers appropriate.

The Tribunal can affirm or cancel conditions on a licence or prescribe other conditions or provisions.

Continuation of Licence Pending Hearing

If a director proposes to refuse to renew or to revoke a licence and the licensee makes a written request for a hearing to the director and the Tribunal, the term of the licence is extended until the Tribunal reaches a decision.

If a director notifies a licensee in writing of a change in the status or conditions of their licence, the change is effective immediately, even if the licensee makes a written request for a hearing to the director and the Tribunal.

If a director issues a protection order and suspends a licence, the order takes effect immediately, even if the licensee makes a written request for a hearing to the director and the Tribunal.

Appendix B – Fee for Licence

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

Expired Licences

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, 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 or 1-855-457-5478 (toll-free)/416-314-6230 (local).

Appendix C- Reportable Serious Occurrences

Category 1 - Death of a Child

Definition: The death of a child who received child care at a home child care premises or child care centre.

For greater clarity, a death of a child must be reported as a serious occurrence there may be a relationship between the child's death and the child's care in the licensed program.

The following provides some examples of what would and would not be considered a serious occurrence under this category.

Examples of Reportable Serious Occurrences:

- A child was unresponsive and not breathing while receiving child care. The child was later pronounced dead by emergency medical staff.
- A child developed a severe illness while at the child care centre or home child care premises and later passed away in hospital.
- A child developed a high fever at the child care centre or home child care premises and was sent home. The child later passed away.
- A child incurred fatal injuries from an accident while on a field trip from the child care centre.

Examples of Incidents that are **not** Serious Occurrences

- A child died following a known illness/disease/medical condition (e.g., cancer).
- A child died due to an automobile collision while in the care of the parents.

Category 2 - Abuse/Neglect or Allegation of Abuse/Neglect

Definition: 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. This includes an allegation against any person who is on-site at the child care centre or home child care premises and not limited to employees and child care providers.

The following provides some examples of what would and would not be considered a serious occurrence under this category.

Examples of Reportable Serious Occurrences:

- A staff member observed another staff forcefully grabbing a child.
- A licensee received an email from a concerned parent alleging that a staff member was upset that a preschooler had a urine accident and the staff member refused to permit the child to change his/her soiled clothes.
- A staff member is observed using harsh/degrading language to a child.
- A parent noticed a bruise on his/her child's face; the child told parent that the home child care provider had hit him/her.
- A staff observed a parent slap a school age child while on the playground.

Example of Incident that is **not** a Serious Occurrence

- A child disclosed to a staff member an incident that occurred while the child was not receiving care at the child care centre. In this case, a report would be required to the local children's aid society as per the Duty to Report under the Child and Family Services Act.

Category 3 - Life-threatening Injury or Illness

Definition: 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.

For greater clarity, where the licensee or supervisor has been notified that a life-threatening injury or illness of a child has occurred, it must be reported whether it occurred while the child was receiving care at the time, or where there are any indications that the life-threatening injury or illness was sustained/developed while the child attended the home child care premises or child care centre.

CCLS has two sub-categories: injury, and; illness.

Life-threatening injury or illness is defined as an incident that is capable of causing death.

Examples of life threatening injury or illness include but are not limited to:

Injuries:

- Injuries to the head, back or neck resulting in unconsciousness or physical paralysis
- Severe eye injury (impalement)
- Injuries to the chest resulting in laboured breathing (collapsed lung), cardiac arrest, internal bleeding or vomiting blood
- Anaphylactic reactions
- Near drowning
- Substantial blood loss
- Drug overdose
- First time seizure, multiple seizures or seizures lasting more than 5 minutes
- Fracture with bone deformity and/or bone exposure

Illness:

- E. Coli
- Flesh Eating Disease

The following provides some examples of what would and would not be considered a serious occurrence under this category.

Examples of Reportable Serious Occurrences:

- A child suffered a second/third degree burn.

- A child had an anaphylactic reaction.
- A child ingested a hazardous substance at the home child care premises that required hospital/medical attention.
- A child had a seizure in a situation where parents/staff were unaware that a child was prone to seizures.
- A staff administered the wrong dosage of a medication to a child, who required hospital/medical attention.
- A child was hit in the head with a baseball bat and loses consciousness.

Examples of Incidents that are **not** Serious Occurrences

- A child with a pre-existing seizure disorder had a seizure at the child care centre. The licensee was aware of the condition, had a plan in place to respond and followed the plan to appropriately respond to the incident. The child did not require emergency medical attention.
- A child fell on the playground and sustained a cut that required a few stitches.
- A child tripped while running and chipped a tooth.
- A child ingested a non-toxic substance (e.g., playdough).

Category 4 - Missing or Temporarily Unsupervised Child(ren)

Definition: 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.

CCLS has two sub categories: child found; and child still missing

The following provides some examples of what would and would not be considered a serious occurrence under this category.

Examples of Reportable Serious Occurrences:

Missing – Child found:

- A child was left alone on the playground at the end of outdoor play and was later located.
- A child was not met by child care staff when getting off a school bus to attend a child care centre and was located before time of reporting.
- During transition time, a child was left in the room unattended as the staff and children went outside. Child was found by another staff member.
- A child left the child care centre or home child care premises and walked home. The child was greeted by the parents/guardian at home.

Missing – Child still missing:

- 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.

Examples of Incidents that are **not** Serious Occurrences

- A parent picked up their child early from school and did not inform the child care centre staff. The staff called the parent and was able to confirm that the child was with the parent.
- An expected child did not get off the bus afterschool. The staff member called the parent and found out that the parent had picked the child up from school.
- The school mistakenly placed a child on the school bus rather than waiting for the child care staff to pick up the child from the classroom afterschool.
- A child went missing while in the care of his/her parent.

Category 5 - Unplanned Disruption of Service

Definition: 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.

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 (i.e. lockdown, outbreak).

CCLS has these sub categories: fire, flood, gas leak, detection of carbon monoxide, outbreak, lockdown, other emergency relocation or temporary closure.

The following provides some examples of what would and would not be considered a serious occurrence under this category.

Examples of Reportable Serious Occurrences:

- A fire caused an emergency relocation or closure of the premises.
- A fire occurred at the centre on the weekend when no children were on the premises. The licensee decided to close the centre until repairs are completed or until air quality is tested.
- There was a gas leak at the centre (occurred before/during/after operational hours).
- Carbon monoxide was detected at the home child care premises; staff and children had to evacuate.
- Public Health declared an outbreak.
- There was a lockdown at the centre.
- Other unplanned disruption occurred (e.g., evacuation).

Examples of Incidents that are **not** Serious Occurrences

- A program closed due to extreme weather conditions (i.e. snow storm).
- A planned temporary relocation for the licensed site (i.e. labour disruption and centre decided to relocate to continue operation of centre).
- A boil water advisory was in effect.
- A fire alarm was activated, the centre evacuated and fire services determined that there was no danger (i.e., someone pulled the fire alarm).