

CHILD CARE LICENSING IN ONTARIO

Orientation Package

for

Prospective Child Care Operators

June 2008

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INTRODUCTION

One of the goals of the Ministry of Children and Youth Services is to help support social and economic development in Ontario by investing in and supporting an affordable, accessible and accountable child care system which helps benefit children, their parents and caregivers, and the broader community.

The early learning and child care system in Ontario should:

- be accessible, affordable and inclusive
- care for children in a safe, nurturing environment
- foster early childhood development
- help support early learning and readiness for school
- be flexible and provide choice
- support children and their families
- provide appropriate standards of child care
- provide supports for parents in financial need, who are employed, in training, or involved in other employment activities
- support economic growth, and
- work in partnership with others involved in Ontario's early learning and child care system.

This Orientation Package has been designed to provide individuals who are interested in obtaining a licence to operate either a day nursery (also known as child care centres) or a private-home day care agency in the Province of Ontario, with practical information and advice.

The following information is included in this package:

- the process for obtaining a licence
- a summary of the licensing requirements to operate a day nursery or a private-home day care agency under the *Day Nurseries Act*
- a glossary of terms (Appendix 1)
- information to assist you in considering your decision to apply for a licence to operate either a day nursery or a private-home day care agency (Appendix 2)
- a list of the Regional Offices of the Ministry of Children and Youth Services (Appendix 3), and
- a list of the Child Care Service System Managers responsible for planning and managing the delivery of child care services throughout Ontario (Appendix 4).

CHILD CARE IN ONTARIO

The child care system in Ontario consists of a range of services for families and their children, including licensed day nurseries and private-home day care which provide supports to children and their families.

The *Day Nurseries Act* requires any premise that receives more than five children under the age of 10 years, not of common parentage (children who have different parents), for temporary care and guidance, to be licensed as a day nursery.

A person may provide informal child care to five children or less under the age of 10 years who are not of common parentage (children who have different parents), in addition to his/her own children, without a licence. This number may not be exceeded, regardless of the number of adults present or on site.

When a person provides in-home child care at more than one location or co-ordinates the provision of care at more than one site, a licence to operate a private-home day care agency is required.

It is an offence to establish, operate or maintain a day nursery or private-home day care agency without a licence. On conviction, the fine is up to \$2,000 for each day the offence continues, or imprisonment for a term of not more than one year, or both.

Ministry staff have the responsibility to follow-up on all complaints about child care being provided without a licence.

CHILD CARE LICENSING IN ONTARIO

The Ministry of Children and Youth Services is responsible for the *Day Nurseries Act* and issues licences to operators of child care programs.

There are two types of licensed child care programs: day nurseries and private-home day care agencies.

In the *Day Nurseries Act* and in this package, child care centres are referred to as day nurseries. Day nurseries may include nursery schools, full day care, extended day care, and before and after school programs.

Private-home day care agencies arrange or offer home day care at more than one home. Care is provided to five children or less, under 10 years of age in a private residence other than the home of the parent/guardian of the child. Homes are monitored by the agency.

Role of the Operator

Operators have responsibility for the operation and management of each day nursery or private-home day care agency, including the program, financial and personnel administration of the program.

Operators of licensed day nurseries and private-home day care agencies are required to achieve and maintain compliance with the standards set out in Ontario Regulation 262 under the *Day Nurseries Act* at all times.

The *Day Nurseries Act* and Ontario Regulation 262 are available through:

Publication Services
777 Bay Street, Market Level, Toronto, Ontario M5G 2C8
416-585-7485 or 1-800-668-9938

The *Day Nurseries Act* is available on the ministry's website at: http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90d02_e.htm.

Ontario Regulation 262 under the *Day Nurseries Act* is available online at: [http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900262_e.htm#37.\(1\)](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900262_e.htm#37.(1)).

The Director under the *Day Nurseries Act*

Child care licences are issued by a "Director" who is an employee of the Ministry of Children and Youth Services, appointed by the Minister for the purpose of the *Day Nurseries Act*. The Director reviews all documents required for licensing, approves and signs the licence.

The Director has the authority to refuse to issue a new licence if:

- the applicant or any of the officers, directors or employees of the applicant are not competent to operate a day nursery or private-home day care agency in a responsible manner in accordance with the *Day Nurseries Act*

- the past conduct of the applicant affords reasonable grounds for the belief that a day nursery or private-home day care agency will not be operated in accordance with the *Day Nurseries Act*, or
- the building in which the applicant proposes to operate the day nursery or provide private-home day care does not comply with the requirements of the *Day Nurseries Act*.

In addition, if there are grounds, the Director may refuse to renew or revoke an existing licence. The Director may also issue a direction and temporarily suspend a licence if there is an immediate threat to the health, safety or well-being of the children. An applicant or licensee is entitled to a hearing before the Licence Appeal Tribunal.

Role of Program Advisors

Program Advisors, Ministry of Children and Youth Services staff designated under Section 16 of the *Day Nurseries Act*, are responsible for inspecting day nurseries and private-home day care agencies to enforce licensing requirements. In some regional offices, this position is referred to as Licensing Specialist.

Program Advisors are responsible for assessing whether the operator has met the licensing requirements before an initial licence is issued. Unannounced inspections are conducted by Program Advisors for licence renewals on an annual basis or more frequently for a shorter term licences. In addition, Program Advisors conduct unannounced inspections in response to complaints related to licensed child care programs and to monitor operators who have difficulty maintaining compliance with licensing standards.

The Ministry of Children and Youth Services also responds to complaints from the public pertaining to persons who are alleged to be operating without a licence (i.e. caring for more than five children under 10 years of age, not of common parentage, without a licence).

The Application Process

An individual or corporation can apply for a licence to operate a day nursery or a private-home day care agency. (Licences cannot be issued to partnerships.)

Types of operators include:

- an individual
- corporations (non-profit and for-profit)
- municipalities
- community colleges
- churches, or
- Bands and Councils of the Band.

The prospective operator contacts the local Regional Office (see Appendix 3) to request an application package and confirm the information required before proceeding with the next steps in the licensing process.

Prior to requesting an initial site inspection for a day nursery (a visit to determine if the space is appropriate), the operator submits the completed application form to the Regional Office, as well as:

- written verification from the zoning authority confirming the location is approved for use as a child care centre
- detailed floor plans, and
- detailed site plans of the proposed location.

These plans must include room measurements, window measurements (actual glass area), location of fixed cabinets (counters and storage areas) and fenced outdoor playground space dimensions (if required).

Please note that effective July 1, 2005, as part of regulatory changes to the Ontario Building Code, all building or renovation plans for a day nursery must be reviewed and approved by the Ministry of Children and Youth Services prior to a municipality issuing a building permit.

It is the operator's responsibility to determine whether the location will meet zoning, building, fire and health requirements. Written verification must be submitted to the regional office confirming that these requirements have been met prior to a licence being issued.

The fee for a new licence is \$15; the renewal fee is \$10. If a licence renewal is submitted to the ministry after the licence expiry date, the late fee is \$25.

Planning and Design Guidelines for Child Care Centres

This guide provides information about the planning, design and renovation of licensed child care centres. It is intended to be used by persons involved in the site selection, design, and operation of a child care centre in the province of Ontario.

This guide is available through the local MCYS Regional office and on the ministry's website at <http://www.children.gov.on.ca/mcys/english/resources/publications/beststart-planning.asp>. (Alternately, from the ministry's home page at <http://www.children.gov.on.ca>, you can follow the links to Best Start, then Best Start resources, then Planning and Design Guidelines for Child Care Centres.)

Obtaining a Licence

To obtain a licence, applicants must demonstrate compliance with the requirements set out in Regulation 262 of the *Day Nurseries Act* in a number of areas including: confirmation of compliance with municipal zoning, building, fire and health requirements; the suitability of the building; availability of equipment and furnishings; conformity with space requirements and playground standards; maintenance of staff/child ratios for various age groups; staff qualifications; nutrition; appropriate behaviour management; programming and insurance.

Private-home day care agencies must demonstrate compliance with the requirements set out in Regulation 262 of the *Day Nurseries Act* in a number of areas including: staffing and training; policies and procedures; records of inspections of providers' homes; availability of equipment and furnishings; appropriate behaviour management and insurance.

The Program Advisor makes a recommendation to the Director under the *Day Nurseries Act* about the issuance of a licence based on their assessment of compliance with the requirements of the *Day Nurseries Act* and ministry policy.

The Director decides whether to issue a licence and the type and term of licence to be issued. The Director may add terms and conditions to the licence. The operator is required to comply with the terms and conditions of the licence as well as the requirements of the *Day Nurseries Act* and ministry policy.

Operators must apply for a licence renewal prior to the expiry date of the current licence. Licences may be issued for a period of up to one year if all licensing requirements are met.

Health Canada – Product Safety Program

Health Canada helps protect the Canadian public by researching, assessing and collaborating in the management of the health risks and safety hazards associated with the many consumer products, including children’s equipment, toys and furnishings, that Canadians use everyday.

Through their Product Safety Program, Health Canada communicates information about juvenile product hazards and recalls to protect children from avoidable risks. Advisories and warnings, juvenile product recall notices, food recalls and allergy alerts are posted on the Health Canada website. The Consumer Product Recalls webpage can be accessed at <http://209.217.71.106/PR/list-liste-e.jsp>.

Health Canada offers an electronic newsletter so that the public can receive updates when consumer advisories and warnings, juvenile product recalls, and consultation documents regarding consumer product safety are posted on the Health Canada Web site. As a prospective operator, you are encouraged to register on line for this service at:

http://www.hc-sc.gc.ca/cps-spc/advisories-avis/_subscribe-abonnement/index_e.html.

Duration of Initial Licensing Process

It may take up to 6 to 12 months to open a new day nursery or private-home day care agency depending on a number of factors, including the extent of the renovations, the incorporation of a corporation, the purchasing of equipment, the hiring of a supervisor or home visitors, the recruitment of staff, the development of policies and obtaining all required approvals.

Types of Licences

- Regular licence – may be issued for up to 1 year if the operator was in compliance with licensing requirements when last inspected.

- Regular short-term licence – issued at the discretion of the Director - routinely issued to new licensees (generally for a period of up to six months) or when more frequent licensing visits are appropriate to support ongoing compliance.
- Regular licence with terms and conditions - terms and conditions are requirements prescribed by a Director and are additional to the requirements of the *Day Nurseries Act*. 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 staff medical records.
- Provisional licence – When *Day Nurseries Act* requirements have not been met and the operator requires time to meet requirements, a provisional licence (generally for a period up to three months) may be issued. This licence gives the operator a period of time to meet licensing requirements. Copies of a letter indicating that a provisional licence has been issued and a summary of the non-compliances are sent to the centre for distribution to parents. The summary of non-compliances will also appear on the Child Care Licensing Website.

Child Care Licensing Website

MCYS has launched the Child Care Licensing Website to provide parents with information about licensed child care in Ontario. The site is accessible at

<http://www.ontario.ca/ONT/portal51/licensedchildcare>. A search tool allows parents to search for child care by city, postal code, type of program, age group, program name, operator name and language of service delivery. The site also provides the status of the licence and the terms and conditions of the licence for any licensed program parents might be considering or about which they might be concerned.

Once a licence is issued, the information appearing on the licence of the program will be available on the website.

Child Care Service System Managers

The child care system is managed at the municipal level by forty-seven Consolidated Municipal Service Managers (CMSMs) /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, family resource centres and special needs resourcing.

Prospective operators should contact their local child care service system manager (see Appendix 4) to discuss the need for child care in the area being considered and for information about funding and fee subsidy.

DAY NURSERIES ACT

SUMMARY OF LICENSING REQUIREMENTS FOR DAY NURSERIES

Day nurseries are centre-based programs and can include nursery schools, full day child care, extended day and before and after school programs.

Organization and Management

The operator of the day nursery is responsible for maintaining compliance with the *Day Nurseries Act* and ministry policy. This includes responsibility for the operation and management of the program and financial and personnel administration.

A qualified supervisor who directs the program and oversees the staff is required for each child care centre. This person must have a diploma in Early Childhood Education, or other academic qualifications which are considered equivalent, and have at least two years experience in Early Childhood Education. The supervisor must also be approved by the Director under the *Day Nurseries Act*.

Staff Qualifications

- The supervisor must have a diploma in Early Childhood Education or equivalent qualifications, with two years experience and must be approved by the Director under the *Day Nurseries Act*.
- One staff with a diploma in Early Childhood Education or equivalent qualifications must be hired for each group of children.

Health Assessments and Immunization

- Staff immunization/health assessment, as required by the local medical officer of health, must be completed before commencing employment.

Number and Group Size

Number of Staff required for a Day Nursery Other than a Day Nursery
for Children with Disabilities

Group	Age of Children in Group	Ratio of Employees to Children	Maximum Number of Children in a Group
Infant	Under 18 months of age	3 to 10	10
Toddler	18 months of age and over up to and including 30 months of age	1 to 5	15
Preschool	more than 30 months of age up to and including 5 years of age	1 to 8	16
Junior Kindergarten	44 months of age or over and up to and including 67 months of age as of August 31 of the year	1 to 10	20
Senior Kindergarten	56 months of age or over and up to and including 67 months of age as of August 31 of the year	1 to 12	24
School age	68 months of age or over as of August 31 of the year and up to and including 12 years of age	1 to 15	30

- All children must be supervised by an adult at all times.
- Ratios are not permitted to be reduced at any time for children under 18 months of age.
- Ratios are not to be reduced on the playground.

- Where there are six or more children over 18 months of age or four or more children under 18 months of age in attendance, there must be at least two adults on the premises.
- Staff/child ratios may be reduced to 2/3 of the required ratios during the periods of arrival and departure of children and during the rest period, with the following exceptions:
 - when children are under 18 months of age
 - on the playground with any age group
- In a full day program operating six or more hours in a day, for the purposes of staffing, the period of arrival is not to exceed two hours after the opening and the period of departure is not to exceed two hours before the closing of the day nursery.
- In half day nursery school programs and school age programs, the period of arrival is not to exceed 30 minutes after the opening and the period of departure is not to exceed 30 minutes before the closing of the day nursery.

Criminal Reference Checks

Individuals and directors of a corporation applying for new licences will be required to submit a criminal reference check to their local Ministry of Children and Youth Services Regional Office as part of the licence application. In preparation for the initial licensing visit, the operator of the day nursery is required to develop a criminal reference check policy for all full and part time staff working with the children, as well as for volunteers. Additional information about the Ministry of Children and Youth Services criminal reference check policy is available from Regional Offices.

Building and Accommodation

Each day nursery must:

- comply with the requirements of applicable local authorities i.e. zoning and building department, medical officer of health and fire department
- comply with the requirements of the *Safe Drinking Water Act, 2002, O. Reg. 170/03*, where applicable. These provisions only apply to designated facilities with drinking water systems where

the water is not provided through service connections with a municipal residential water system. The requirements of this regulation are available from the Ministry of the Environment's website at <http://www.ene.gov.on.ca/envision/gp/5361e.pdf>

- comply with the requirements for lead flushing and water sample testing (where applicable) under the *Safe Drinking Water Act, 2002, O. Reg. 243/07*. The requirements of this regulation are available from the Ministry of the Environment's website at <http://www.ontario.ca/ONT/portal51/drinkingwater/General?docId=177450&lang=en>
- comply with the requirements of the *Smoke-Free Ontario Act*
- have designated spaces for washing, toileting and separate storage areas for toys, play materials and equipment
- have designated space for eating and resting, preparation of food if prepared on premises or a food service area if food is catered (prepared off premises by a food catering company and delivered to the centre), a fenced playground (see page 15), storage for beds, a staff rest area and an office area if the program operates for six or more hours
- have play space of at least 2.8 square metres (30 square feet) of **unobstructed** floor space for each child, based on the licensed capacity
- have separate play activity rooms for each age grouping. A separate sleep area for infants is also required
- have rooms on or below the second floor where the rooms are for children under six years of age
- have a clear window glass area equivalent to 10% of the available floor area for each play activity room for a program that operates for six or more hours in a day.

Equipment and Furnishings

Each day nursery must have:

- an adequate number of toys, equipment and furnishings for the licensed capacity. The toys, equipment and furnishings must be age appropriate and include sufficient numbers for rotation as well as for gross-motor activity in the playground area
- infant and toddler diapering areas that are adjacent to a sink
- cribs or cradles that meet the requirements of the *Hazardous Products Act*, for infants, and cots for older children
- equipment and furnishings which are maintained in a safe and clean condition and kept in a good state of repair
- a telephone or an alternative means of obtaining emergency assistance that is approved by the Director
- Where children are transported in a day nursery vehicle, child seating and restraint systems are used that meet the requirements of the *Highway Traffic Act, O. Reg. 613*.

Policies and Procedures

Every operator must develop the following policies and procedures:

- Fire evacuation procedures
- Sanitary practices
- Serious occurrence policy, including child abuse reporting procedures
- Criminal reference check policy
- Medication policy
- Behaviour management policy, including monitoring procedures and contravention policies

- Program statement/parent handbook
- Playground safety policy
- Anaphylactic policy, including an individual plan for each child with a severe allergy and the emergency procedures to be followed.

Playground Requirements

- Programs operating six or more hours in a day require outdoor play space equivalent to 5.6 square metres (60 square feet) per child, based on licensed capacity.
- The playground must be:
 - sub-divided if licensed capacity is over 64 children
 - at ground level and adjacent to the premise
 - designed so that staff can maintain constant supervision.
- If used by children under 44 months of age as of August 31 of the year, the playground must be fenced to a minimum height of 1.2m (4 feet) and furnished with one or more gates that can be securely closed at all times.
- If used by children 44 months of age and up to an including 67 month of age as of August 31 of the year (children eligible to attend junior and senior kindergarten), the playground is fenced to a minimum height of 1.2 metres and the fence is furnished with one or more gates that are securely closed at all times, unless otherwise approved by the Director.
- Fixed playground structures (i.e. climbing equipment, slides) are not required by the *Day Nurseries Act*, however, if the operator intends to install fixed play structures, the structures and safety surfacing must meet current Canadian Standards Association standards.
- The current Canadian Standards Association's (CSA) Standard applies to new and newly renovated playground equipment, and

safety surfacing. The CSA Standards also set out the requirements for routine maintenance and inspections.

- Playground plans indicating the type and location of fixed structures as well as the type and area of safety surfacing must be approved by the ministry before installation.
- Once play structures and surfacing are installed, compliance with the CSA standards must be verified in writing by an independent certified playground inspector before the structures can be used by the children.

Inspections

- Copies of fire and health inspections are to be sent to the Ministry of Children and Youth Services program advisor and kept on file at the day nursery.

Insurance Requirements

- The operator must have comprehensive general liability coverage and personal injury coverage for all staff and volunteers.
- All vehicles owned by the operator and used for transportation of staff and children must have motor vehicle insurance.

Fire Safety and Emergency Information

- A fire safety plan must be approved by the local fire department.
- A written evacuation procedure, approved by the fire department, must be posted in each room.
- Staff are to be instructed on their responsibilities in the event of fire.
- Monthly fire drills must be conducted and written records of drills maintained.
- Tests of the fire alarm system and fire protection equipment (as required under the *Ontario Fire Code*) must be conducted and written records of test results maintained.

- There must be a designated place of emergency shelter.
- An up-to-date list of emergency telephone numbers including the fire department, hospital, ambulance service, poison control centre, police department and a taxi service must be posted where they can be easily accessed.
- Medical and emergency contact information for each child must be accessible.

Health and Medical Supervision

- A daily written log that includes health and safety incidents is required.
- Any instructions or recommendations made by the fire department, public health department or other regulatory bodies must be implemented and recorded.
- Sanitary practices and procedures must be approved by Ministry.
- Children must be immunized according to the requirements of the local medical officer of health, unless a fully authorized exemption is on file.
- Before each child begins to play with others, a daily observation of the child's health is required.
- An ill child must be separated from others and arrangements made for the child to be taken home or for immediate medical attention, if required.
- Serious occurrence procedures must be in place and the Ministry of Children and Youth Services notified of any occurrence. A serious occurrence includes such things as the death of a child, a serious injury, alleged abuse/mistreatment of a child, a missing child, a disaster on the premises (e.g. fire) or a serious complaint.

- A written anaphylactic policy is in place that includes:
 - A strategy to reduce the risk of exposure to anaphylactic causative agents
 - A communication plan for the provision of information on life-threatening allergies, including anaphylactic allergies
 - An individual plan for each child with an anaphylactic allergy that includes emergency procedures in respect of the child
 - Staff, students and volunteers have received training on procedures to be followed if a child has an anaphylactic reaction.
- A first aid kit and manual must be readily available.
- A written procedure approved by a qualified medical practitioner regarding the giving and recording of medication is required. The procedure should include the storage of medication (e.g. medication must be stored in a locked container).
- If a child has or may have a reportable disease or is or may be infected with a communicable disease, this is reported to the medical officer of health as soon as possible.
- Cats and dogs on the premises must be inoculated against rabies.

Nutrition

- Infants are to be fed according to written parental instructions.
- Food and drink from home must be labelled with the child's name.
- All food and drink must be stored to maintain maximum nutritive value.
- Meals and snacks must meet the requirements of the *Day Nurseries Act*. Canada's Food Guide provides useful information about nutrition.

- Meals are to be provided where a day nursery operates for 6 or more hours each day or where the daily program operates less than 6 hours each day and operates over the meal time. This generally refers to the provision of lunch as the mid-day meal. In day nurseries that offer care over extended hours, this may mean that breakfast and/or dinner are also provided.
- With the approval of a ministry Director, children 44 months of age or over as of August 31 of the year may bring bag lunches. Written policies and procedures with guidelines for bag lunches should be both posted and provided to parents.
- Menus must be posted with substitutions noted.
- Children's food allergies must be posted in the kitchen and in all rooms where food is served.
- Special dietary arrangements for individual children are to be carried out according to written instructions of parents.

Behaviour Management

- Corporal punishment is not allowed under any circumstances.
- The following are not permitted:
 - deliberate harsh or degrading measures that would humiliate or undermine a child's self respect
 - deprivation of food, shelter, clothing or bedding
 - confining a child in a locked room
 - exits locked for the purpose of confinement.
- Written behaviour management policies and procedures which guide centre staff in managing children's behaviour are to be reviewed annually by the operator. The operator is required to review the policies and procedures with employees and volunteers or students before they begin working, and annually thereafter. These policies must set out permitted and prohibited behaviour

management practices and measures to deal with any contraventions of the policy.

- There must be:
 - a signed, written record of all reviews, and
 - a written procedure for monitoring behaviour management practices of employees, students and volunteers, and a record kept of this monitoring.

Enrolment Records

- Up to date enrolment records for all children in attendance must be on site at all times and be available to the Ministry of Children and Youth Services. These records include, in part, an application, immunization records, emergency information, names of persons to whom the child may be released, parental instructions regarding rest, diet or exercise.
- Daily attendance records that indicate a child's arrival, departure and absence from the program are required.
- The medical officer of health or designate such as the public health nurse is permitted to inspect children's records to ensure that all required immunizations are up to date.

Program

In order to ensure that the program offered is age and developmentally appropriate for the age of the children being served, the following is required:

- a written program philosophy statement which is reviewed annually by the operator and with parents prior to enrolling their child
- a program statement which includes: services, age range, times when the services are offered, holidays, fees, admission and discharge policies, program philosophy, program development, personal and health care, nutrition, parental involvement and

behaviour management, specialized services and activities off the premises

- varied, flexible and age appropriate programs that include quiet and active play, individual and group activities which are designed to promote gross and fine motor skills, language and cognitive skills, and social and emotional development, and
- a daily program plan posted and available to parents with any variations to the program recorded in the daily log.

In addition:

- Any infants not able to walk are to be separated from other children during active indoor and outdoor play periods
- Children under 30 months of age are to be separated from older children during active indoor and outdoor play periods
- Children who attend for six or more hours in a day and are over 30 months of age shall have at least two hours of outdoor play, weather permitting
- Children who attend for six or more hours in a day and are under 30 months of age shall be outside for sleep or play, for up to two hours, weather permitting
- Children who attend for six or more hours in a day and who are between the ages of 18 months and five years shall have a rest period, not longer than two hours following lunch
- A child under 44 months of age as of August 31 of the year who is unable to sleep is not to be kept in a bed (cot) for longer than one hour, after which the child is allowed to get up and participate in quiet activities
- A child 44 months of age or over and up to and including 67 months of age as of August 31 of the year and who is unable to sleep during the rest period is permitted to engage in quiet activities.

DAY NURSERIES ACT

SUMMARY OF LICENSING REQUIREMENTS FOR PRIVATE-HOME DAY CARE AGENCIES

Private-home day care agencies provide home child care at more than one location. Care in each location is provided to five children or less under 10 years of age in a private residence other than the home of the parent/guardian of the child. Homes are monitored by the agency.

Organization and Management

Each private-home day care agency is required to employ one home visitor for every twenty-five homes. The home visitor must have completed a post-secondary program of studies in child development and family studies (for example a diploma in Early Childhood Education or a Degree in Child Studies), have a least two years experience and must be approved by the Director under the *Day Nurseries Act*.

Home visitors provide support to providers who are required to follow the agencies' approved policies and procedures and meet the requirements of the *Day Nurseries Act*. They are responsible for the recruitment, evaluation and monitoring of providers and the care they offer. Home visitors also meet with parents and providers to establish the most suitable placement for a child and facilitate ongoing communication with parents.

Numbers of Children

In each home that has been approved by the agency:

- The number of children receiving child care must not exceed 5 children
- The number of children under 6 years in the provider's home, including the provider's own, may not exceed a total of 5 children
- The following number of children in each of the following classifications cannot be exceeded at any one time:

- two handicapped children
 - two children, who are under 2 years of age
 - three children, who are under 3 years of age
 - one handicapped child and one child who is under 2 years of age
 - one handicapped child and two children who are over 2 years of age but under three years of age.
- Where the children of the provider are under the age of six years, they must be counted in the allowable age mix of children listed above; however, the provider may still have five child care children in addition to her own by caring for some school age children.
 - For example, a provider who has three children of her own under five years may, in addition, provide care for five child care children, if at least three of these children are over the age of six.
 - With the approval of the agency, school age children up to and including the age of 12 years may be accommodated along with younger children where appropriate. Agency placed children over the age of 10 years must be counted in the same way as other children, i.e., there can be a total of only five placements with one provider.

Example groupings of the number of allowable children

Private-home day care child* Under 2 years	Private-home day care child Under 3 years	Private-home day care child 3 to under 6 years	Private-home day care child Over 6 years	Provider's children Under 6 years	Provider's children over 6 years (not counted in allowable number of children)
2		1		2	
		2		3	2
1	1	2	1		1
	2		2	1	1
2		3			2

* "Private-home day care child" includes children placed by the private-home day care agency as well as any children receiving care through private arrangements between the provider and the child's parent/guardian.

- Every private-home day care agency establishes a maximum capacity for each home in compliance with the *Day Nurseries Act*.

Criminal Reference Checks

Individuals and directors of a corporation applying for new licences will be required to submit a criminal reference check to their local Ministry of Children and Youth Services Regional Office, as part of the licence application. In preparation for the initial licensing visit, the operator of the private-home day care agency is required to develop a criminal reference check policy for all staff and providers working with the children, as well as for any volunteers and other persons regularly on the premises where care is being provided. Additional information about the Ministry of Children and Youth Services criminal reference check policy is available from Regional Offices.

Building and Accommodation

- The buildings and accommodation must comply with municipal by-laws, health, fire and zoning requirements.
- Private-home day care locations must comply with the requirements of the *Smoke-Free Ontario Act*.

Equipment and Furnishings

- Suitable indoor and outdoor play equipment is required for the number and developmental needs of the children enrolled.
- Cribs or cradles that meet the requirements of the *Hazardous Products Act* are required for infants, and cots and beds for older children.
- All equipment must be maintained in a safe and clean condition and kept in good repair.
- Outdoor play must be supervised and planned in consultation with the home visitor and the child's parent.
- Poisonous and hazardous materials are to be inaccessible to children.

- Firearms and ammunition are to be kept locked and inaccessible to children.
- Where a private-home day care operator or private-home day care provider transports child in a vehicle, child seating and restraint systems are used that meet the requirements of the *Highway Traffic Act, O. Reg. 613*.
- Working smoke alarms are installed near all sleeping areas at the location and on every storey of the provider's home that does not have a sleeping area.

Policies and Procedures

Every operator must develop the following policies and procedures:

- Fire evacuation procedures
- Sanitary practices
- Serious occurrence policy, including child abuse reporting procedures
- Anaphylactic policy, including an individual plan for each child with a severe allergy and the emergency procedures to be followed.
- Criminal reference check policy
- Medication policy
- Behaviour management policy, including monitoring procedures and contravention policy
- Home visitor and provider training and development policy
- Program statement/parent handbook.

Inspections

- Copies of fire and health inspections are to be sent to the Ministry of Children and Youth Services program advisor and kept on file at the head office of the private-home day care agency.

Insurance Requirements

- The operator must have comprehensive general liability coverage and personal injury coverage for all staff and providers.
- All vehicles owned by the operator must have motor vehicle insurance.

Health and Medical Supervision

- Instructions or recommendations from the local Public Health Department must be implemented.
- Sanitary practices and procedures must be approved by the Ministry.
- Children are to be immunized as recommended by the local medical officer of health.
- Each day, before each child begins to play with others, an observation of the child's health is required.
- An ill child must be separated from others and arrangements made for the child to be taken home or for immediate medical attention, if required.
- Serious occurrence procedures must be in place and the Ministry of Children and Youth Services notified of any occurrence. A serious occurrence includes such things as the death of a child, a serious injury, alleged abuse/mistreatment of a child, a missing child, a disaster on the premises (e.g. fire) or a serious complaint.
- A written anaphylactic policy is in place that includes:
 - A strategy to reduce the risk of exposure to anaphylactic causative agents
 - A communication plan for the provision of information on life-threatening allergies, including anaphylactic allergies
 - An individual plan for each child with an anaphylactic allergy that includes emergency procedures in respect of the child

- Home visitors, providers, residents, students and volunteers have received training on procedures to be followed if a child has an anaphylactic reaction.
- A first aid kit and manual must be readily available.
- A written procedure approved by a qualified medical practitioner regarding the giving and recording of medication is required. The procedure should include the storage of medication (e.g. stored in a location that is inaccessible to children).
- Cats and dogs on the premises must be inoculated against rabies.

Nutrition

- Infants are to be fed according to written parental instructions.
- Food and drink that is brought from home is to be labelled with the child's name.
- All food and drink must be stored to maintain maximum nutritive value.
- Meals and snacks must meet the requirements of the *Day Nurseries Act*. Canada's Food Guide provides useful information about nutrition.
- Nutritious between-meal snacks are to be provided for each child one year of age or over that promote good dental health and will not interfere with a child's appetite for meal time.
- Meals are to be provided where a private-home day care location provides care for 6 or more hours each day or where care is provided for less than 6 hours each day and over the meal time. This generally refers to the provision of lunch as the mid-day meal. In locations that offer care over extended hours, this may mean that breakfast and/or dinner are also provided.
- With the approval of a ministry Director, children 44 months of age or over as of August 31 of the year may bring bag lunches. Written

- Menus are to be planned in consultation with parents and the home visitor.
- Special dietary arrangements for individual children are to be carried out according to written instructions of parents.

Behaviour Management

- Corporal punishment is not allowed under any circumstances.
- The following are not permitted:
 - Deliberate harsh or degrading measures that would humiliate or undermine a child's self respect
 - Deprivation of food, shelter, clothing or bedding
 - Confining a child in a locked room, and
 - Exits locked for the purpose of confinement.
- Written behaviour management policies and procedures for provider's management of children's behaviour must be reviewed annually by the operator and with each provider, volunteers, students and any persons regularly on the premises where care is being provided. These policies must set out permitted and prohibited behaviour management practices and measures to deal with any contraventions of the policy.
- There must be:
 - a signed, written record of all reviews, and
 - a written procedure for monitoring behaviour management practices of providers, students, volunteers and any persons regularly on the premises, and a record kept of this monitoring.

Enrolment Records

- Up to date enrolment records for all children in attendance must be on site at all times and be available to the Ministry of Children and Youth Services. This record includes, in part, an application, immunization, emergency information, names of persons to whom the child may be released, parental instructions regarding rest, diet or exercise).
- A record of each child's daily attendance is required.
- Local medical officer of health or designate such as the public health nurse is permitted to inspect records to ensure that all required immunizations are up to date.

Program

In order to ensure that the program offered is age and developmentally appropriate for the age of the children being served the following is required:

- a written program philosophy statement which is to be reviewed annually by the operator and with parents prior to enrolling their child
- a program statement which includes: services, age range, fees, particular approach to program, parental involvement and behaviour management
- varied, flexible and age appropriate programs must be planned which include quiet and active play as well as individual and group activities that are designed to promote gross and fine motor skills, language and cognitive skills, and social and emotional development, and
- the program of activities is to be made available to parents.

In addition:

- Each child who is in attendance for six or more hours in a day and is over 30 months of age is required to have daily outdoor activities.

- Each child under 30 months of age in attendance for six or more hours in a day is required to be outdoors for sleep or play or both for up to two hours each day, weather permitting.
- Each child who is in attendance for six or more hours in a day and is between 18 months and five years is required to have a rest period not exceeding 2 hours following lunch.
- A child under 44 months of age as of August 31 of the year who is unable to sleep is not to be kept in bed (cot/playpen) for longer than one hour and is allowed to get up and participate in quiet activities.
- A child 44 months of age or over and up to and including 67 months of age as of August 31 of the year and who is unable to sleep during the rest period is permitted to engage in quiet activities.

Health Assessments or Immunization

- Providers and persons (including the provider's own children) regularly on the premises must be immunized as recommended by the local medical officer of health, unless a fully authorized exemption is on file.

CONCLUSION

The Ministry of Children and Youth Services' vision is an Ontario where all children and youth have the best opportunity to succeed and reach their full potential. Child care is an important support to families, healthy child development and school readiness. The licensing requirements exist to support a system where children are cared for in a safe, nurturing and stimulating environment.

The information provided in this package will assist you in understanding the licensing requirements for child care in Ontario.

This package is only an overview of the process.

If you decide to apply for a licence to operate either a day nursery or a private-home day care agency, contact the Ministry of Children and Youth Services Regional Office in your area for more detailed information. The Regional Office staff will be pleased to assist and support you in establishing your child care program.

APPENDIX 1

Glossary of Terms

Child Care Service System Managers:	The municipalities and district social service administration boards which are responsible for the management of the delivery of child care services.
Day Nursery:	Premises that receive more than five children under 10 years of age, not of common parentage, for a continuous period not more than 24 hours for temporary care and guidance. The Ministry also licenses day nurseries for children with a developmental disability up to the age of 18 years.
Director:	An employee of the Ministry appointed by the Minister as a Director for all or any of the purposes under the Day Nurseries Act.
Ministry:	Ministry of Children and Youth Services.
Minister:	Minister of the Ministry of Children and Youth Services
Operator:	An individual or corporation who holds the licence.
Private-Home Day Care Agency:	A person or corporation that provides private home day care at more than one location.
Private-Home Day Care Provider:	The self employed person in charge of the children in a location where private-home day care is provided who is directly responsible for planning and implementing a daily program.
Program Advisor:	A ministry employee, designated under section 16 of the <i>Day Nurseries Act</i> to inspect licensed child care programs and follow up on complaints about unlicensed child care.
Regional Offices:	Ministry offices located in geographical areas across the province.

APPENDIX 2

Things to look into before applying for a licence to operate a day nursery or a private-home day care agency

NOTE: It is recommended that you do not purchase or lease premises for a day nursery until you have reviewed this information, taken the steps as outlined and consulted with the ministry about your specific plans.

- Obtain a copy of the *Day Nurseries Act* to become familiar with the regulations governing the operation of a licensed day nursery or a private-home day care agency. A copy of the *Day Nurseries Act* is available from Publications Ontario, 777 Bay Street, Market Level, Toronto, Ontario M5G 2C8 or by calling 416-585-7485 or 1-800-668-9938.
- The *Day Nurseries Act* can also be viewed on the ministry's website at <http://www.children.gov.on.ca> by following the links to Legislation.
- Assess the need for service within the area in which you intend to operate. This could include contacting existing agencies and/or child care centres to discuss the possible need for additional licensed child care services and surveying the community where you would like to establish your service.
- Speak with your fire, health and municipal zoning and building inspection departments for information regarding any site specific requirements for starting a day nursery or a private-home day care agency. These telephone numbers are available in the blue pages of your telephone directory.
- Prepare a basic budget based on expenses such as staff salaries and benefits, provider payments, play equipment, food, insurance and office expenses such as rent, taxes, utilities, telephone and bank charges.
- If you wish to operate a day nursery, determine what it would cost to renovate the space, indoors and outdoors in order to meet the requirements of the *Day Nurseries Act* and requirements of fire, health, and the building code.
- Ministry approval of the floor plans which include any proposed changes to the premises must be obtained prior to application for a building permit. Building permits issued by the municipal Building Department must be obtained prior any renovations being made.
- Call the MCYS Regional Office in your area for more detailed information and for assistance with the licensing process.
- Contact your local Child Care Service System Manager to find out about the child care services that are currently being delivered in your area. Examine their local child care plan to see what services are being planned and

developed. The addresses of the Child Care Service System Managers are included in this package.

APPENDIX 3

Ministry of Children and Youth Services (MCYS)

REGIONAL OFFICES

MCYS Toronto Region
477 Mount Pleasant Rd, 3rd Floor,
Toronto ON
M7A 1G1
Tel: (416) 325-0652

MCYS Central East Region
465 Davis Drive,
Newmarket ON
L3Y 8T2
Tel: (905) 868-8900
Toll Free:1-877-669-6658

MCYS Central West Region
6733 Mississauga Rd., Suite 200
Mississauga ON
L5N 6J5
Tel: (905) 567-7177 ext. 245
Toll Free: 1-877-832-2818

MCYS Northern Region
199 Larch St., Suite 1002
Sudbury ON
P3E 5P9
Tel: (705) 564-6699
Toll Free:1-800-265-1222

MCYS Hamilton/Niagara Region
119 King St. W., 7th floor
Hamilton ON
L8P 4Y7
Tel: (905) 521-7344
Toll Free: 1-800-561-0568

MCYS South West Region
217 York St., Suite 203
London ON
N6A 5R1
Tel: (519) 438-5111
Toll Free: 1-800-265-4197

MCYS South East Region
11 Beechgrove Lane
Kingston ON
K7M 9A6
Tel: (613) 545-0539
Toll Free:1-800-646-3209

MCYS Eastern Region
347 Preston St., 3rd floor
Ottawa ON
K1S 3H8
Tel: (613) 787-5281
Toll Free:1-800-667-6190

MCYS North East Region
621 Main St. West
North Bay ON
P1B 2V6
Tel: (705) 474-3540
Toll Free:1-800-461-6977

APPENDIX 4

CHILD CARE SERVICE SYSTEM MANAGERS

CENTRAL EAST REGION

City of Kawartha Lakes
322 Kent Street West
PO Box 2600
Lindsay ON K9V 4S7
(705) 324-9870

City of Peterborough
178 Charlotte Street
Peterborough ON K9J 8S1
(705) 748-8830

County of Northumberland
860 William Street
Cobourg ON K9A 3A9
(905) 372-6846

County of Simcoe
Administration Centre
1110 Hwy 26 West
Midhurst ON L0L 1X0
(705) 735-6901

Regional Municipality of Durham
605 Rossland Road East
Whitby ON L1N 6A3
(905) 668-7711

Regional Municipality of York
17250 Yonge Street
PO Box 147
Newmarket ON L3Y 6Z1
(905) 895-1231

CENTRAL WEST REGION

County of Dufferin
229 Broadway Ave., Unit #4
Orangeville ON L9W 1K4
(519) 941-6991

Regional Municipality of Halton
690 Dorval Drive, 5th Floor
Oakville ON L6M 3L1
(905) 825-6000

Regional Municipality of Peel
3515 Wolfedale Road
Mississauga ON L5C 1V8
(905) 791-1585

Regional Municipality of Waterloo
P.O. Box 1612
99 Regina Street South, 5th Floor
Waterloo ON N2J 4G6
(519) 883-2177

County of Wellington
21 Douglas Street
Guelph ON N1H 2S7
(519) 837-3620

EASTERN REGION

City of Cornwall
360 Pitt Street, PO Box 877
Cornwall ON K6H 5T9
(613) 932-6252

County of Renfrew
9 International Drive
Pembroke ON K8A 6W5
(613) 735-7288

City of Ottawa
100 Constellation Crescent
Ottawa ON K2G 6J8
(613) 580-2424

United Counties of Prescott & Russell
59, Court Street
P.O. Box 304
L'Original ON K0B 1K0
(613) 675-4661

HAMILTON NIAGARA

City of Brantford
220 Clarence Street
Brantford ON N3R 3T5
(519) 756-3150

Norfolk County
12 Gilbertson Drive
PO Box 570
Simcoe ON N3Y 4L1
(519) 426-6170 ex 3736

City of Hamilton
4 Hughson Street South, Suite 201
Hamilton ON L8N 3Z1
(905) 546-2424 ex. 4120

Regional Municipality of Niagara
2201 St. David's Road
PO Box 344
Thorold ON L2V 3Z3
(905) 984-6900 ex 3823

NORTH EAST REGION

District of Cochrane Social Services
Administration Board
The 101 Mall
38 Pine Street North, Unit 120
Timmins ON P4N 6K6
(705) 268-7722
Toll Free: 1-877-259-7722

District of Nipissing Social Services
Administration Board
200 McIntyre Street East, 3rd floor
PO Box 750
North Bay ON P1B 8J8
(705) 474-2151

District Municipality of Muskoka
70 Pine Street
Bracebridge ON P1L 1N3
(705) 645-2412
Toll Free: 1-800-461-4215

District of Parry Sound Social Services
Administration Board
76 Church Street, 2nd floor
Parry Sound ON P2A 1Z1
(705) 746-7777
Toll Free: 1-800-461-4464

Toll Free: 1-877-829-5121

District of Timiskaming Social Services
Administration Board
29 Duncan Avenue North
PO Box 310
Kirkland Lake ON P2N 3H7
(705) 567-9366
Toll Free: 1-888-544-5555

NORTHERN REGION

Algoma District Services Administration
Board
RR #1
1 Collver Rd.
Thessalon ON P0R 1L0
(705) 842-3370

District of Sault Ste. Marie Social
Services Administration Board
180 Brock Street
Sault Ste. Marie ON P6A 3B7
(705) 541-7300

District of Thunder Bay Social Services
Administration Board
34 N Cumberland St., 5th Floor
Thunder Bay ON P7A 8B9
(807) 684-2155

Kenora District Services Board
211 Princess Street, Suite 1
Dryden ON P8N 3L5
(807) 223-2100

Manitoulin-Sudbury District Social
Services Administration Board
210 Mead Boulevard
Espanola ON P5E 1R9
(705) 862-7850

Rainy River District Social Services
Administration Board
450 Scott Street
Fort Frances ON P9A 1H2
(807) 274-5349

The City of Greater Sudbury
PO Box 5000, Station A
Sudbury ON P3A 5W5
(705) 673-2171

SOUTH EAST REGION

City of Kingston
362 Montreal Street
Kingston ON K7K 3H5
(613) 546-2695

County of Hastings
P.O. Box 6300
Belleville ON K8N 5E2
(613) 966-8032

County of Lanark
P.O. Box 37
99 Sunset Blvd.

County of Prince Edward, Lennox and
Addington
97 Thomas Street East

Perth ON K7H 3E2
(613) 267-4200

Napanee ON K7R 3S9
(613) 354-4883

United Counties of Leeds and Grenville
25 Central Avenue West
Suite 200
Brockville ON K6V 4N6
(613) 342-3840

SOUTH WEST REGION

City of London
Child Care Services
151 Dundas Street, 4th Floor
P.O. Box 5045
London ON N6A 4L6
(519) 661-2500, Ext. 5895

City of St. Thomas
St. Thomas/Elgin Ontario Works
423 Talbot Street
St. Thomas ON N5P 1C1
(519) 631-9350, Ext. 128

City of Stratford
82 Erie Street
Stratford ON N5A 2M4
(519) 271-3773, Ext. 243

City of Windsor
215 Talbot Street East
Leamington ON N8H 3X5
(519) 322-3522

County of Bruce
PO Box 399
30 Park Street
Walkerton ON N0G 2V0
(519) 881-0431, Ext. 234

County of Grey
595-9th Avenue East
Owen Sound ON N4K 3E3
(519) 376-7324

County of Huron
Jacob Memorial Building
77722D London Road
RR #5
Clinton ON N0M 1L0
(519) 482-8505, Ext. 201

County of Lambton
Community & Health Services
160 Exmouth Street
Point Edward ON N7T 7Z6
(519) 383-6231, Ext. 242

County of Oxford
40 Metcalfe Street
Woodstock ON N4S 3E7
(519) 539-5656, Ext. 248

Municipality of Chatham-Kent
435 Grand Avenue West
PO Box 1230
Chatham ON N7M 5L8
(519) 351-1228, Ext. 2130

TORONTO REGION

City of Toronto
Children's Services Division
55 John Street, Station 1102

10th Floor, Metro Hall
Toronto ON M5V 3C6
(416) 392-5437