



Instructions and Tips for Creating Compliant Documents:
Agreement between the Home Child Care Agency and Home Child Care Provider (O. Reg. 137/15, ss. 9(2), 27(1), 75(1))

Mandatory Requirements to Include

The following information **must be included** in the agreement between the home child care agency and home child care provider to comply with requirements under the [Child Care and Early Years Act, 2014](#) and [O. Reg. 137/15](#):

- The responsibilities of the licensee and each home child care provider, in each premises where the licensee oversees the provision of home child care, with respect to the provision of equipment.
- A maximum capacity for each premises, established in accordance with the *Child Care and Early Years Act, 2014*.

Other Related Requirements

- The licensee must keep a copy of each agreement between the home child care agency and the home child care provider at the home child care agency.
- Before placing a child at a premises, the licensee must consider whether the placement would provide safe accommodation for the child and for any children already receiving care at the premises (including the provider's own children and privately-placed children), and for that purpose shall consider the following:
 - the ages of the children receiving care;
 - any special needs of the children receiving care;
 - the ability of each child to evacuate independently in an emergency;
 - the experience and qualifications of the home child care provider; and,
 - the physical environment of the premises, including the total amount and distribution of space in the premises.

Other Considerations

The following are some tips and considerations for developing the agreement between the home child care agency and home child care provider. These are not mandatory, but they will support the development of a more comprehensive and high-quality agreement:

General

- Consult legal counsel when developing the written agreement.
- Provide definitions for ambiguous terms used throughout the agreement.
- Clearly state that home child care providers are responsible for following and implementing all applicable requirements set out in the CCEYA and its regulation.
- Clearly state additional requirements associated with:
 - Insurance
 - Privately placed children

- Other people at the premises
- Alternative care arrangements
- Transportation (e.g., vehicle use, public transit)
- Record keeping (e.g., digital records)
- Outdoor play
- Bodies of water
- Provide information about the ongoing placement of children at a premises, including the considerations, as set out in section 9(3) of the regulation, to determine whether the placement of an additional child would provide safe accommodation for any child or children already at the premises.
- Describe the role of the home child care visitor and the oversight they have over each home child care premises, including information about premises inspections (e.g., initial, quarterly etc.).
- Include any requirements or expectations that the home child care agency may have that are above the requirements set out in the CCEYA and O. Reg. 137/15.
- Include information about the potential implications for contravening the requirements of the CCEYA and its regulation (e.g., administrative penalties) or the agreement (i.e., termination of the agreement).
- Ensure that the agreement aligns with program statement.
- Include information about ensuring the confidentiality of children and families.

Administrative Matters

- Describe legal responsibilities for items such as injuries to the provider and/or children in care, as well as other damages (e.g., property damages) that may result from home child care services provided.
- Advise the home child care provider that the home child care agency is responsible for having comprehensive general liability coverage for each home child care provider at a premises where the licensee oversees the provision of care and include any additional information that may relate to the provider's own insurance policy.

Processes and Expectations to Include

- Include processes and expectations for preparing to enter into an agreement with a home child care provider, completing the agreement with the home child care provider, and what to do following the expiration or termination of an agreement, including, but not limited to:
 - Prior to entering into an agreement with a home child care provider, the licensee shall obtain vulnerable sector checks from the home child care provider, every person who is ordinarily a resident of the premises, and every person who is regularly at the premises.
 - Instructions for when the agreement will be reviewed (e.g., annual basis).
 - Instructions for home child care providers who wish to discontinue their agreement with the home child care agency.

- Upon expiration or termination of an agreement, the home child care provider shall return signage (decal) 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.