

Child Care Modernization Act, 2014

**Presentation to the Annual
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Context and Background

- Consultation on modernizing the child care system began in 2012 with the ***Modernizing Child Care in Ontario: Sharing Conversations, Strengthening Partnerships, and Working Together*** discussion paper.
- In the Winter of 2013/14 the government also posted **proposed regulatory changes under the *Day Nurseries Act (DNA)*** that responded to feedback from the discussion paper.
- In July 2014, the government introduced Bill 10, the ***Child Care Modernization Act, 2014*** which was passed by the Legislative Assembly and received Royal Assent in December 2014.
- Once proclaimed the legislation will:
 - Repeal the DNA and replace it with the *Child Care and Early Years Act, 2014 (CCEYA)*
 - Amend the *Early Childhood Educators Act, 2007*
 - Amend the *Education Act* to establish a duty for school boards to ensure the provision of before- and after-school programs for 6-12 year olds



Overview of New Legislation

The new *Child Care and Early Years Act, 2014*:

Enhances safety and strengthens oversight of the licensed and unlicensed child care sector by providing the government with a range of new enforcement tools (e.g. ability to issue administrative penalties).

Increases access to licensed child care options by increasing the number of children a licensed home-based child care provider can care for from five to six.

Clarifies which programs require a licence and which are exempt. (e.g. care provided by relatives, babysitters and nannies would be exempt).

Reflects a focus of high-quality programs and services (e.g. articulated in the provincial interest, policy statement to guide programming and pedagogy).



Safety and Oversight

- The legislation provides the government with greater authority and enforcement tools to strengthen oversight and enhance safety. Tools include:
 - Authority to issue administrative penalties, which could be up to \$100,000 per infraction
 - Ability to immediately stop a child care provider from operating in circumstances where a child's safety is at risk
 - The ability to issue compliance orders and enforce rules in the unlicensed sector
 - The requirement to publish information when child care providers are found to be violating the act
 - The power to prevent individuals convicted of certain crimes from providing child care
 - An increase in the maximum penalty for an offence under the act of up to \$250,000 or a term of no more than one year of imprisonment, or both

Increasing Access

- The maximum number of children that licensed home-based providers can care for would be increased from 5 to 6.
- Unlicensed providers would continue to be permitted to care for a maximum of 5 children but would be required to adhere to the same age restrictions as the licensed home-based sector:
 - No more than 2 under 2, and providers must include their own children under 6 years of age
 - The provider's own 4 and 5 year olds would not have to be counted if the provider has fewer than 2 under 2, the provider's own children are attending FDK and the provider meets prescribed criteria.



Clarifying programs that do not require a licence

- Child care is defined as the provision of temporary care or supervision of a child except when provided in an exempt circumstance.
- Exempt circumstances include:
 - care by relatives
 - in-home nannies
 - babysitting
 - camps serving children over JK age that meet certain criteria
 - private schools serving children over JK age
 - programs with a primary purpose of skill-based recreation, etc.
 - programs set out by regulation.
- The legislation also identifies programs that are “child care” but are excepted from the requirement to be licensed.
 - This includes unlicensed child care and, subject to regulations, “authorized recreation programs” with a supervisory component serving children aged 6 years and over.



Focus on Quality

- The legislation sets out the provincial interest that there be a system of child care and early years services that promotes health, safety and well-being of children and high quality experiences.
- Includes provision that Minister may issue a policy statement on programming and pedagogy.
- The legislation amends the Education Act to require school boards to ensure before-and-after school programs are available to 6-12 years olds, where there is sufficient demand. Programs could be delivered directly by boards, by licensed child care operators or third-party recreation providers prescribed by regulation.



Regulatory Approach

- Given the transformative scope of the new legislative framework for the child care sector, the ministry is taking a **staged approach** to the development and implementation of new regulations.
- A first round of regulatory changes will pave the way for further system transformation in child care. The proposed regulatory changes take into consideration:
 - Advice and recommendations provided by:
 - The Ombudsman of Ontario to strengthen oversight of unlicensed child care.
 - The Auditor General of Ontario to support the quality of child care programs.
 - Input and advice received through:
 - The discussion paper on Modernizing Child Care in Ontario in June 2012.
 - The Regulatory Registry posting in December 2013 with certain regulatory proposals from that posting now being included in this round of regulations.
 - Key items necessary to support the transition over to the new Act and operationalize provisions that are not enforceable without new regulations (e.g. use of enforcement tools)
- Regulations are subject to a legislative duty for public consultation for at least 45 days.

Regulatory Approach

- Draft tier 1 regulatory proposals were available to the public via Ontario's Regulatory Registry website from March 24th to May 11th
- Tier 1 proposals focus on:
 - Licensing Clarity
 - Enforcement
 - Program quality
 - Homes Child Care
 - Before and after school programs
 - Alignment with schools
 - Health and safety
 - Children with special needs



Next Steps

- Advice received from the Regulatory Registry posting will inform the next steps towards modernizing the child care and early years system in Ontario.
- The ministry will continue to engage and inform families and the child care and early years sector on changes under Bill 10.

