

# Serious Occurrences

## What Child Care Centres And Home Child Care Agencies Need To Know

The *Child Care and Early Years Act, 2014* (CCEYA) and its regulations include provisions to ensure that there is a plan to deal with any serious incidents that may affect the health, safety and well-being of children and that these serious incidents are reported to the Ministry of Education, tracked and followed up on.

### What type of incident is considered to be a serious occurrence?

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A serious occurrence is defined under the CCEYA as:

- a) the **death of a child** who receives child care at a licensed home 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 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 premises or child care centre;
- d) an incident where a child who is receiving child care at a home premise or child care centre goes **missing or is temporarily unsupervised**, or
- e) an **unplanned disruption of the normal operations** of a home child care premises or child care centre that poses a risk to the health, safety or well-being of children receiving child care at a home child care premises or child care centre.

## **What are the licensees responsibilities with regards to complaints and conflict resolution?**

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Licensees are responsible for managing complaints that they receive. If a licensee receives a complaint about an incident that relates to a defined serious occurrence category, the incident should be reported to the Ministry of Education under the appropriate category. The complaint itself does not need to be reported to the Ministry.

The Ministry of Education follows up on all complaints received from the public and other regulatory authorities about licensed child care programs. These complaints are tracked separately in the Child Care Licensing System (CCLS; this is the system used by the Ministry of Education to automate child care licensing in Ontario).

As of September 1, 2017, Ontario Regulation 137/15 under the CCEYA requires licensees to have a conflict resolution policy in place to support open discussions between licensed child care providers and parents through a fair and transparent process. This new requirement is intended to set out clear and consistent standards for licensed child care providers to ensure issues and concerns are addressed in a timely and transparent manner. This is not intended to replace requirements or ministry processes related to reporting serious occurrences, but rather support communication and positive relationships between licensees and parents.

## **Who needs to report a serious occurrence to the Ministry of Education?**

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Licensees, designates, or supervisors are required to report any serious occurrence to the Ministry of Education within 24 hours of becoming aware of the incident. It is important to note that the 24-hour window to report a serious occurrence begins as soon as the licensee, designate, or supervisor becomes aware of the incident.

## **How do I report a serious occurrence?**

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Licensees, designates, or supervisors are required to notify their program advisor of any serious occurrences through the CCLS. If the individual cannot access the CCLS, they must notify their program advisor via telephone or email within 24 hours of becoming aware of the incident and complete a Serious Occurrence report in the CCLS as soon as the system becomes available.

## **Do licensed home child care providers need to report serious occurrences that involve privately-enrolled children to home child care agencies?**

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Yes, in the event of a serious occurrence in a home, regardless of whether or not the affected child was enrolled by the agency, providers must report the occurrence to the agency and the agency is required to report the serious occurrence to the Ministry of Education. Reporting the event will provide the home child care agency and the Ministry of Education with a better understanding of the events occurring in a licensed home child care premises.

## **Are there other serious occurrence requirements?**

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Yes, licensees are required to conduct an annual analysis of all serious occurrences as a method of identifying issues and/or trends. As part of this analysis, they must also document the actions taken in response to the analysis, and maintain a record of this analysis. Ministry of Education licensing staff will review the annual reports during licensing inspections.

Licensees are also required to have a serious occurrence policy that addresses how to identify a serious occurrence; respond to a serious occurrence; and report a serious occurrence. Furthermore, licensees are required to ensure that all legislated policies and procedures are implemented, and monitored on a regular basis. Providers, employees, volunteers and students are encouraged to regularly review procedures and policies to ensure they are aware of their roles and responsibilities, and are able to implement the procedures and policies to support the health, safety, and well-being of children receiving child care.

## How long are licensees required to keep records for serious occurrences?

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Licensed child care centres and home child care agencies must ensure that their record keeping is up-to-date and that all records related to children, including those related to serious occurrences such as the serious occurrence summary report are kept in a secure location for a minimum of three years from the date the records were made.

As of March 1, 2018, licensees will no longer be required to retain the **paper/hard-copy version** of the serious occurrence **report** separately because this record is already retained in the Child Care Licensing System to which all licensees and ministry licensing staff have access. The “summary of the report”, also known as the *Serious Occurrence Notification Form* is still required to be posted in an obvious/intuitive place at the child care centre or home child care location for 10 business days.

## Do I have to report a situation where a child discloses abuse that occurred outside of child care?

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Licensees, staff members and providers should be aware of and understand the reporting obligations imposed by section 72 of the *Child and Family Services Act*, which requires that a person with reasonable grounds to suspect that a child is or may be in need of protection must report that 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](#).

Note: The *Child, Youth and Family Services Act* once proclaimed on a date to be determined, will replace the *Child and Family Services Act*.

Licensees should only report a serious occurrence if the allegation of abuse or neglect has been made against an employee of the child care centre or home child care agency, a provider at a home child care premises, a volunteer, student or any other person while the child is present at a child care centre or home child care premises.

## Where can I find more information?

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To access the Child Care Centre Licensing Manual, sample forms, and other resources please visit [the Child Care Licensing Portal](#).

You may reach the licensed child care helpdesk at 1-877-510-5333.