

Child Care Centre Licensing Manual

September, 2019

Note to Users

This publication is not intended as a substitute for the legislation. Reference should be made directly to the *Child Care and Early Years Act, 2014* and its regulations. These can be found at www.ontario.ca/laws.

This Manual provides information to potential applicants and existing licensed child care centres and does not take into account particular or local facts and circumstances. Accordingly, this Manual should not be relied upon as a substitute for legal or professional advice, and the user is responsible for how the Manual is used and applied in their own child care centre.

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***asterisk indicates amended regulatory requirement(s) effective September 1, 2019 or new or revised content added to the Manual.**

Purpose and Organization

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

The Manual has been written to:

- support centres in meeting licensing requirements by describing the intent of the regulations and how compliance can be demonstrated;
- help centres achieve and maintain compliance as well as improve program quality by suggesting best practices and providing additional information;
- connect centres with other resources, where applicable, to deepen knowledge and inform best practices.

The Manual has been designed for use in conjunction with the CCEYA and its regulations. References made to sections, subsections or clauses refer to O. Reg. 137/15, unless otherwise specified. Sections of the Manual have been arranged in the order that they appear in O. Reg. 137/15 and include the intent of the provision and compliance indicators. In this way, applicants and licensees can easily access information as they prepare for licensing. Additional regulatory requirements are set out under [Ontario Regulation 138/15 \(Funding, Cost Sharing and Financial Assistance\)](#) and the *Early Childhood Educators Act, 2007*, these requirements are not discussed in this Manual.

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 child care centre
- **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:** where applicable, are included to assist licensees in considering additional ways in which the child care centre can meet compliance and enhance their program quality

The [Early Years Portal](#) also contains a wealth of information to help licensees, staff 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.

What are Compliance Indicators?

Compliance indicators are used by Ministry of Education program advisors when they assess compliance with licensing requirements while completing the checklist. The compliance indicators have been included in this Manual to help licensees prepare for licensing inspections.

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 and/or staff**

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. These compliance indicators are linked with “And” to signify that all requirements 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 playing outside 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 supervisor or program staff and in order to confirm that children go outside for two hours every day, weather permitting.

How Changes are Made to the Manual

The 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 the most current version will be posted on the [Early Years Portal](#).

This Manual is current as of September 2019.

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 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-based providers associated with licensed home child care agencies) and unlicensed child care, authorized recreational and skill building programs and EarlyON child and family centres.

Legislative Framework

The *Child Care and Early Years Act, 2014* (the CCEYA) is the law governing child care in Ontario.

The CCEYA applies to:

- Unlicensed child care;
- Home child care providers contracted by a licensed agency;
- Licensed home child care agencies;
- Licensed child care centres;
- Authorized recreational and skill building programs; and,
- Child and family programs (i.e. EarlyON child and family centres)

Unlicensed Child Care

An unlicensed child care provider can care for a maximum of five children under the age of 13 years, including their own children under the age of four years. For additional rules that apply to unlicensed providers, please refer to the CCEYA and O. Reg. 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 licence under the CCEYA, with several exemptions including:

- 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 artistic, musical, etc. and other academic or skill-based recreational programs;
- Programs with a primary purpose of academic study and skills (e.g. tutoring);
- Private schools that only serve 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 O.Reg.137/15. The Ministry of Education responds 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](#).

This Manual focuses on the licensing process and requirements for child care centres. These programs may include nursery schools, full day child care and before- and/or after-school programs.

Home child care agencies contract with individual providers who use their own homes to provide care to children. The agency screens, approves and monitors the providers. Agencies also work with families to find the right provider for their child. More information on home child care agencies can be found in the Home Child Care Agency Licensing Manual on the [Early Years Portal](#).

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. A regular licence may be issued for a maximum period of two years.

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

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) are sent to the centre for distribution to parents.

Licences must be posted in a conspicuous place at the child care centre.

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 reviews all documents required for licensing and approves and signs the licence.

Directors may set out 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 put in place to minimize the recurrence of a non-compliance, such as incomplete staff medical records.

Directors have the authority to refuse to issue or renew 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 the licence if there is imminent threat to the health, safety or welfare of any children. The grounds under which a director may exercise this authority are set out in section 37 of the Act.

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](#).

Tiered Licensing

As part of the transformation of Ontario’s child care system, the Ministry has implemented a modernized approach to licensing child care centres called tiered licensing.

The tiered licensing approach allows the Ministry to maintain its oversight of children’s health, safety, and well-being. The approach enables the Ministry to focus resources on working with child care centres that need more support to achieve and maintain compliance and allow for more time during inspections for program discussions.

The tiered licensing process is available to child care centres that have been licensed for three years or more. Eligible child care centres are assigned to Tier 1, Tier 2, or Tier 3 based on their compliance history over the last three years. A centre’s tier determines the type of inspection the Ministry will conduct, as well as the duration of the licence that may be issued.

Tiered licensing, and the maximum two year licence duration, does not apply to child care centres that have been licensed for less than three years. After three years, the child care centre will be placed into the appropriate tier at their next licence renewal inspection, according to their compliance history.

Tiered licensing does not apply to licensed home child care agencies.

More information about tiered licensing is available online at [Tiered Licensing Fact Sheet](#).

Roles and Responsibilities in Licensed Child Care

The role of the licensee: see Manual Section 1

The role of the Ministry of Education

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

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

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

Ministry staff may, at any reasonable time, enter and inspect a child care centre.

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

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 CMSM/DSSAB 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. The Minister and a First Nation or group of First Nations may enter into an agreement for the purposes of establishing, administering, operating and funding child care and early years programs and services.

The Ministry may share information about serious occurrences and the issuance of licences 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 Child Care Centre Licence

An individual, corporation or First Nation can apply for a licence to operate a child care centre. 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 the file.

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.

It is important to note that **it may take 4 to 12 months for a licence to be issued**. The length of time required to achieve a child care centre licence depends on a number of factors, including the extent of the renovations required, the purchasing of equipment, the hiring of a supervisor and staff, the development of policies and obtaining all municipal approvals.

To be issued a licence, applicants must demonstrate compliance with all licensing requirements set out under the CCEYA and its regulations. To demonstrate this compliance, applicants must submit a variety of supporting documentation in CCLS and comply with licensing requirements as assessed at site inspection.

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

Detailed floor and site plans must also be submitted. These plans must include room measurements, window measurements (actual glass area), location of fixed cabinets (counters and storage areas) and, where applicable, fenced outdoor playground space dimensions.

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

- Playground Safety 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 Training and Development Policy
- Police Record Checks/Vulnerable Sector Check Policy
- Fire Safety/Evacuation Procedures
- Policies and Procedures for Monitoring Compliance and Contraventions
- Waiting List Policy
- Parent Issues and Concerns Policies and Procedures
- Emergency Management Policies 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: For the purposes of the CCEYA, child care is defined as the provision of temporary care for or supervision of children in any circumstance other than in exempt circumstances for a period of less than 24 hours.

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

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.

Child with Medical Needs: A child who has one or more chronic or acute medical conditions such that the child requires additional supports, accommodation or assistance.

Director: An employee of the Ministry appointed by the Minister as a director for the purposes of the CCEYA. Directors also supervise program advisors.

Fixed Play Structure: An outdoor play structure that is anchored to the ground.

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

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

Infant: For the purposes of interpreting the age groupings under Schedule 1, 3, or 4 of O. Reg. 137/15, a child who is younger than 18 months of age.

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 appointed as inspectors.

Junior School Age Child: For the purposes of interpreting the age groupings under Schedule 1, 3, or 4 of O. Reg. 137/15, a child who is 9 years or older, but younger than 13 years of age.

Kindergarten Child: For the purposes of interpreting the age groupings under Schedule 1, 3, or 4 of O. Reg. 137/15, a child who is 44 months of age or older, but younger than 7 years of age.

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.

Licensed Age Group: a group of children at a child care centre, where the group is in a specified age category set out in Schedule 1 or 3 for which a licensee is licensed to provide child care at the child care centre, and the terms "licensed infant group", "licensed toddler group", and so on, have corresponding meanings.

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

Licensed Capacity: The maximum number of children, including the number in each age category, allowed to be receiving child care in the child care centre at one time as set out in the licence of the child care centre.

Licensed Family Age Group (i.e. Schedule 4): A group of children, whether or not from the same family for which a licensee is licensed to provide child care at a child care centre in accordance with section 8.1.

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

Mixed Age Grouping: A licensed age grouping that includes children who are younger than the age range specified in Schedule 1 for that age category (e.g., including some children who are younger than 18 months in a toddler group).

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).

Preschool Child: For the purposes of interpreting the age groupings under Schedule 1 of O. Reg. 137/15, a child who is 30 months or older, but younger than 6 years of age.

Primary/Junior School Age Child: For the purposes of interpreting the age groupings under Schedule 1, 3, or 4 of O. Reg. 137/15, a child who is 68 months of age or older, but younger than 13 years of age.

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 designated inspectors under the Act.

Qualified Employee:

For any licensed age group - An employee who is a member in good standing of the College of Early Childhood Educators (CECE), or otherwise approved by a director.

For a licensed junior school age group or a licensed primary/junior school age group that includes only children who are junior school age - In addition to a member in good standing with CECE or otherwise approved by a director, an employee who has a diploma or degree in child and youth care or recreation and leisure services; or a member in good standing with the Ontario College of Teachers, is also a qualified employee for this age group.

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/providers and parents in working with children with special needs who attend licensed child care.

Service System Manager: a municipality or DSSAB designated by the regulations as a service system manager under the CCEYA. Each service system manager has responsibility for planning and managing the operation of a broad range of child care services, including fee subsidy, wage subsidy, and special needs resourcing at the local level.

Supervisor: A person who plans and directs the program of a child care centre, is in charge of the children, oversees staff, and is responsible to the licensee. This person must meet required qualifications.

Toddler: For the purposes of interpreting the age groupings under Schedule 1, 3 or 4 of O. Reg. 137/15, a child who is 18 months or older, but younger than 30 months of age.

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) Every licensee of a child care centre shall employ a supervisor, who shall be a person described in section 53, who shall plan and direct the program of the child care centre, be in charge of the children, oversee the staff and who shall be responsible to the licensee.
- (5) Omitted – refers to home child care.

Intent

This section requires daily accountability for the operation of a program under the *Child Care and Early Years Act, 2014* and also allows for management flexibility in determining which person in the organization is responsible to the licensee for the day-to-day operation and management of the child care centre.

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

Special Instructions

All supervisors must be approved by a Ministry director. See Manual subsection 7.1 for information on supervisor qualifications and the process for requesting director approval.

Compliance Indicators

1. The licensee or staff verbally confirm that a person has been appointed to be responsible for the day-to-day operation and management of the child care centre;
Or
Where a licensee or the person appointed under subsection (2) is absent,
 - 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 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. A supervisor is employed by the licensee.
And
The supervisor is observed to be carrying out the day-to-day program management and oversight of children and staff;

Subsection 1.2 - Implementation 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.

Intent

This provision requires that licensees implement and ensure that policies, procedures and individualized plans are implemented by employees, volunteers and students to support the delivery of the child care program.

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 of their program:

- Playground Safety 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 Training and Development Policy
- Police Record Checks/Vulnerable Sector Check Policy
- Fire Safety/Evacuation Procedures
- Policies and Procedures for Monitoring Compliance and Contraventions
- Waiting List Policy
- Parent Issues and Concerns Policies and Procedures
- Emergency Management Policies and Procedures

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

Compliance Indicators

1. The policies, procedures and individualized plans are observed to be implemented at the child care centre.
And/Or
Staff verbally confirm that they follow the policies, procedures and individualized plans at the child care centre.

Recommendations

To support compliance with the implementation of all required policies, procedures and individualized plans, it is recommended that the licensee review each policy, procedure and individualized plan with all individuals at the child care program before they interact with children (e.g. staff, volunteers students, etc.).

The licensee may consider developing an ongoing tracking tool or chart to document all individuals that have completed reviews of each policy, procedure and individualized plan.

Subsection 1.3 - Policies and Procedures 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 written policies and procedures that set 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 how compliance and contraventions with the policies, procedures and individualized plans required by the Regulation will 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 the employees, students and volunteers.

Special Instructions

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

The required policies and procedures are: playground safety 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 training and development policy, police record checks/vulnerable sector check policy, fire safety/evacuation procedures, policies and procedures for monitoring compliance and contraventions, waiting list policy, parent issues and concerns policies and procedures and emergency management policies and procedures.

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

The licensee must develop written policies and procedures that set out how compliance and contraventions with all policies, procedures and individualized plans required by the Regulation will be monitored on an ongoing basis, recorded and addressed in accordance with subsection 6.1(7), 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.

To access the standard policy developed by the Ministry or for more information on the Licensing Kit, including other sample policies, templates and tip sheets, please visit the [Early Years Portal](#).

Licensees must implement and ensure that the written policies and procedures that set out how compliance and contraventions with all policies, procedures and individualized plans will be monitored on an ongoing basis, recorded and addressed are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with subsection 6.1 of O. Reg. 137/15. See Manual subsection 1.2 and 1.3 for these requirements.

Compliance Indicators

1. The licensee has developed written policies and procedures that explain how compliance and contraventions with respect to policies, procedures and individualized plans under the Regulation are monitored on an ongoing basis, recorded and addressed.
Or
The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry.
2. Records of compliance or contraventions are observed to be stored in a secure location 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 location for at least three years from the date of creation.

Recommendations

In developing policies and procedures that set out how compliance and contraventions will be monitored, recorded and addressed, licensees should 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 addressing contraventions
- How often recorded observations should be reviewed with each employee, student or volunteer
- Whether all policies, procedures and individualized plans will have the same monitoring policies and procedures

It is recommended that licensees 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 also recommended that licensees include a space to document any contraventions, and actions taken by the licensee and/or individual to address contraventions.

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 sets out that a child care provider not prevent a parent from having access to their child at a child care setting or from accessing the premises when their child is in care.

Compliance Indicators

1. The licensee verbally confirms that no person providing child care or operating the child care centre has prevented a parent from having access to his or her child except, if the person believes on reasonable grounds that the parent does not have a legal right of access to the child.
2. The licensee verbally confirms that no person providing child care nor operating the child care centre 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 accountability and transparency.

Compliance 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 - Ratios and Group Size

Subsection 2.1 - Age Categories

Ontario Regulation 137/15

- 7(1) In this Part, a reference to a child by an age category such as “infant”, “toddler” and so on, means a child whose age is within the age range set out in Schedule 1 for that age category.
- 7(2) Where this Regulation sets out different rules based on a child’s age or the age category of a licensed age group, the following applies in respect of children in a group in which mixed-age grouping is used, pursuant to section 8:
1. If a rule is stated as applying to a licensed age group in a specific age category, or to a child in that licensed age group, the rule applies to each child in the group as if each child’s age fell within the age category of the licensed age group.
 2. If a rule is stated as applying to a child of a specific age, the rule applies to each child in the group according to his or her actual age.

Intent

Subsection 7(1) links the age category names from Schedule 1, Column 1 to Column 2, which sets out the age range of each age category. This sets out that when a child is referenced by an age category name set out in Column 1 of Schedule 1, such as “infant” or “toddler” it will mean the child’s age is within the age range set out in Column 2 of Schedule 1.

Subsection 7(2) helps interpret the rest of the Regulation and provides clarity around when the rules apply to an entire group of children (e.g., toddler group) and when the rules apply to specific children based on their age (e.g., every child younger than 12 months of age).

This distinction is important when children are part of a mixed-age grouping and may be younger or older than the age category (e.g., a 17 month old child enrolled in a toddler group with approval to use mixed-age grouping).

Special Instructions

Where a requirement is set out according to an age category (e.g., stating that it applies to infant, toddler or preschool groups), the requirement applies to all children enrolled in that category, including younger children enrolled in an older group as part of mixed age grouping.

Where a requirement is set out according to a child’s age (e.g., stating that it applies to children under 12 months), the requirement applies to all children of that age, including where a child is enrolled in an older group as part of mixed age grouping.

An example of where paragraph 7(2)2 would apply according to the child’s actual age instead of the child’s age group is subsection 33.1(1).

The Regulation requires that each child who is younger than 12 months 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 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. This requirement applies to all children 12 months and younger, even if they are enrolled in an older group as part of a mixed age grouping.

Subsection 2.2 - Ratios and Maximum Group Sizes

Ontario Regulation 137/15

- 8(1) Every licensee shall ensure that in each child care centre it operates,
- (a) the children are placed in groups according to the age categories set out Schedule 1 or 3;
 - (b) every licensed age group includes only children whose age falls within the age category of the group, subject to subsection (2);
 - (c) for every licensed age group, the requirements set out in Schedule 1 or 3 that are applicable for the age group respecting,
 - i. the ratio of employees to children,
 - ii. the maximum number of children in the group, and
 - iii. the proportion of employees that must be qualified employees, are satisfied, whether children are on the premises or during activities off the premises, unless otherwise approved by a director.

Schedule 1

Requirements re Child Care Centres

Item	Name of age category	Age range of age category	Ratio of employees to children	Max number of children in group	Proportion of employees that must be qualified employees
1	Infant	Younger than 18 months	3:10	10	1/3
2	Toddler	18 months or older but younger than 30 months	1:5	15	1/3
3	Preschool	30 months or older but younger than 6 years	1:8	24	2/3
4	Kindergarten	44 months or older but younger than 7 years	1:13	26	1/2
5	Primary/Junior School Age	68 months or older but younger than 13 years	1:15	30	1/2
6	Junior School Age	9 years or older but younger than 13 years	1:20	20	1/1

Intent

Children are grouped by age so that broad developmental similarities in interest, skills and attention may be considered in program planning, physical space and equipment.

The number of program staff required is the minimum number needed to supervise and care for the children and provide programming which fosters learning and healthy development. The licensee is responsible for ensuring that ratios are maintained at all times, including during outdoor play and activities off the premises. If a group of children need to be split up (e.g., one group goes outside to play while one group stays inside because some children are napping), the licensee may need to consider whether additional support is needed to maintain ratios.

Parameters around ratios and maximum group size ensure that there is appropriate adult supervision

and care for the number of children in the room.

Each category is named to allow for consistent language when speaking about the different age groups.

For information on the flexibility provided through the use of mixed-age grouping, see Manual subsection 2.3.

Special Instructions

For every age category, a separate play activity room is required for each group. This means that the maximum group size identified in Schedule 1 is also the maximum number of children permitted in one play activity room.

Cooperative child care programs

Duty parents in a cooperative child care program who are taking the place of an employee are counted in ratio. Duty parents are responsible for the care and supervision of all children in the group and must meet all requirements applicable to employees of a child care centre.

Compliance Indicators

1. Where director approval for mixed age grouping has not been granted, it is observed that the licensee has placed children based on age category, group size and ratios set out in the licence.

Or

The licensee or staff verbally confirm that age category, group size and ratios set out in the licence are maintained at all times, including during activities that take place off the premises (e.g. during field trips).

2. Proportion of qualified employees is observed as follows:

At least one person who is qualified or otherwise approved by the Ministry director is employed for each age group;

And

At least two people who are qualified or otherwise approved by the Ministry director is employed for each preschool group with 17 or more children enrolled;

Or

The staffing schedule confirms that there is at least one person who is qualified or otherwise approved by the Ministry director is employed for each age group and at least two people who are qualified or otherwise approved by the Ministry director is employed for each preschool group with 17 or more children enrolled.

3. In a cooperative child care program, the licence indicates that director approval is given for two duty parents to take the place of a staff member, provided that the duty parents meet all applicable licensing requirements.

For Schedule 3 child care centres for children with special needs:

1. Where Director approval for mixed age grouping has not been granted, children are observed to be in age category, group size and ratios set out in their licence.

Subsection 2.3 - Mixed Age Grouping

Ontario Regulation 137/15

- 8(2) A director may give approval for a child care centre to use mixed-age grouping for any licensed age group set out in Schedule 1.
- 8(3) Despite clause (1) (c), where a director has approved the use of mixed-age grouping for a licensed age group, the requirements applicable to the group in the following situations respecting the matters mentioned in subclauses (1) (c) (i), (ii) and (iii) shall be determined as follows:
1. If a licensed toddler or preschool group,
 - i. includes no more than 20 per cent children from a younger age category, the requirements set out in Schedule 1 for toddlers or preschool children apply, and
 - ii. includes more than 20 per cent children from a younger age category, the requirements set out in Schedule 1 for the youngest child in the group apply.
 2. Revoked.
 3. If, in a licensed kindergarten group, no more than 25 per cent of the children are three years old, or if the child care is provided on or after the first day of school in a calendar year, will attain the age of three in that year, and all other children are kindergarten children, then the requirements set out in Schedule 1 for kindergarten children apply.
 4. If, in a licensed primary/junior school age group, no more than 25 per cent of the children are kindergarten children, and all other children are primary/junior school age children, the requirements set out in Schedule 1 for primary/junior school age children apply.
 5. If, in a licensed junior school age group, no more than 25 per cent of the children are 7 years or older but younger than nine years, and all other children are junior school age children, the requirements set out in Schedule 1 for junior school age children apply.
 6. If a licensed kindergarten, primary/junior school age or junior school age group includes more than 25 per cent children from a younger age category, the requirements set out in Schedule 1 for the youngest child in the group apply.

Intent

Children are grouped by age so that broad similarities in interest, ability and attention span may be considered in program planning, physical space and equipment.

However, the use of mixed age grouping allows for the exercise of other options.

Mixed age approval may be granted by a Ministry director to allow children from one age group to transition into the next older age group in a way that is responsive to the developmental progression of each child and to provide flexibility with regard to enrolment.

Subsection 8(2) allows mixed age grouping to be used in more than one room in each age category.

Special Instructions

Schedule 1 Requirements:

In toddler and preschool age groups, a licensee who has been granted approval for the use of mixed age grouping can include no more than 20 per cent younger children in a licensed age group, based on licensed capacity for that group.

When the number of younger children in a group exceeds 20 per cent of the licensed capacity of that group, more adult support is necessary, so use of the ratios, maximum group size and proportion of qualified employees for the youngest child in the group is required.

In the three older age categories (kindergarten, primary/junior school age and junior school age), a licensee who has been granted approval for the use of mixed age grouping can include no more than 25 per cent of children from the younger age group, based on licensed capacity for the group.

When the number of younger children in these older groups exceeds 25 per cent of the licensed capacity of that group, more adult support is necessary, so use of ratios, maximum group size and proportion of qualified employees for the youngest child in the group is required.

Licensees are responsible for ensuring that the needs of all children in the group are met, regardless of how many younger children are included.

Compliance Indicators

1. Where 20 per cent or less of the total capacity a toddler or preschool group is from a younger age category, the ratio, maximum group size and proportion of qualified employees for the licensed age group are observed.
Or
Where more than 20 per cent of a toddler or preschool group is from a younger age category, the ratio, maximum group size and proportion of qualified employees for the youngest child in the group are observed.
2. Where a kindergarten group includes no more than 25 per cent of children who are between 2.8 years of age (if care is provided after first day of school in a calendar year) and 44 months and all children are younger than 7 years of age, the ratio, maximum group size and proportion of qualified employees for the licensed age group are observed.
Or
Where more than 25 per cent of a kindergarten group is from a younger age category, the ratio, maximum group size and proportion of qualified employees for the youngest child in the group are observed.
3. Where a primary/junior school age group includes no more than 25 per cent of children who are between 44 months and 7 years of age and all children are younger than 13 years of age, the ratio, maximum group size and proportion of qualified employees for the licensed age group are observed.
Or
Where more than 25 per cent of a primary/junior school age group is from a younger age category, the ratio, maximum group size and proportion of qualified employees for the youngest child in the group are observed.
4. Where a junior school age group includes no more than 25 per cent of children who are between 7 years of age and 9 years of age and all children are younger than 13 years of age, the ratio, maximum group size and proportion of qualified employees for the licensed age group are observed.
Or
Where more than 25 per cent of a junior school age group is from a younger age category, the ratio, maximum group size and proportion of qualified employees for the youngest child in the group are observed.

Mixed Age Grouping by Age Category

This chart shows the maximum number of children from the younger age category that can be included while still maintaining the ratio, maximum group size and proportion of qualified employees for the older age category.

Schedule 1 Requirements:

Name of age category	Group size	Maximum number of children from younger age category
Infant	n/a	n/a
Toddler	15	3
Preschool	24	5
Kindergarten	26	7
Primary/Junior School Age	30	8
Junior School Age	20	5

The number of younger children permitted in a group is calculated based on a percentage of licensed capacity. If the licence capacity for a room is less than the maximum group size set out in Schedule 1, the following calculation is used to determine the number of younger children allowed in a mixed age group:

For example, where a toddler room is licensed for 13 children, the calculation is

$$13 \times 0.2 = 2.6$$

If the calculation results in a number that is .5 or higher, the number is rounded up (e.g., 2.6 is rounded up to 3). If the calculation results in a number that is .4 or lower, the number is rounded down (e.g., 3.2 is rounded down to 3).

Recommendations

Licensees should contemplate the developmental needs and abilities of a child when considering placement in an older age group as part of mixed age grouping. Discussion with parents should occur and parental approval should be obtained before transitioning the child to the older group.

Licensees should take steps to support the transition of the younger child to an older age group to be sure that the placement in the group is appropriate for the child.

Factors to consider in protecting the child's physical and emotional well-being when transitioning to a new age group may include:

- Whether the play materials and environment are safe for the child in the age group, e.g., no potential choking hazards;
- How a child's individual physical needs for diapering, meals or rest time will be accommodated;
- The emotional response to changes, e.g., allowing for a gradual transition to reduce stress and allow the child to become comfortable with different educators, children and environment.

Subsection 2.4 - Reduced Ratios

Ontario Regulation 137/15

- 8(4) Despite subsections (1) and (3), the ratio of employees to children for a licensed age group may be reduced to less than that required under those subsections, in accordance with the following:
1. The reduced ratio shall not be less than two-thirds of the required ratio.
 2. Subject to paragraphs 4 and 5, the reduced ratio may be in effect only during the periods of arrival and departure of children and during the rest period.
 3. For the purposes of paragraph 2, the periods of arrival and departure are,
 - i. for a child care centre that has a program that runs for six hours or more in a day, the 90- minute period after the program starts each day and the 60-minute period before the program ends each day; and
 - ii. for a child care centre that has a program that runs for less than six hours a day, the 30- minute period after the program starts each day and the 30 –minute period before the program ends each day. The reduced ratio shall not apply during outdoor play periods.
 4. The reduced ratio shall not apply at any time in respect of a licensed infant group.
 5. The reduced ratio shall not apply during outdoor play periods.

Intent

In most programs, children arrive and depart at different times and attendance may fluctuate greatly during these time periods. This provision allows for flexibility in staffing requirements during arrival and departure.

As children are not active during rest period, a reduced staff-child ratio can also be scheduled for staff to have a meal break while children are adequately supervised.

In the case of children under 18 months, physical safety considerations in the event of an emergency prohibit any reduction in ratios (e.g., emergency evacuation, lockdown, etc.).

Special Instructions

For programs that operate for six hours or more a day, the period of arrival is not to exceed 90 minutes after the opening of the child care centre and the period of departure is not to exceed 60 minutes before the child care centre closes.

For programs that operate for less than six hours a day (e.g., before- and/or after-school or half-day nursery programs) the period of arrival is not to exceed 30 minutes after the opening of the child care centre and the period of departure is not to exceed 30 minutes before the child care centre closes.

The rest period is not to exceed two hours in length. To operate using reduced ratios this must be a period where the children are not engaged in active play (e.g., sleeping or engaged in quiet, inactive play).

Reduced ratios cannot be used in the case of a licensed infant group, family age group or during outdoor play periods for any age group.

In the case of a child care centre that operates for 24 hours, reduced ratios would not be permitted (other than at rest time) as there is no distinct period of arrival and departure of children.

Licensees are responsible for ensuring that the appropriate numbers of adults are on site, available and accessible to each classroom operating at a reduced ratio. See Manual subsection 2.6 for more information on minimum number of adults on premises.

How are reduced ratios calculated?

Put the staff to child ratio in a fraction, and multiply it by 2/3.

For example, a preschool group, the staff to child ratio is 1:8. As a fraction, this becomes 1/8:
 $1/8 \times 2/3 = 2/24 = 1/12$.

This means that during periods of arrival, departure, and during the rest period, one staff is required for up to 12 preschool children, and a second staff will be required as soon as 13 preschool children or more are present.

Reduced Ratios

Licensed infant groups must always maintain full staff-child ratios as required by Schedule 1 (3:10).

Schedule 1 Reduced Ratios Requirements

Name of age category	Number of Children in Room	Number of Staff Required
Toddler	1-8	1
	9-15	2
Preschool	1-12	1
	13-24	2
Kindergarten	1-20	1
	21-26	2
Primary/Junior School Age	1-23	1
	24-30	2
Junior School Age ¹	20	1

¹ Reduced ratios are not possible for junior school age groups as the maximum group size set out in Schedule 1 only requires one staff per group.

Compliance Indicators

Schedule 1

1. Reduced ratios are not observed to be less than two-thirds of the required ratio.
2. Reduced ratios are not observed to be used for infant groups.
3. Reduced ratios are not observed to be used during outdoor play periods.
4. For programs that operate for six hours or more, during periods of arrival (i.e., first 90 min), departure (i.e., 60 min) and the rest period (i.e., up to two hours):
 - toddler ratios are no less than 1:8;
 - preschool ratios are no less than 1:12;
 - kindergarten ratios are no less than 1:20;
 - primary/junior school age ratios are no less than 1:23.

Or

For programs that operate for less than six hours, during periods of arrival (i.e., first 30 minutes of a morning program) and departure (i.e., last 30 minutes of an afternoon program):

- toddler ratios are no less than 1:8;
- preschool ratios are no less than 1:12;
- kindergarten ratios are no less than 1:20;
- primary/junior school age ratios are no less than 1:23.

Subsection 2.5 - Supervisor Counted as Part of Ratios

Ontario Regulation 137/15

8(5) The rules respecting when a supervisor of a child care centre may be counted for the purposes of meeting the ratios required under this section are as follows:

1. If fewer than five full-time employees are required to meet the ratios, the supervisor may be counted as a full-time employee.
2. If five or six full-time employees are required to meet the ratios, a full-time supervisor may be counted as a full-time employee for up to half the time a full-time employee is required to be on staff.
3. If seven or more full-time employees are required to meet the ratios, the supervisor shall not be counted as an employee.

Intent

The administrative duties of a supervisor increase significantly as enrolment increases.

In a larger child care centre and in child care centres with infants, toddlers and children with special needs, it is not reasonable to expect the supervisor to be an effective member of the program staff in a licensed age group, while also performing required administrative duties.

This provision requires that the amount of time a supervisor is counted in ratio for a licensed age group is limited to a half-day or not at all, depending on enrolment, so that he/she may focus on being an effective team member and not be distracted by administrative matters.

Compliance Indicators

1. Where the program requires fewer than five full-time employees to meet the required ratios (based on the current enrolment), the supervisor may be counted in staff-child ratios for up to the full day.
Or
Where the program requires five or six full-time employees to meet the required ratios (based on the current enrolment), the supervisor may be counted in staff-child ratios for no more than half the day.
Or
When the program requires seven or more full-time employees to meet the required ratios (based on the current enrolment), the supervisor is not counted in staff-child ratios at any time.

Recommendations

Whenever possible, the supervisor should arrange his/her shifts to be available to parents during times of arrival and departure to discuss any questions or concerns.

Subsection 2.6 - Minimum Number of Adults on the Premises

Ontario Regulation 137/15

8(6) Every licensee shall ensure that, at each child care centre it operates,

1. where fewer than six children who are not in a licensed infant group receive child care, there is at least one adult in attendance;
2. where six or more children who are not in a licensed infant group receive child care, there are at least two adults in attendance;
3. where fewer than four children in a licensed infant group receive child care, there is at least one adult in attendance; and
4. where four or more children in a licensed infant group receive child care, there are at least two adults in attendance.

Intent

This section designates the number of children that a single employee might reasonably be expected to supervise or evacuate without assistance in the event of an emergency and requires that a certain number of adults be on site based on the number of children in care.

Special Instructions

This must be met even when reduced ratios are being used. Even if only one adult is required to maintain the reduced ratio, an additional adult must be on site and readily available in case of emergency.

Two adults must be on site (at the premises) when there are four or more infants, or six or more children present.

For example, where two adults are required to be on site, but only one adult is required to maintain ratio (e.g., 3 infants in attendance), one of the adults must be a program staff, while the second person may be a support staff person (e.g., a cook). The second person in this case is not required to be in the play activity room until a fourth infant arrives at the centre.

Compliance Indicators

1. Where there are five or fewer children who are not in a licensed infant group, there is at least one adult on the premises.
Or
Where there are six or more children who are not in a licensed infant group, there are at least two adults on the premises.
2. Where there are three or less children in a licensed infant group, there is at least one adult on the premises.
Or
Where there are four or more children in a licensed infant group, there are at least two adults on the premises.

***Subsection 2.7 - Licensed Family Age Groups**

Ontario Regulation 137/15

- 8.1(1) A licensee may be licensed to provide child care for a licensed family age group that meets the following age requirements:
1. The group shall not include more than 15 children.
 2. The group shall not include more than six children who are younger than 24 months. O. Reg. 126/16, s. 10.
- (2) Every licensee that provides child care for a licensed family age group shall ensure that the requirements determined as follows respecting the number and qualifications of employees who provide child care to the licensed family age group are satisfied, whether children are on the premises or during activities off the premises:
1. Classify each child according to his or her age category, as set out in Schedule 4.
 2. Determine the total number of children in each age category.
 3. For each age category, multiply the number of children in the age category by the ratio set out in Column 2 of Schedule 4 opposite the age category, expressed as a decimal.
 4. Find the total of the numbers determined under paragraph 3 for all age categories.
 5. Round the number determined under paragraph 4 up to the nearest whole number.
 6. The number determined under paragraph 5 is the minimum number of employees required to provide child care to the group, unless one of the following applies:

- i. If there are more than six children, there must be at least two employees providing child care to the group.
- ii. If there are more than 10 children and one or more children are younger than 12 months, there must be at least three employees providing child care to the group.
- *iii. If there are six or fewer children, and no more than three children are younger than 24 months, only one employee is required to provide child care to the group.

7. The number of employees determined under paragraph 6 that must be qualified employees is,

- i. if fewer than three employees are required under paragraph 6, then at least one employee must be a qualified employee, and
- ii. if three or more employees are required under paragraph 6, then at least two of the employees must be qualified employees. O. Reg. 126/16, s. 10.

(3) If a licensed family age group includes children who are 44 months or older and, but for such children, the number of employees determined under paragraph 6 of subsection (2) would be lower, then the greater number of employees is required only when such children are present.

Requirements re Licensed Family Age Groups

Age range of age category	Ratio of employees to children
Younger than 12 months	1 to 3
12 months or older but younger than 24 months	1 to 4
24 months or older but younger than 13 years	1 to 8

Intent

Family age groups allow the placement of children of different ages in the same group in the same play activity room.

Family age groups are designed to increase access to licensed child care for families, particularly in areas of the province with dispersed and/or small population where child care options are limited, or in areas where there is a need for child care during non-standard hours of operation. This type of grouping may play a key role in supporting the unique and diverse child care needs of various cultural and linguistic communities, such as Aboriginal, First Nations, Métis, Inuit, as well as Francophone communities, and provide opportunities for families wishing to have siblings of different ages together.

There are many benefits to children interacting in multi-age groupings. Educators can encourage relationships and interactions between children of different ages. Older children have opportunities to mentor, assist and show empathy for younger children, building their own sense of competence and leadership. Younger children can learn from older peers as role models and supports in fostering complex play, creative thinking and problem-solving.

In recognizing that children develop and learn at different paces, the family age group creates opportunities to consider each individual child's abilities and interests. *How Does Learning Happen? Ontario's Pedagogy for the Early Years* helps educators to plan for and create environments and experiences that respond to the varied abilities and each child's unique characteristics of children enrolled, while maintaining safety.

Special Instructions

Each family age group must not exceed 15 children and no more than six children under two years of age. For more information on family age groups refer to the [fact sheet](#).

Formula for Calculating Staffing - Schedule 4

Weighted formula will help determine a baseline to calculate the number of staff required. Multiply the total number of children per age range, with the weighting. Add the results of the number of staff from each age range. Calculations resulting in a decimal must be rounded up to the next whole number.

Name of Age Category	Age Range	Multiply number of children in each age range with the weighting	Maximum Number of Children
Family Age Grouping	Younger than 12 months	0.33	15
Family Age Grouping	12 months or older but younger than 24 months	0.25	15
Family Age Grouping	24 months or older but younger than 13 years	0.13	15

Number of Qualified Staff Required - Where less than 3 staff are required, at least 1 staff must be qualified or otherwise approved. Where 3 or more staff are required, at least 2 staff must be qualified.

The above formula is to be used in conjunction with the following additional requirements:

Where there are:	Staff
<ul style="list-style-type: none"> • Six or fewer children; and • *No more than three children under two years of age 	Only 1 required
<ul style="list-style-type: none"> • More than six children; 	2 minimum
<ul style="list-style-type: none"> • More than ten children; and • Any children under 12 months of age in the group 	3 minimum

Where it is determined that additional staff are required as a result of kindergarten and school-age children being enrolled, those staff would only need to be present when these children are attending the program.

Compliance Indicators

1. It is observed that the maximum family age group size as set out in licence is being followed.
Or
Staff verbally confirm that the maximum family age grouping size, as set out on the licence is being followed.
2. It is observed that the family age grouping does not include more than six children younger than 24 months.
Or
Staff verbally confirm that the family age grouping does not include more than six children younger than 24 months.

Staffing

1. It is observed that there is sufficient staff required to provide care based on the number and age of children in the program.
And/Or
Staff verbally confirm that there are sufficient staff required to provide care based on children enrolled in the program.
2. It is observed that where six or more children are in attendance, there is at least 2 staff providing care.
Or
Staff verbally confirm that where six or more children are in attendance, there is at least 2 staff providing care.
And/Or
It is observed that where there are more than ten children in attendance, and one or more are younger than 12 months there is at least 3 staff providing care.
Or
Staff verbally confirm that where there are more than ten children in attendance, and one or more are

younger than 12 months there is at least 3 staff providing care

And/Or

It is observed that where there are six or fewer children in attendance, and no more than three children are younger than 24 months, there is at least 1 staff providing care.

Or

Staff verbally confirm that where there are six or fewer children in attendance, and not more than three children are younger than 24 months, there is at least 1 staff providing care.

Qualified Staff

Proportion of qualified employees is observed as follows:

1. Where fewer than 3 staff are required to provide care, there is at least 1 staff are qualified or otherwise approved by the Ministry director.

Or

Where 3 or more staff are required to provide care, there is at least 2 staff are qualified or otherwise approved by the Ministry director.

Subsection 2.8 - 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.
- (2) A resource teacher shall not be included when calculating the number of employees required to meet the ratio under section 8.

Intent

Specialized and/or individualized support for children with special needs may be offered in addition to regular programming to provide one on one support or small group experiences. A resource teacher cannot be included in overall staff/child ratios.

Special Instructions

See Manual Section 7.3 for information on staff qualifications for resource teachers.

Compliance Indicators

1. Resource teachers are not observed to be counted in staff: child ratios.
And/Or
2. Staff verbally confirm that resource teachers are not counted in staff: child ratios.

Subsection 2.9 - 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 be 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.

For sleep supervision please refer to Manual subsection 4.14.

Transitions

To provide continuity of supervision when a young child is sent in from outdoors, a staff person inside the child care centre must be made aware that a child will be entering the building and meet them at the door.

Compliance Indicators

1. All children are observed to be supervised by an adult at all times.
And
2. Staff who work with kindergarten and school age children describe the supervision strategies for these groups (e.g. washroom routines).

Recommendations

Supervision of school age children

How Does Learning Happen? Ontario's Pedagogy for the Early Years sets out that children should be viewed as capable and competent individuals. There may be situations where the licensee considers a flexible interpretation of "supervised at all times" supervision for school age children, particularly where there is an opportunity for the child to be responsible within a reasonable set of parameters.

An example may be where two school age children use a "buddy system" to go to the washroom together without direct adult supervision. This may align with the expectations for independence and self-regulation that are in place during the school day. Licensees should consider the individual child's competencies and the conduciveness of the physical environment when making decisions that can appropriately support the school age child's independence.

Water/swimming safety:

The Ministry supports play-based learning and sensory exploration and encourages the use of on-premises splash pads, sprinklers, hoses or water tables, under close supervision of adults at all time, as safer alternatives during cooling or play / sensory activities. Licensees may decide to have children attend and use public pools or other bodies of water. The Ministry recommends that children only attend regulated public pools and beaches etc. where there is a qualified life-guard(s) on duty at all times. Requirements for staff to child ratios, pursuant to section 8 of O.Reg. 137/15, and the requirement to supervise children at all times (section 11 of O.Reg.137/15) applies to all off-premises activities including field trips to pools, beaches, etc.

All licensees, staff, and parents are encouraged to familiarize themselves with basic water/swimming safety practices and precautions. Some sources of information include:

- [Parachute - Drowning Prevention](#)
- [Canadian Pediatric Society - Caring for Kids Water Safety](#)
- [Red Cross Swimming and Water Safety Tips](#)
- [Life Saving Society Prevent Drowning and Water-Related Injury](#)

Subsection 2.10 - 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 staff in the daily operation of licensed child care programs.

This provision requires an employee always to be present with children to meet ratio requirements and respond in case of an emergency. It also requires that policies and procedures confirm the respective roles and responsibilities of staff, students and volunteers.

Special Instructions

Volunteers and students are not permitted to be alone with a child and cannot be counted in staff-child ratios in licensed child care centres at any time.

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 Section 4.5 for more information.

Duty parents in a cooperative child care program, who are taking the place of an employee, are not considered volunteers.

The licensee must develop written policies and procedures with respect to volunteers and students, 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.

To access the standard policy developed by the Ministry or for more information on the Licensing Kit, including other sample policies, templates and tip sheets, please visit the [Early Years Portal](#).

Licensees must implement and ensure that the written policies and procedures relating to the supervision of volunteers and students are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with section 6.1. See Manual Subsection 1.2 and 1.3 for these requirements.

Compliance Indicators

1. It is observed that volunteers and/or students are supervised by an employee at all times;
And
No volunteers and/or students are left alone with children;
And
Staff verbally confirm that no volunteer or student is left unsupervised with children.
2. The licensee has developed a supervision policy and procedures for volunteers and students that includes the following:
 - (a) every volunteer and student is supervised by an employee at all times;
 - (b) no volunteer or student is permitted to be alone with any child;
 - (c) roles and responsibilities for the licensees and supervising employees;
 - (d) roles and responsibilities of volunteers and students.Or
The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry.

Recommendations

When developing policies and procedures, licensees should consider:

- Who will supervise volunteers and students within the setting
- Which staff member or staff position will be designated to orient and mentor the volunteer or student
- How staff, volunteers, and students are made aware of who is responsible for the implementation of the policy and supervision of volunteers and/or students

Section 3 - Building, Equipment and Playground

Subsection 3.1 - Child Care Centres in Schools

Child Care and Early Years Act, 2014

Certain child care centres in schools: building requirements, etc.

75(1) For the purposes of any standard or requirement in any Act, regulation or municipal by-law relating to the safety of buildings or other accommodations, a child care centre, or part of a child care centre, that is located in a school and is described in subsection (2) is deemed to be a part of the school that is used to provide instruction to pupils and, as such, the same standards or requirements that apply to the school apply to the child care centre.

Application, age of children

- (2) Subsection (1) applies to a child care centre or a part of a child care centre that provides child care only for children who,
- (a) are four years old or older; or
 - (b) if the child care is provided on or after September 1 in a calendar year, will attain the age of four in that year.

Conflict

- (3) In the event of a conflict between subsection (1) and another Act, regulation or municipal by-law, subsection (1) prevails.

Ontario Regulation 137/15

Child Care Centres in Schools

12 Clauses 13 (1) (d), (e) and (f), subsection 14 (2) and sections 15, 20, 21, 22 and 24 do not apply to a child care centre, or part of a child care centre, if the centre or part is located in a school and is licensed to provide child care only for children in licensed kindergarten, primary/junior or junior school age groups.

Intent

These provisions provides a more seamless day for children in before- and/or after-school care in schools and help clarify the building and accommodation rules that apply to these programs.

For the purposes of building and accommodation requirements, before- and/or after-school programs located in schools are considered to be part of the school. These programs are not required to demonstrate compliance with child care specific building and accommodation requirements because the building is already subject to school specific requirements and the school requirements are deemed sufficient for these programs.

The specific exemptions for these programs are listed in section 12 of O. Reg. 137/15:

- Clause 13 (1) (d), (e) and (f) – requirement to demonstrate compliance with zoning, Building Code and Fire Code
- Subsection 14 (2) – requirement to include designated spaces from section 15 on the floor plan
- Section 15 – designated spaces required in each child care centre
- Section 20 – requirement that rooms be on the first or second storey
- Section 21 – minimum window glass requirement
- Section 22 – minimum artificial illumination requirement
- Section 24 – outdoor play requirement

Special Instructions

Licensees are responsible for the safety of children while attending the before- and/or after-school program. If the licensee or child care centre staff notice unsafe outdoor play structures or have concerns with the safety of the building, they must take steps to address the issue. The school and/or school board should be contacted immediately so that action can be taken to remedy any safety concerns and make necessary repairs.

If unsafe outdoor play structures cannot be repaired immediately, licensees should take steps to ensure children are offered other outdoor play experiences and not permitted to use unsafe equipment.

If children are observed to be using unsafe equipment, the licensee will be cited for non-compliance with ss. 19(3) of O. Reg 137/15 and the licensee will be required to demonstrate that steps have been taken to address the issue.

If program advisors have any additional safety concerns with building and accommodation requirements, they may make referrals to local authorities, such as the fire department, or follow up with the school board's Early Years Lead.

Subsection 3.2 - Compliance with Local By-Laws

Ontario Regulation 137/15

- 13(1) Every person who applies for a licence to operate a child care centre under section 20 of the Act shall at the time of application file with a director evidence that the premises to be used as a child care centre complies with,
- (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;
 - (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;
 - (e) the requirements of Ontario Regulation 332/12 (Building Code) made under the *Building Code Act, 1992*, where applicable;
 - (f) the requirements of Ontario Regulation 213/07 (Fire Code) made under the *Fire Protection and Prevention Act, 1997*, where applicable; and
 - (g) the requirements of the *Safe Drinking Water Act, 2002*, where applicable.
- (2) Every licensee who applies for the renewal or revision of a licence to operate a child care centre shall file any evidence that the director may require that the premises used as a child care centre complies with the matters listed in subsection (1).

Intent

For the safety of children attending the child care centre, the licensee must provide evidence that the child care centre complies with the requirements of the local authorities that relate to health and safety, fire protection and building and zoning before a licence is issued.

When applying for a revision to their licence, or at time of renewal, licensees will be required to provide evidence of the required municipal approval if requested by a Ministry director.

Special Instructions

New Applications and Revision Requests

As local by-laws vary among municipalities and First Nations, applicants or licensees will need to contact their local municipal offices for processes and information on any other by-laws which may be applicable (e.g., parking).

Clauses 13(1)(d), (e), and (f) do not apply to child care programs located in schools that serve children kindergarten age and older.

See Manual Section 3.1 for more information.

Compliance Indicators

1. At time of application or revision, the licensee has uploaded to CCLS official documentation that confirms that the child care centre complies with all of the items listed in subsection 13(1), where applicable.
Or
If the child care centre is located in a school and providing care for children in kindergarten or school age groups, the licensee has uploaded to CCLS official documentation that confirms that the child care centre complies with items (a), (b), (c) and (g) listed in subsection 13(1).
Or
There is evidence of verbal/email confirmation from the municipality or First Nation with respect to the applicable items listed in subsection 13(1).
 2. There is written evidence that the child care centre complies with all applicable items listed in subsection 13(1) when required by the director at the time of renewal or revision.
-

Subsection 3.3 - Floor and Site Plan Approval

Ontario Regulation 137/15

- 14(1) Where a person proposes that a new building be erected or an existing building be used, altered or renovated for use as a child care centre or that alterations or renovations be made to premises used as a child care centre, the person shall not commence the erection, use, alteration or renovation until plans are approved by a director, except where the plans are approved by the Minister under section 22 of Ontario Regulation 138/15 (Funding, Cost Sharing and Financial Assistance) made under the Act.
- 14(2) The plans referred to in subsection (1) shall include space designated for each item listed in subsections 15 (1) and (3).
-

Intent

This provision allows the Ministry to approve floor and site plans for new child care centres and renovations to existing child care centres. This approval is based on whether the floor plans reflect adequate interior and exterior space, as well as required storage and designated areas.

Special Instructions

Floor and site plans are to be uploaded in the CCLS. A combined floor and site plan is also acceptable if it includes all relevant details.

Site plans for centres operating six hours or more per day must include designated space for outdoor play per subsection 15(3).

Subsection 14(2) does not apply to child care programs located in schools that serve children kindergarten age and older.

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

See Manual subsection 3.4 for information on required designated spaces.

See Manual subsection 3.14 - 3.18 for information on outdoor play space requirements.

Compliance Indicators

1. Floor plan approval in principle has been issued for renovations/alterations and/or new construction in accordance with the applicable requirements prior to work being started.

Subsection 3.4 - Designated Space

Ontario Regulation 137/15

- 15(1) Every licensee shall ensure that each child care centre it operates includes space designated for each of the following:
1. Washing, dressing and toileting.
 2. Storage for toys, indoor play materials and equipment.
 3. Storage for food.
 4. Storage of required records.
 5. Storage for medical supplies, cleaning materials and equipment and other poisonous or hazardous substances.
 6. Heating and electrical equipment.
- (2) Every licensee shall ensure that the spaces in each child care centre it operates that are referred to in paragraphs 5 and 6 of subsection (1), and the items in those spaces, are inaccessible to children.
- (3) A licensee that operates a child care centre that has a program that runs for six hours or more in a day shall ensure that in addition to the spaces referred to in subsection (1) the child care centre has space designated for each of the following:
1. Eating and resting.
 2. The preparation of food, if meals are prepared on the premises.
 3. Storage for beds and linen.
 4. A staff rest area.
 5. Storage for outdoor play equipment.
 6. Office area.
 7. Outdoor play.

Intent

These provisions identify those areas that are required in the provision of child care and therefore to be reflected in floor plans for new applications and revision requests, where applicable.

Special Instructions

Medical supplies, cleaning materials and other poisonous or hazardous substances that pose a risk to the health, safety and well-being of children must be inaccessible to children.

Section 15 does not apply to child care programs located in schools that serve children kindergarten age and older.

See Manual Section 3.1 for more information.

Compliance Indicators

1. For new applications and revision requests, there is space for the designated areas listed in 15(1).
And
2. The spaces in each child care centre that are referred to in paragraphs 5 and 6 of subsection (1), and the items kept in those spaces are inaccessible to children.
3. For new applications and revision requests where a program runs for more than six hours in a day, there is space for the designated areas listed in 15(3).

Subsection 3.5 - Play Activity Space

Ontario Regulation 137/15

- 16(1) Subject to subsections (2), (3) every licensee of a child care centre shall ensure that each child care centre it operates has play activity space of at least,
- (a) 2.8 square metres of unobstructed floor space for each child in a licensed infant, toddler, preschool or family age group, based on the licensed capacity; and
 - (b) 2.58 square metres of unobstructed floor space for each child in a licensed kindergarten, primary/junior school age or junior school age group, based on the licensed capacity.
- (2) A director may approve a smaller amount of space than required under clause (1) (b) for a child care centre located in a school, provided that the room or area to be used by a licensed age group is used by the school for children who are the same age as the age category of the licensed age group.

Intent

This section requires that children have adequate space to engage in indoor activity free of obstacles that would impede play.

Subsection 16 (2) provides the Ministry director with authority to approve a room in a publicly funded school that does not meet the space requirements for kindergarten or school age groups as long as the room is used by the same age group during the school day. The purpose and use of this approval is to encourage a seamless day where children stay in the same classroom.

Special Instructions

For the purposes of floor space measurement, obstructed space includes fixed items within the play activity room such as counters, sinks, built in storage shelves and children's cubbies. These items cannot be moved and the areas cannot be used for children's play. The space for these items is excluded from the calculation of total floor space.

Moveable equipment and furnishings in the play activity space that are used for children's play (e.g., easels, tables, chairs, sensory bins) are not considered obstructions when determining the total floor space.

Note: If an area within the room has been designated for the permanent storage of stacked cots or resting mats, this area is excluded from the measurement of the total floor space.

Director Approval for Smaller Amount of Space:

Before- and/or after-school programs that want flexibility to move rooms as required must obtain director approval under subsection 16(2) of O. Reg 137/15.

This approval is subject to compliance with the following:

Shared space confirmation must be kept on file and made available to Ministry staff when requested. The shared space confirmation must include information on all rooms available for use by the child care program, regardless of whether they are currently using the rooms or not. It must also include the primary use of each room during the school day and be signed by the child care centre's supervisor and a representative of the school board (e.g., principal).

Compliance Indicators

1. For new applications and revision requests, on site measurements for infant, toddler, preschool and family age groups confirm that the unobstructed floor space meets the requirement for each age group and licensed capacity.
2. For new applications and revision requests, measurements provided by the applicant or licensee for kindergarten and school age groups in schools confirm that the unobstructed floor space meets the requirement for each age group and licensed capacity.
Or
For kindergarten and school-age age groups in schools where rooms are less than 2.58 square metres per child:
Director approval pursuant to subsection 16(2) is listed on the licence.
And
A current shared space confirmation that lists all rooms available for use by the child care program is on site.
And
The rooms in use are set out in the shared space confirmation and the rooms/areas are used by the school for children who are the same age as the age category of the licensed age group.
3. Space/rooms are being used by the correct licensed age group, either in accordance with the shared space confirmation or the licensed rooms.

Recommendations

It is recommended that the overall space of the child care centre be between 7.4 and 9.3 m² (80-100 sq. ft.) per child.

A combination of rooms/spaces may be used for primary/junior and junior age groups (e.g., adjacent classrooms), provided that a staff member is present in each room and children are supervised at all times.

Subsection 3.6 - Play Activity Space Requirements – Children with Special Needs

Ontario Regulation 137/15

- 16(3) In the case of a child care centre for children with special needs,
- (a) the play activity space referred to in subsection (1) shall be at least five square metres of unobstructed floor space for each child based on the licensed capacity.
 - (b) at least one room shall be provided for every group of up to 12 children, with no room containing more than 12 children.

Intent

This section requires that there is adequate space for children with special needs to engage in indoor activity free of obstacles that would impede play and allows for wheelchairs or other aids where necessary.

The requirement for a separate room for every 12 children provides for smaller groups of children to help prevent the negative effects of crowding when too many children and adults are in one play environment. In addition, this provision supports more effective supervision by staff.

Compliance Indicators

1. For new applications and revision requests, on-site measurements confirm that the unobstructed floor space meets the requirement for each child based on the licensed capacity.

And

There is one room for every group of up to 12 children, based on the licensed capacity.

Subsection 3.7 - Play Activity Rooms/Areas by Age Group

Ontario Regulation 137/15

17(1) Every licensee of a child care centre, except a child care centre for children with special needs, shall ensure that in each child care centre it operates,

(a) each licensed infant group has a separate play activity room and a separate sleeping area that is separated from any play activity area;

(b) each licensed toddler group has a separate play activity room;

(c) each licensed preschool group has a separate play activity room;

(d) each licensed kindergarten, primary/junior school age or junior school age group has a separate play activity area, unless otherwise approved by a director; and

(e) each licensed family age group has a separate play activity room and, if the group required cribs or cradles, has a separate sleeping area that is separated from any play activity area.

Intent

These provisions require that each group of children has its own space and will help prevent the negative effects of crowding when too many children and adults are in one play environment.

Children are grouped by age so that broad developmental similarities in interest, skills and attention may be considered in program planning, physical space and equipment. This provision supports more effective supervision by staff and the delivery of interactive and responsive programming.

As younger children sleep more often and for a greater length of time than older children, the requirement for a separate sleep room for infants and family grouping (where applicable) provide a safe and peaceful sleeping environment for these groups.

The Ministry director has the authority to approve an arrangement other than a single play activity room for kindergarten and school age groups (see clause 17(1) (d)). Alternative arrangements could involve the use of two adjacent classrooms, instead of one large room, or the use of one space on Monday, Wednesday and Friday and a different space on Tuesday and Thursday.

Compliance Indicators

1. Where a child care centre is licensed for infants, there is a separate sleeping area for each licensed infant group.
2. Where a child care centre is licensed for family age group, there is a separate sleeping area if the group requires cribs or cradles.
3. There is a separate play activity room/space for each licensed infant, toddler, preschool.
4. There is a separate play activity room/space for each licensed kindergarten, primary/junior school age or junior school age group;
Or
Director approval has been granted for an alternate arrangement.

Recommendations

All rooms/areas should be designed for ease of supervision. Rooms with a good exterior view and natural light are desirable for all age groups.

Play activity rooms for infants and toddlers should be adjacent to diaper-changing areas and accessible to the cloakroom area.

Whenever possible, school-age programs should include some exclusive-use space.

If a group of more than 16 children aged 6 to 10 years is located in one space, it is recommended that the room be set up to provide separate activity areas (e.g., stations). This setup promotes a small group activity environment and a sense of order.

In a primary/junior school age group of 16 to 30 children, two separate rooms or one clearly divided room could be utilized and the children divided by age into two groups, with one staff person responsible for each group.

Subsection 3.8 - Resource Room

Ontario Regulation 137/15

18 Every licensee of an integrated child care centre that provides child care for children with special needs shall ensure that each such child care centre it operates has one room or area set aside as a resource area for individual and small group experiences.

Intent

Resource teachers often provide specialized and/or individualized support for children with special needs. This provision requires that a separate area is available for individual and small group experiences supported by resource teachers and other staff.

Compliance Indicators

1. There is a room/area for individual/small group experiences.
Or
Staff verbally confirm that the centre has provided a room/area for individual/small group experiences.

Subsection 3.9 - Play Materials

Ontario Regulation 137/15

- 19(1) Every licensee shall ensure that play materials in each child care centre it operates are,
- (a) provided in numbers that are adequate to serve the licensed capacity of the child care centre;
 - (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.
- 19(3) Every licensee shall ensure that the play materials, equipment and furnishings in each child care centre it operates are maintained in a safe condition and kept in a good state of repair, and that there is adequate storage available for the play materials.

Intent

This 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, communicative and physical).

Compliance Indicators

1. There are enough play materials to serve the licensed capacity.
2. The play materials are available and accessible to children throughout the day (e.g., stored on shelves that children can reach).
3. There are alternate play materials available on site for rotation.
4. The play materials are of a nature that they: 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, children are observed using toys from different areas, such as cars with blocks).
5. There is evidence of adaptations to toys/equipment/materials to meet each child's developmental needs (e.g., left handed scissors, chubby markers, etc.).
6. The licensee, designate or staff explain how the play materials are adequate to serve the licensed capacity.
7. The licensee, designate or staff explain how the play materials are rotated to meet the children's needs and interests.
8. The licensee, designate or staff describe how the nature of the play materials support the implementation of the program statement.
9. The play materials, equipment and furnishing are observed to be maintained in a safe condition and kept in a good state of repair, including free of hazards that could potentially endanger the health and safety of children.

Recommendations

When making choices about which play materials to include in each room and in the playground, consider the following questions:

- 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?

It is not recommended that free-standing play structures be used (e.g. moveable indoor slides). Most free-standing play structures are manufactured for non-commercial use so they should not be used in child care centres. Because these structures are not anchored to the ground, there is a greater risk of injury. Licensees should consult with their insurance provider if they will be offering these structures and should ensure that the age label and safety instructions set out by the manufacturer are followed.

*Subsection 3.10 - Equipment and Furnishings

Ontario Regulation 137/15

- 19(2) Every licensee shall ensure that the following equipment and furnishings are provided in each child care centre it operates:
1. A table or counter space that is adjacent to a sink and suitable for dressing or changing the diaper of one child at a time for every licensed infant group, toddler group or family age group.
 2. Revoked
 3. Bedding for use during rest periods for each child who receives child care for six hours or more.
 - *4. A cradle or crib for each child who is younger than 12 months.
 - *5. For each child who is 12 months or older but younger than 18 months and who receives child care for six hours or more, one of the following in accordance with any written instructions from the child's parents:
 - i. A crib or a cradle.
 - ii. A cot.
 - *6. A cot for each child who is 18 months or older but younger than 30 months and who receives child care for six hours or more.
 7. Unless otherwise approved by a director, a cot for each child who receives child care for six hours or more and,
 - *i. is 30 months or older but younger than six years old, or
 - ii. is 24 months or older but younger than five years and is in a licensed family age group.
- (3) Every licensee shall ensure that the play materials, equipment and furnishings in each child care centre it operates are maintained in a safe condition and kept in a good state of repair, and that there is adequate storage available for the play materials.

Intent

The intent is to require that the furniture for dressing, diaper changing and rest periods is sufficient and suitable for the number of children in care. The provision for bedding (e.g. crib or cot sheets) is intended to require that each child rests comfortably and that bedding is not shared between children.

Special Instructions

Director approval within this subsection refers to the approval of resting mats to accommodate children with special needs or children who have short "rest" periods or quiet time. In general, the use of mats as an alternate sleep equipment arrangement should only be considered when children do not actually sleep, parental permission has been granted and the mat can be placed on a carpeted floor.

Licensees must follow any direction provided by the local medical officer of health related to laundry schedules and sanitation of cots, mats and bedding. See Manual subsection 4.2 for more information on sanitary practices.

Compliance Indicators

1. There is a table or counter space next to a sink for every licensed infant group, toddler group or family age group.
2. For each child who receives care for six hours or more, bedding is provided during rest periods.
3. There is a cradle or crib for each child 12 months of age or younger.
4. There is a crib or cradle or cot, in accordance with parental written instruction for each child who is 12 months or older but younger than 18 months and who receives child care for six hours or more.
5. There is a cot for each child who is 18 months or older but younger than 30 months and receives child care for six hours or more.
6. There is a cot for every child who is 30 months or older but younger than 6 years old who receives care for six hours or more;
Or
The alternate arrangements for the children 30 months or older but younger than 6 years old approved by the Director are being followed;
Or
Staff verbally confirm that the alternate arrangements for children 30 months or older but younger than 6 years old approved by the director are being followed.
7. There is a cot for each child aged 24 months or older but younger than 5 years who receives care for six hours or more in a licensed family age group.
Or
The alternate arrangements for children aged 24 months or older but younger than 5 years who receives care for six hours or more in a licensed family age group approved by the director are being followed.
6. The play materials, equipment, and furnishing are observed to be maintained in a safe condition and kept in a good state of repair, including free of hazards that could potentially endanger the health and safety of children.
7. There is storage for play materials.

Recommendations

When arranging cots for rest time, they should be placed at least 46 cm (18 in.) apart and with an aisle of at least 92 cm (36 in. wide) to help ensure all children and staff can safely evacuate in case of emergency.

Subsection 3.11 - Location of Rooms

Ontario Regulation 137/15

- 20 Every licensee shall ensure that each room in each child care centre it operates that is for the use of licensed infant, toddler, preschool, kindergarten or family age groups or for the use of children with special needs is on or below the second storey, unless otherwise approved by a director.

Intent

The intent is to provide for the safety of the children and staff in the event of an emergency requiring evacuation.

Special Instructions

If requesting director approval to place infant, toddler, preschool, kindergarten or family age groups on the third storey or higher, licensees will be required to provide detailed plans for safe evacuation that have been approved by the local Fire Services. Licensees may also need to provide transition plans if the outdoor play space is located on a different level.

Section 20 does not apply to child care programs located in schools that serve children kindergarten age and older.

See Manual subsection 3.1.

Compliance Indicators

1. Rooms used by infant, toddler, preschool, kindergarten or family age groups or children with special needs are on or below the second storey.

Or

The alternate arrangements approved by a director are being followed.

Subsection 3.12 - Window Glass and Light Illumination

Ontario Regulation 137/15

- 21(1) Section 10 of Regulation 262 of the Revised Regulations of Ontario, 1990 (General), made under the *Day Nurseries Act*, as it read on the day before that Act was repealed, applies to every licensee of a child care centre that was licensed for the first time under the *Day Nurseries Act* after December 31, 1983 and that has a program that runs for six hours or more each day.
- (2) Every licensee, other than a licensee to which subsection (1) applies, that has a program that runs for six hours or more each day shall ensure that the window glass area in each child care centre it operates complies with the requirements of Ontario Regulation 332/12 (Building Code) made under the *Building Code Act, 1992*.
- 22 Every licensee shall ensure that artificial illumination in each play activity room of each child care centre it operates is at the level of at least 55 dekalux.

Intent

This provision requires that children in full-day child care programs are in rooms and spaces where they are exposed daily to natural light and where the artificial illumination is appropriate for the types of activities conducted in a child care centre.

Natural light from windows is preferable to artificial illumination, as it supports healthy development and learning in children by providing a variety of sights and sounds.

Programs that were licensed prior to December 31, 1983 were exempted from the window space requirement under the *Day Nurseries Act* and this exemption has been maintained.

Special Instructions

Sections 21 and 22 do not apply to child care programs located in schools that serve children kindergarten age and older.

See Manual subsection 3.1.

Compliance Indicators

1. Window glass area for programs that runs for six hours or more each day complies with the Building Code.
2. The artificial illumination in each play activity room is at the level of at least 55 dekalux.

Recommendations

Programs that operate for less than six hours per day are permitted to have less than the 10 percent window space requirement; however, on days when the program runs for more than six hours (e.g., school holidays, summer) use of auxiliary space with the appropriate window allowance should be used whenever possible.

An abundance of natural light is preferable to artificial lighting as it provides for a variety of perceptual experiences that support healthy development. Windows at children's eye-level are also encouraged as they provide perceptual experiences involving sight, sound, and smell, which may serve as learning activities for children and a focus for conversation.

Lighting levels may be reduced during rest time to promote quiet, inactive periods or napping, however some degree of illumination must be maintained to ensure staff can effectively supervise all children and, for infants, monitor their sleep.

Cords from blinds and curtains must not pose a choking hazard and should be kept out of children's reach.

Subsection 3.13 - Temperature

Ontario Regulation 137/15

23 Every licensee shall ensure that the temperature in each child care centre it operates is maintained at a level of at least 20 degrees Celsius.

Intent

This section safeguards the health and well-being of children and staff by requiring that the child care centre is warm enough.

Compliance Indicators

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

Subsection 3.14 - Outdoor Play Space Size Requirements

Ontario Regulation 137/15

24(1) Every licensee shall ensure that each child care centre it operates that has a program that runs for six hours or more in a day has an outdoor play space that is at least equivalent to 5.6 square metres for each child based on the licensed capacity, unless otherwise approved by a director.

Intent

In recognition of the importance of outdoor play and natural environments to children's healthy development, well-being and learning, this provision requires that the space available for active outdoor play is sufficient to accommodate the licensed capacity of the child care centre.

Special Instructions

Full staff to child ratios must be met on the playground at all times in accordance with subsection 8(4)3. If outdoor play is scheduled during arrival or departure time, it is important to note that a 2/3 staff to child ratio may not be used.

Licensees are not required to install fixed play structures; however, if they choose to do so, these structures must meet the safety requirements set out in subsection 24(4).

Rotation Plans

Some child care centres do not have enough outdoor play space to accommodate the entire licensed capacity. In these situations, director approval may be granted for a smaller outdoor play space if the licensee is able to provide a rotation plan. Rotation plans allow different groups of children to use the playground at different times and help the licensee demonstrate how they will meet the requirement for two hours of outdoor play while not exceeding the capacity of the playground.

During playground rotations, there must be enough daylight to supervise children. The number of daylight hours varies throughout the year and there are fewer daylight hours during the fall and winter months. The following link can assist with determining suitable times for outdoor play – link to the [Sunrise/Sunset Calculator](#).

Alternately, sufficient outdoor lighting should be provided to supervise children if playground rotations run late into the afternoon in fall and winter.

Where rotation plans are required by the director, the licensee will develop plans that reflect temperature and lighting changes throughout the year. A regular schedule for assessing the effectiveness of the playground rotation plan must also be implemented.

Subsection 24 (1) does not apply to child care programs located in schools that serve children kindergarten age and older.

See Manual subsection 3.1.

Compliance Indicators

1. Where a child care centre provides care for six hours or more, the playground has 5.6 square metres (approximately 60 square feet) per child in accordance with the licensed capacity.
Or
Director approval has been granted for a playground that has less than 5.6 square metres per child in accordance with the licensed capacity.

Subsection 3.15 - Maximum Capacity of Outdoor Play Space

Ontario Regulation 137/15

24(2) Where the licensed capacity of a child care centre is greater than 64 children, the outdoor play space referred to in subsection (1) may be divided into two or more areas by a fence to allow all the children to use the play space at one time, if each fenced-in area is not used for more than 64 children at one time.

Intent

This provision sets a maximum capacity to help prevent overcrowding in the outdoor play space and to allow staff to supervise children in a manageable outdoor area.

Special Instructions

Subsection 24 (2) does not apply to child care programs located in schools that serve children kindergarten age and older.

See Manual Section 3.1.

Compliance Indicators

1. No more than 64 children are in one fenced section of the playground at one time.
Or
Staff confirm that no more than 64 children are permitted in one fenced section of the playground at one time.

Subsection 3.16 - Outdoor Play Space Location and Fencing

Ontario Regulation 137/15

- 24(3) Every licensee shall ensure that the outdoor play space at each child care centre it operates,
- (a) is at ground level and adjacent to the premises, unless otherwise approved by a director;
 - (b) if used by licensed infant, toddler, preschool, or family age groups 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;
 - (c) if used by a licensed kindergarten group, 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; and
 - (d) is designed so that the staff can maintain constant supervision of the children.

Intent

These provisions are intended to help provide for the safety of children using the outdoor play space. Playgrounds adjacent to the building facilitate access to first-aid, telephones, washroom facilities, shelter and flexible indoor-outdoor programming.

Fencing assists staff with supervision and ensures that young children do not wander into unrecognized hazards, such as parking lots or roads. Secure fencing also prevents unwanted individuals from wandering into the play space.

Director discretion is provided to allow outdoor play space without fences for older children.

Special Instructions

Outdoor play space is required for programs that operate for more than six hours in a day. However, if a half-day or before- and/or after-school program chooses to have outdoor play space, they must meet all licensing requirements for the space.

Director approval for alternate arrangements may be exercised on a site by site basis. Alternate arrangement could include roof top playgrounds, outdoor play space that is not directly adjacent to the child care centre or, in the case of kindergarten groups, outdoor play space without a fence.

Considerations for rooftop playgrounds may include:

- age of children using play space
- type and height of fencing (height required for ground level playgrounds is not sufficient for rooftop playgrounds)
- use of fixed play structures, including their distance from the fence
- confirmation of structural integrity of the roof/building if fixed play structures are planned
- additional provisions for protection from environmental factors that may be more severe at rooftop level, including wind, sun, shade, snow and air quality
- adequacy of enhanced supervision plans, including whether staff-child ratios need to be altered so that more staff are present
- emergency procedures, including number of primary and secondary exits, posted, detailed, evacuation procedures, a communication system (phones, intercom) and availability of first aid supplies
- proximity to washroom facilities

Considerations for non-adjacent outdoor play spaces may include:

- location of available outdoor play space and distance from building
- transition and supervision plan

Considerations for fence exemptions may include:

- a perimeter fence around the site
- traffic patterns and proximity to roads and parking areas
- adequacy of a detailed supervision plan for the outdoor play space
- exclusive or shared use of the play space during hours of operation
- mixed age approval

Subsection 24 (3) does not apply to child care programs located in schools that serve children kindergarten age and older.

See Manual subsection 3.1.

Compliance Indicators

1. The outdoor play space is at ground level, adjacent to the premises;
Or
located per the director approval.
2. A fence of 1.2 metres (4 feet) high and with one or more gates that are securely closed surrounds the outdoor play space.
Or
The outdoor play space for the kindergarten group is as per the director approval.
3. For new applications and revision requests, the playground plan is designed to allow staff to maintain constant supervision.

Subsection 3.17 - Outdoor Play Space Meets Canadian Standards Association

Ontario Regulation 137/15

24(4) Every licensee shall ensure that, at each child care centre it operates, any outdoor play space, fixed play structure or surfacing under those structures that is constructed or renovated on or after August 29, 2016 meets the requirements set out in the Canadian Standards Association standard CAN/CSA-Z614-14, "Children's playspaces and equipment", as amended from time to time.

Intent

This provision requires that outdoor play spaces, fixed structures and surfacing meet Canadian Standards Association standards (the Standard) to support safety and reduce injuries on child care centre playgrounds.

Special Instructions

New playgrounds with fixed structures:

A comprehensive inspection of the play structure and protective surfacing must be performed prior to first use to confirm compliance with the requirements set out in the CSA standard CAN/CSA-Z614-14. The person inspecting the playground must have the necessary training and equipment in order to accurately assess the technical requirements set out in the CSA standard.'

It is the licensee's responsibility to ensure that the person inspecting the playground has the necessary training and equipment in order to accurately assess the technical requirements set out in the CSA standard (as per section 3.18).

See Manual subsection 3.18 for information about certified playground safety inspectors.

Subsection 24(4) does not apply to child care programs located in publicly funded schools that serve children kindergarten age and older.

See Manual subsection 3.1, Child Care Centres in Schools for more information.

Compliance Indicators

1. There is written verification of compliance that the outdoor play space, fixed play structure and/or surfacing meets the CSA Standard.
Or
There is written plan approved by the director that addresses the issues or problems identified in a playground inspection,
And
The plan outlines alternate outdoor play activities and indicates that the fixed play structure is not used by the children.

Recommendations

The Canadian Standards Association (CSA) is a non-profit, voluntary association engaged in standards development and certification activities. The standard in Ontario for licensed child care centre playgrounds is CAN/CSA Z614-14 - Children's playspaces and equipment. This standard specifies design and maintenance criteria to reduce the risk of injury.

For more information about the CSA Standard or to obtain a copy, visit the CSA Group website at [CSA Group](http://www.csa.ca) or contact 1-800-463-6727.

Subsection 3.18 - Playground Safety Policy

Ontario Regulation 137/15

- 24(5) Every licensee shall ensure that at each child care centre it operates,
- (a) a playground safety policy is developed that reflects the Canadian Standards Association standard mentioned in subsection (4) and indicates the roles and responsibilities of employees regarding safety on playgrounds;
 - (b) daily, monthly and annual inspections of the outdoor place space, fixed play structures and surfacing are conducted in accordance with the requirements set out in the Canadian Standards Association standard mentioned in subsection (4);
 - (c) a plan is developed on how issues or problems identified in a playground inspection will be addressed; and
 - (d) a playground repair log is maintained.

Intent

The intent of this provision is to provide safe play spaces and help minimize risk of injury to children. The policy sets out the expectations of employees for safety and supervision of children on playgrounds.

Special Instructions

The licensee must develop written policies and procedures with respect to playground safety 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.

To access the standard policy developed by the Ministry or for more information on the Licensing Kit, including other sample policies, templates and tip sheets, please visit the Early Years Portal.]

Licensees must implement and ensure that the policies and procedures relating to playground safety are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with subsection 6.1 of O. Reg. 137/15. See Manual subsection 1.2 for these requirements.

The playground safety policy must specify:

- The requirements for the staff's supervision of children on playgrounds.
- Staff to child ratios cannot be reduced on playground.
- The designated person or position responsible for completing the daily, monthly and annual inspections, action plan and repair log.
- The requirements to be followed for a playground rotation schedule to prevent exceeding the playground capacity at any time (if applicable).

1) Daily Visual Inspection:

The CSA standard requires that a daily visual inspection be carried out by the licensee or staff to identify defects, emerging problems and check the entire playground for:

- Hazardous debris or litter;
- Damage caused by vandalism, including operation of gates;
- Strings and ropes of any kind and removing them.

2) Detailed Monthly Inspection:

The CSA Standard requires that a detailed inspection shall be carried out every month and the results and actions taken entered in a permanent record that can be examined.

These inspections must include, but are not limited to:

- Checking for any damage and wear, (i.e. broken or missing components to equipment, anything tied to or added on to the equipment, or other features caused by vandalism or wear);
- Checking for any broken or missing handrails, guardrails, stairs or ladder rungs, etc.;
- Checking for damaged fences, gates and retaining walls.

When defects are observed, the defects must be documented, immediately reported within the organization and repaired as soon as possible.

The monthly inspection should include seasonal considerations to assess the playground site and equipment in preparation for summer or winter use.

Any checklist may be used for general maintenance inspections (i.e., daily and monthly). Hazards or deficiencies should be identified on the checklist. Items that require repair or replacement must be noted in a playground repair log. Every effort should be made to immediately address any defect. If the defect cannot be immediately addressed, all reasonable steps should be taken to restrict children's access to damaged equipment.

Annual Comprehensive Inspection and Written Report - Playgrounds with Fixed Play Structures:

The CSA standard requires that every year a comprehensive inspection and a written report shall be completed by the licensee or a designate. The annual inspection involves a comprehensive analysis of play space maintenance, potential defects and faults; and includes details regarding maintenance and repair considerations.

The inspection must include an assessment of the technical requirements set out in the standard for playground structures and the results of protective surfacing testing and any actions taken.

Once a comprehensive annual inspection report is completed, the licensee must document a plan of action, including timeframes, based on the information contained in the report.

The person inspecting the playground must have the necessary training and equipment in order to accurately assess the requirements set out in the Canadian Standards Association standard CAN/CSA-Z614-14. If there are deficiencies in an annual comprehensive written report, the licensee may be required to have the playground inspected by a Certified Playground Safety Inspector.

Certified Playground Safety Inspector

When annual inspections are conducted by a Certified Playground Safety Inspector, the licensee should confirm the following criteria are met:

1. Hold current certification by the Canadian Playground Safety Institute, as a Certified Playground Safety Inspector;
2. Be a third party inspector and declare non-conflict of interest including declaration of non-affiliation with playground equipment and protective surface manufacturers, suppliers and/or other contractors involved in the retrofit, upgrade or repair of the playground equipment and protective surfaces; and
3. Have proof of current Professional Errors and Omissions insurance coverage.

A list of certified playground inspectors is available at the [Ontario Parks Association Playground Inspectors Directory](#) or [Canadian Certified Playground Inspectors Directory](#).

Approval of Playground Repairs or Renovations:

In accordance with subsection 14(1) and 15(3), any alterations or renovations made to the playground premises shall not occur until plans are approved by a director, except where the plans are approved by the Minister under section 22 of [Ontario Regulation 138/15](#) (Funding, Cost Sharing and Financial Assistance) made under the Act. A copy of the annual inspection report must be submitted to the Ministry together with the request for approval of repairs/renovations.

Should a licensee wish to make alterations or renovations to the outdoor play space, the program advisor can provide information about the regional approval process.

Annual Inspections – Playgrounds without Fixed Play Structures and/or Surfacing:

An annual inspection of outdoor play spaces that do not have fixed play structures and/or protective surfacing may be completed by the licensee or designate. There must be evidence of this inspection kept at the child care centre, readily available for review by the Ministry at time of licensing. Where the program advisor notices hazardous equipment or site issues, the licensee is required to take action on immediate concerns.

See Manual Section 1 for requirements for the implementation of all policies, procedures and individualized plans.

Compliance Indicators

1. There is a playground safety policy that reflects the requirements set out in the Canadian Standards Association standard CAN/CSA-Z614-14, "Children's playspaces and equipment", and outlines the roles and responsibilities of the employees regarding safety on playgrounds.
Or
The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry
2. There is written evidence that daily inspections are conducted to identify defects or emerging problems;
And
There is written evidence that monthly inspections are conducted with the results and actions taken recorded;
And
3. There is a comprehensive annual written report that includes results of any protective surfacing testing;
And
If deficiencies are identified, there is a written plan that demonstrates how issues or problems identified in a playground inspection will be addressed;
And
There is written evidence that a playground repair log is maintained.

Recommendations

Should repairs to a playground take time, all reasonable steps shall be taken to bar access to the defective equipment. Cordoning off the defective area must be done in a safe manner. Warning or danger signs alone are not acceptable. Ropes or plastic tape cannot be used. Removal of the defective equipment may, in some cases, be the only solution. If some areas of the playground remain in use by children of the child care centre, the entire playground must be supervised at all times.

Section 4 - Health and Medical Supervision

*Subsection 4.1 – Medical Officer of Health Directions, Inspections

Ontario Regulation 137/15

- 32(1) Every licensee shall ensure that any direction of a medical officer of health with respect to any matter that may affect the health or well-being of a child receiving child care at a child care centre the licensee operates is carried out by the staff of the 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) or any inspector or program adviser.

Intent

The intent of this provision is to protect the health, safety and well-being of children by requiring that child care centres follow any direction made by the local medical officer of health.

This provision also mandates that records of inspection by other authorities (health and fire) are kept on file and sent immediately (i.e., within 2 business days) to a Ministry of Education program advisor.

Special Instructions

Licensees are to follow any and all direction set out in a written report by the local medical officer of health following an inspection of the child care centre.

Compliance Indicators

1. Any direction provided to the centre in a written report from the local medical officer of health have been carried out, if applicable.
2. The licensee verbally confirms that no reports have been made by a local medical officer of health, the fire department, a program advisor and/or any inspector.
3. 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.

Recommendations

Licensees can find contact information for their local medical officer of health 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, as well as staff, volunteers, students etc. by requiring licensees to develop and follow policies and procedures for sanitation.

Special Instructions

The licensee must develop written policies and procedures with respect to sanitary practices.

Local medical officers of health provide information to child care centres on sanitary practices and the steps that must be taken to minimize transmission of illness and infectious diseases, in accordance with the current version of [Infection Prevention and Control Protocol, 2018](#).

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

Licensees must implement and ensure that the policies and procedures with respect to sanitary practices are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with subsection 6.1 of the O.Reg. 137/15. See Manual subsection 1.2 and 1.3 for these requirements.

Compliance Indicators

1. There are policies and procedures with respect to sanitary practices in the child care centre.

Recommendations

The Ontario Public Health Standards: Requirements for Programs, Services, and Accountability (Standards) are published by the Minister of Health and Long-Term Care under the authority of section 7 of the *Health Protection and Promotion Act* (HPPA) to specify the mandatory health programs and services provided by boards of health. These establish the minimum requirements for public health programs and services delivered by Ontario's 36 public health units. Several of the OPHSs and Protocol apply to licensed child care centres. They can be found on the [Ministry of Health and Long-Term Care's website](#).

With regards to use of wading/kiddie pools and 'water tables', the following minimum practices are recommended:

For wading pools:

- Wading pools are filled with fresh water and sanitized/disinfected after each use.
- Children who are not fully toilet trained should wear diapers designed for swimming.
- Wading pools are stored in such a way that they don't collect rain water (to prevent mosquitoes etc).
- Children should be within arm's reach of a staff person.

For water/sensory tables:

- The water 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/sensory table.
- Cups and other open vessels should not be used so that children are discouraged from drinking water in the sensory table.

Pursuant to section 11 of O.Reg.137/15, children must be supervised at all times, including during water-based activities.

When developing sanitary practices and associated procedures, including for wading pools and water/ sensory tables, licensees are encouraged to consult with their local medical officer of health for more information. It is

recommended that any direction provided by the local medical officer of health be incorporated into the licensees policies and procedures. Contact information for local medical officers of health are 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 supports staff in providing the necessary care for minor injuries as quickly as possible while waiting for emergency medical help, if required.

Compliance Indicators

1. There is a first-aid kit and manual on the premises.

And

Staff verbally confirm that the first-aid kit and manual are readily available to them by promptly identifying the location of the first-aid kit and manual.

Recommendations

When determining where to locate first aid kits, licensees should consider the lay out of the child care centre and ease of access to first aid supplies for program staff. It is recommended that each room, as well as the outdoor play space, have frequently used first aid supplies that can be accessed quickly and effectively should an accident occur.

The Workplace Safety and Insurance Board has different requirements for the content of first aid kits based on the size of the workplace.

Licensees should check the [Workplace Safety and Insurance Board](#) website for information on the minimum first aid kit requirements for their workplace, in accordance with Regulation 1101 under the *Workplace Safety and Insurance Act, 1997*. When determining the amount of first aid supplies required, it is important that licensees take into account the number of children in care, as well as the number of employees.

*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 directed 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 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.

Intent

Preventive health care includes immunization as deemed appropriate by the local medical officer of health, subject to duly recorded religious or conscience or medical objection.

Special Instructions

In accordance with subsection 72(8) of O. Reg. 137/15, for children who are not in school (public or private) immunization records and/or the forms required to document parental objection to immunization or medical reasons as to why the child is not immunized must be kept as part of children's records.

Parents of children who object to immunization on the basis of religious/conscience grounds or medical reasons must complete a standardized form approved by the minister. Licensees must retain these forms in children's records and have these forms available for review by Ministry staff and local medical officers of health at all times. Ministry approved forms for religious/conscience objections must be completed by a "commissioner for taking affidavits" (i.e. notarized).

Medical reason 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 (for children, parents must choose the "**parent of a child**" form when selecting the version of the form to be filled out)

Forms approved by the Minister:

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

As per the CCEYA, licensees must keep records for all children who are attending licensed child care. The records for children who are in child care but **not** in school must contain documentation regarding immunization. For those children who are in child care and are also students at a publicly funded school or private school, their child care records do not have to contain immunization documentation as this information is captured through reporting requirements under the *Immunization of School Pupils Act, 1990*.

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

Compliance Indicators

1. Children who are not in school 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](#); or
 - b) [The Statement of Medical Exemption form](#).

Recommendations

Licensees may visit the following Ministry of Health and Long-Term Care link 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.

Special Instructions

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

Compliance Indicators

1. Staff are seen to observe children in order to detect symptoms of ill health as they enter the child care centre and before the children interact with other children
Or
Staff verbally confirm that children are observed daily in order to detect symptoms of ill health as they enter the child care centre and before the children interact with other children.

Recommendations

[Ontario Regulation 135/18](#) 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 medical officers of health to determine when and how these diseases, or suspected occurrences of these diseases, should be reported.

In addition to looking for and documenting signs/symptoms of ill health such as fever, rash or gastrointestinal symptoms, the Ministry recommends that child care centre staff 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). Child care centre staff are strongly advised to communicate any such changes to parents immediately, as atypical behaviour could be a sign of something more serious.

Licensees 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 staff member 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 125 of the *Child, Youth and Family Services Act, 2017*.

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.

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

The *Child, Youth and Family Services Act, 2017* received Royal Assent on June 1st, 2017. The *Child, Youth and Family Services Act, 2017* replaces the *Child and Family Services Act*. Licensees and staff members must, where there are reasonable grounds to suspect that a child is, or may be, in need of protection in accordance with the *Child, Youth and Family Services Act, 2017*

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.
- 36(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

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
Staff verbally confirm 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
Staff verbally confirm 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
Staff verbally confirm 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

Each child care centre should obtain and post information (available from the local medical officer of health) on the symptoms, incubation periods and isolation periods of various diseases. Staff should be familiar with this information and pay close attention to any changes in children's behaviour, daily routine or demeanor.

Staff 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.

Staff 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 local medical officer of health. Parents should be made aware of any policies that allow moderately ill children to participate in the program, particularly for licensed infant rooms, as young children are more susceptible to illness than older children.

Licensees should also develop policies and procedures related to when ill children will not be permitted to attend child care. These policies and procedures should be developed in consultation with the local medical officer of health 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.

Staff should communicate with parents at the first sign of ill health, particularly with younger children 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 (i.e., another child attending the centre is ill), licensees should notify parents as soon as possible and strongly encourage parents to contact their physician. Both staff 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 child care centres 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 should 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.

The term “accident” is not defined in the CCEYA or its regulations. It is up to each child care licensee to determine what type of events would require an accident report. Licensees should consult with their insurance provider, legal counsel, and/or local health authorities to determine a definition.

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

Compliance 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.

Recommendations

Accident reports should be signed by a staff member and a parent and, at a minimum, contain the following information:

- Child's Name
- Staff Name
- Date and Time of Accident
- Location of Accident
- Description of Accident
- Nature of Injury
- Staff 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) any child receiving child care at a child care centre operated by the licensee;
 - (b) any staff at a child care centre operated by the licensee;
 - (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.
- (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 child care centre keeps a record of significant events that affect the health, safety or well-being of staff and children. Where a program operates over a time span requiring shift work, for example, a before- and/or after-school program with different morning and evening staff, this record can be especially important as it serves as a communication tool between staff who are working different shifts.

Special Instructions

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. If daily written records are kept in each room, licensees must ensure that each book is completed daily.

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

Compliance Indicators

1. There is a daily written record.
And
The daily written record contains a summary of any incident affecting the health, safety or well-being of children and staff (e.g., accident reports, ill children, etc.).
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 or staff confirm that parents are notified when there is an incident that affects the health, safety or well-being of their child.

Recommendations

Licensees may choose to have a single daily written record for the entire child care centre, or an individual daily written record for each group.

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

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

Wednesday April 11, 2018

The playground was unavailable for use today because of replacement of a fence on the north side. Children were taken out in small groups to observe machines for digging and the use of concrete to set posts.

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

Thursday April 12, 2018

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 13, 2018

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 going up ramp. 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, 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 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, that address at a minimum, how to identify, respond to 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 summary of the report is kept in accordance with section 82.

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 staff and that these serious incidents are reported, tracked and followed up on.

Special Instructions

The licensee must develop written policies and procedures with respect to serious occurrences, or adopt the standard policy developed by the Ministry.

The serious occurrence policy must include:

- information on how to identify a serious occurrence (list of categories);
- information on how to respond to a serious occurrence (for example, immediate medical attention), who to notify (for example, fire and police services, child protection agency, etc.);
- information on 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 or supervisor becoming aware of the occurrence).

If the licensee chooses to adopt the Ministry policy, the licensee must complete all customizable areas of the standard policy.

To access the standard policy developed by the Ministry or for more information on the Licensing Kit, including other sample policies, templates and tip sheets, please visit the [Early Years Portal](#).

Licensees must implement and ensure that the written policies and procedures relating to serious occurrences are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with section 6.1 of the O.Reg. 137/15. See Manual subsection 1.2 and 1.3 for these requirements.

Licensees, designates or supervisors are required to promptly notify their program advisor through CCLS. If licensees, designates or supervisors 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 Emergency Relocation or Temporary Closure

See **Appendix C: Reportable Serious Occurrences** for more information.

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 or staff member has reasonable grounds to suspect 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 125 of the *Child, Youth and Family Services Act, 2017*.

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 child care centre.

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 its 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, Youth and Family Services Act, 2017*, 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, Youth and Family Services Act, 2017* and the duty to report, see [Reporting Child Abuse and Neglect: It's Your Duty](#).

For more information about the profession of early childhood education, 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 those changes were 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 Summary of the Report ("Serious Occurrence Notification Form")

Licensees must report any serious occurrence within 24 hours of the licensee becoming aware of the occurrence. A summary of the serious occurrence report and any action taken as a result must be completed and posted in a place that is visible and accessible to parents for a minimum of 10 business days, **including any allegation of abuse or neglect**.

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

Administrative Penalty - Non-Report of a Serious Occurrence

A director or inspector, under the Act, may issue a \$2000 administrative penalty when a serious occurrence is not reported as prescribed by the Regulation.

Compliance Indicators

1. The licensee has developed written serious occurrence policies and procedures that address at a minimum, how to identify, respond to and report a serious occurrence.

Or

The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry.

2. A review of CCLS confirms that all serious occurrences were reported within 24 hours of the licensee or supervisor 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 or supervisor becoming aware of the incident.

3. The serious occurrence summary report (i.e. notification form) is kept for at least three years.

4. If a serious occurrence was reported within the last ten business days, a notification form is posted in a conspicuous place at the child care centre (including any allegation of abuse or neglect).

Or

Where a serious occurrence was reported more than 10 business days ago, the licensee or supervisor confirms that notification form(s) were posted in a conspicuous place at the centre 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 staff to respond to a situation where a child has gone missing while receiving care at a child care centre or home child care.

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

- Alert all staff
- Immediately search the child care premises, including outdoor areas (e.g. playground)
- Have a staff member 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. receives child care at a child care centre the licensee operates, or
 - 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 anaphylactic allergies and provide relevant and important information on anaphylaxis to parents, staff, students and visitors at the child care centre.

These provisions 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 licensee must develop policies and procedures with respect to anaphylactic allergies 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.

To access the standard policy developed by the Ministry or for more information on the Licensing Kit, including other sample policies, templates and tip sheets, please visit the [Early Years Portal](#).

Licensees must implement and ensure that policies relating to anaphylactic allergies are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with section 6.1 of the O.Reg. 137/15. See Manual subsection 1.2 and 1.3 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 child care centre;
- 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 child care centre staff, parents, students and volunteers;
- 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 parents, child care centre staff, students, and volunteers that there are children attending the centre 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;
- Posting a list of known allergies or food restrictions of enrolled children in each cooking

and serving area , play area or play room and making a list available and accessible in any other area where children may be present for the age group ; and,

- advising the child care centre caterer (where applicable) of the foods/causative agents not to be used in food prepared for the child care centre and appropriate food substitutes to be provided.

3. Individual plans and emergency procedures

The parent/guardian and physician of an 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;
- steps to reduce risk of exposure to causative agent/allergy;
- signs and symptoms of an anaphylactic reaction;
- action to be taken by child care centre staff 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 child care centre staff to administer the allergy medication has been granted; and
- emergency contact information (parent/alternate emergency contact/emergency services).

Licensees must implement and ensure that individualized plans, including the emergency procedures are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with section 6.1 in the O.Reg. 137/15.

4. Training

Where a child has an anaphylactic allergy, child care centre staff, students and volunteers 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 specific to the child, what actions should be taken by the child care centre staff and how to administer medication.

A "train the trainer" model can be used to satisfy this requirement. A parent may train the licensee, supervisor or a program staff, and this individual can then train the remaining staff, students and volunteers at the child care centre.

Medication must be kept in a locked box inaccessible to children. However, in the case of asthma medication or emergency allergy medication licensees may allow children to carry their own asthma medication or emergency allergy medication in accordance with the child care centre's medication administration policy and with a parent's permission for the child to self-administer asthma or emergency 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 ss. 40(1)(a)(ii). See Manual subsection 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 child care centre (for example, transition to school, leaving on a field trip).

If children do not self-administer asthma or emergency allergy medication, staff 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 with other medication. Staff must also ensure that emergency asthma and allergy medication is in the staff's possession when leaving the child care centre (for example, walking children to school, going on a field trip).

Compliance Indicators

1. The licensee has developed a written anaphylactic policy that includes the items listed in subsection 39 (1) and 39(2).
Or
The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry.
2. Each child with an anaphylactic allergy has an individualized plan developed with input from the child's parent that includes emergency procedures;
And
Each 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.

Recommendations

Child care centre staff may want to provide opportunities for children enrolled at the child care centre to learn about allergies and foods/causative agents that are not permitted on the premises.

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 implementation of each individualized plan (by employees, students and volunteers) 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.

Individualized plans must be in place at the time any child (who requires a plan) receives child care at the child care centre (or premises overseen by a home child care agency.)

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 subsection 39.1(3) clauses (a) through (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.

Licensees must implement and ensure that the individualized plans are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with section 6.1 of the O.Reg.137/15. See Manual subsection 1.2 and 1.3 for these requirements.

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

Compliance Indicators

1. The licensee has developed an individualized plan for each child with medical needs
OR
The licensee has adopted and completed all customizable areas of the template provided by the Ministry
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

*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
 - (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) in the case of a child care centre, kept in a locked container;
 - (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 drug or medication written procedures are established for each child and type of drug or medication and related record-keeping. These procedures require that drugs or medication be safely administered according to established routines. Section 40 applies to all administration of drugs and medications, regardless of whether a child is authorized to self-administer.

Subsection 40 (1) clause (b) sets out requirements for protecting the health and safety of children by requiring, among other things, that drugs and medication are stored properly to maintain their effectiveness and kept out of the reach of children to prevent accidental ingestion. Drugs and medications requiring refrigeration must be kept in a locked container in the refrigerator.

Subsection 40 (1) clause (c) requires that the administration of drugs and medication is supervised by one staff member to reduce the potential for errors.

Subsection 40 (1) clause (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. Where there is no set schedule to give a child their medication, the form must include specific signs and symptoms to observe to define the need to administer the medication.

*Where a child's individualized plan includes written authorization from a parent of a child to administer drugs and medication and sets out all the information required in the medical authorization form (i.e. name of medication, dosage, schedule, signs and symptoms and parent signature), the medical authorization form is not required.

Where licensees have collected all of the required information in the individualized plan but use ministry templates that make reference to the medical authorization form, licensees must amend the applicable written policies and procedures to reflect this practice.

Section 40 (1) (e) requires that drugs or medication be stored in original containers 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 the date of expiration, if applicable, and instructions for storage and administration, so that medication intended for a specific child is correctly administered. This also allows staff to confirm that the medication is not out of date. Clearly labelling all containers avoids confusion in the event that more than one child is receiving medication and helps ensure that medication does not spoil due to improper storage.

As certain medications, like puffers and epinephrine, must be administered quickly in an emergency to be fully effective. Subsection 40 (2) provides licensee discretion to permit a child to carry their 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). Allowing children to carry their own emergency allergy and asthma medications allows that these medications can be administered quickly when needed. No other medication may be carried by a child.

See Manual section 4.10 for more information.

Special Instructions

Written instructions and record keeping

The licensee must develop written procedures for the administration of any drug or medication and related record-keeping, in accordance with subsection 40(1) clause (a), 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.

To access the standard policy developed by the Ministry or for more information on the Licensing Kit, including other sample policies, templates and tip sheets, please visit the [Early Years Portal](#).

Licensees must implement and ensure that the procedures with respect to the administration of drugs and medication are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with section 6.1 of O. Reg. 137/15. See Manual subsection 1.2 and 1.3 for these requirements.

The keeping of records includes, documenting the administration of any drug or medication and retaining the documentation of the administration.

Staff must 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.

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

Subsection 40(2) provides licensees the flexibility to permit a child to administer his or her own asthma or emergency allergy medication. Licensees 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 subsection 40(1)(a). Note that all other requirements in s. 40 must also be complied with (e.g., parental written authorization under ss. 40(1) (d) and administration from clearly labelled original containers under ss. 40(1)(e)).

Even if self-administration of asthma or emergency allergy medication is permitted under the licensee's written procedures established under ss. 40(1)(a)(i), the licensee is required to maintain the required record-keeping of such self-administration (i.e., staff 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 with the exception of sunscreen, lotion, lip balm, bug spray, hand sanitizer, as well as diaper cream that is not used for acute, symptomatic treatment, 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

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

1. The licensee has developed a written procedure 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.
Or
The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry
2. All drugs or medications are stored according to the storage instructions on the label.
3. All drugs or medications are inaccessible to children at all times (with the exception of asthmas or emergency allergy medication that a child may self-administer).
4. All drugs or medications are kept in a locked container, with the exception of asthma or emergency allergy medication.
5. All drugs or medications are administered according to the instructions on the label and written parental authorization.
Or
Staff confirm and describe how drugs or medications are administered and this aligns with the label instructions and written parental authorization.
6. The written procedures document a designated position that is in charge of drugs or medications.
And

Drugs and medications are observed to be dealt with by the designated position, or the person designated by the designated position.

7. 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.

8. Drugs or medications are administered from their original containers or as supplied by a pharmacist.
And

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, lotion, lip balm, bug spray, hand sanitizer, as well as diaper creams that are not used for acute, symptomatic treatment, 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 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.

Leftover medication or surplus of medication should be returned in the original container to a parent of the child or safely discarded with parental permission.

For more information see:

[Safe Disposal of Prescription Drugs](#)

[Ontario Medications Return Program \(OMRP\)](#)

[Ontario Sharps Collection Program \(OSCP\)](#)

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 supervisor, who should then notify a parent of the child. If adverse symptoms are evident upon accidental administration of medication, staff should call emergency services and follow the serious occurrence policy.

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

Special Instructions

The local medical officer of health may prohibit certain animals in child care settings and may set additional requirements for infection prevention and control for child care programs that have animals.

Licensees must follow any direction made by the local medical officer of health (See subsection 32(1) in O.Reg 137/15) and should consult with their local medical officer of health when considering whether or not to allow visiting or resident animals at the child care centre.

Compliance Indicators

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 should develop written infection prevention and control policies and procedures and have them reviewed by the local medical officer of health.

Parents should be consulted and provide consent prior to introducing any animals into the child care centre. 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 child care centre plans to mitigate those risks.

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

Staff, 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 use alcohol-based hand-rub) after touching animals, their food bowls, toys, bedding, etc.
- Avoid touching your face after animal contact until hand hygiene is performed.

The Ministry of Health and Long-Term Care published the [Guidance Document for the Management of Animals in Child Care Centres, 2016](#); including a list of animals not recommended in child care.

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 or at a premises where it oversees the provision of home child care 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 child care centre the licensee operates or at a premises where it oversees the provision of home child care,
- (a) an employee or 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 child care centre or 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 child care centre or home child care premises will be advised of the centre’s or 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) Omitted – refers to home child care.
- (4) Every licensee shall ensure that in each child care centre it operates that has a separate area or room for sleeping, there is a system in place to immediately identify which children are present in the area or room.

Intent

These provisions have been added to the regulations to reduce risk of harm and injury, including death, when children under 12 months 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 must 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 younger than 12 months of age 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 a sleep position for children younger than 12 months may only be waived if a medical doctor/physician recommends differently in writing.

There are no specific requirements regarding how sleep supervision should be conducted for children during overnight or extended hour. 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 Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

The licensee must develop written policies and procedures with respect to sleep supervision, 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.

To access the standard policy developed by the Ministry or for more information on the Licensing Kit, including other sample policies, templates and tip sheets, please visit the [Early Years Portal](#).

Licensees must implement and ensure that the written policies and procedures with respect to sleep supervision are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with section 6.1 of O. Reg. 137/15. See Manual subsection 1.2 and 1.3 for these requirements.

Compliance Indicators

1. Each child who is younger than 12 months who receives child care at a child care centre is observed to be placed for sleep in a manner consistent with the recommendations set out in the Joint Statement on Safe Sleep.
Or
Staff verbally confirm 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. An employee 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
Staff verbally confirm that they perform periodically direct visual checks of each sleeping child by being physically going over to 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
Staff verbally confirm there is sufficient light in the sleeping area or room to conduct direct visual checks.
4. The licensee has developed a written policy that includes the items listed in 33.1(2) (c).
Or
The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry.
5. It is observed there is a system in place to immediately identify which children are present in the area or room.
Or
Staff verbally confirm there is a system in place to immediately identify which children are present in the area or room.

Recommendations

For children 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 items 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 staff, parents and other individuals know which crib or cot belongs to which child
 - how staff, 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:
 - how the licensee will consult with parents to receive information on the child's sleep preferences, required accommodations and precautions etc.
 - a process for advising child care centre staff, 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 child care centre 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 staff, 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 staff will advise parents when there is any significant change in a child's sleep pattern or behaviour
 - how the licensee and staff 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 young children do not have set rest/sleep schedules and may need to rest/sleep based on each child's individual needs.

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 functioning properly. It is important to note electronic monitoring devices cannot be used in place of direct visual checks of sleeping children. Staff must still conduct direct visual checks of sleeping children in accordance to the regulation in addition to using monitoring devices.

Compliance 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 employees at the child care centre.
3. It is observed that electronic monitoring devices are checked daily to ensure that it is working properly; Or
Staff confirm that the electronic monitoring devices are checked daily to ensure that it is working properly;
And
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:

- Who will check the electronic monitors (i.e. will it be only infant staff, only the supervisor etc.)
- What steps staff will take if a monitoring device does not work.

Section 5 - Nutrition

Subsection 5.1 - Requirements for Infants 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 under one year old. The amount and scheduling of nourishment must accommodate the needs of each individual child during the first year of life.

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 old 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.

Special Instructions

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

Compliance Indicators

1. Records for all children under one year contain written instructions from a parent of the child with regard to feeding.
2. Children under one year are observed to be fed in accordance with the written instructions on file;
Or
Staff confirm that all children under one year are fed in accordance with the written instructions on file.

Recommendations

Educators 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.

A food preparation area within the infant room should be provided wherever possible, in accordance with local medical officer of health requirements, so that bottles and foods can be stored and heated as needed without requiring staff to leave the room.

Introduction of solid food and new types of foods in a progressively coarser texture should be offered to correspond with an infant's development, consistent with instructions from parents. Parents may wish to review the menu of food provided to older children at the child care centre 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 child care 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 infants' bottles and bags/other containers of breast milk, milk, or formula, supplied by a parent sets out that children 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 are to consult their local medical officer of health and comply with their direction for safe food storage, preparation and service procedures, including correct temperatures for fridge and freezer, location of food within the fridge and sanitation/dish washing procedures.

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

Child care centres that operate for six hours or more and prepare and serve food are required to have a food preparation area that meets local medical officer of health requirements and includes storage areas, equipment and counter space to allow for the efficient storage and preparation of food and correct dishwashing procedures. See Manual subsection 3.4 for more information.

Compliance 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 temperature directed by the local medical officer of 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 (changes to the odor, discoloration or curdling).
5. Staff are observed to use proper food handling techniques in accordance with the direction of the local medical officer of health.

Recommendations

Licensees may wish to review the requirements of [Regulation 493 \(Food Premises\)](#), made under the *Health Protection and Promotion Act*.

*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 who is 44 months or older.
 - *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 who is 44 months or older.
 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. Educators can create contexts 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 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 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 provide snacks and meals, however, clauses 42 (2) 1 and 2 allow for a director to approve an alternate arrangement in the case of a child 44 months or older. This alternate arrangement generally involves children bringing bag lunches from home.

Special Instructions

All nutrition requirements are subject to section 44 of O.Reg. 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](#)

All child care centres located off reserves must serve foods in a manner that meets their local medical officer of health requirements.

Licensees may choose to serve hot meals; however, it is not a regulatory requirement.

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 O.Reg.137/15 s. 48(f)). 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 O.Reg.137/15 s. 48(e)).

Bagged Lunches:

When director's approval for bagged lunches has been granted, the licensee is to develop policies and procedures that are posted at the centre and 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 child care centre 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.

Compliance Indicators

1. Menus show that meals are provided for each meal time that occurs during program hours.
And
Children one year of age or older who are present at meal time are provided a meal by the licensee unless special dietary and feeding instructions are on file (see s. 44).
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 provided between meal snacks by the licensee unless special dietary and feeding instructions are on file (see s. 44)
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. Menus show that at least two snacks are provided when children are in care for six hours or more
And
Children who are in care for six hours or more are observed to receive at least two snacks
Or
Staff verbally confirm 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

Staff confirm that 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

Food service and nutrition programs in child care centres should provide:

- nutritionally adequate meals and snacks;
- each meal should include at least four food groups;
- each snack should include at least two food groups;
- 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 is a variety of ways in which child care providers can impact children’s health and well-being with regarding 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;
- serving foods family style, where possible, with small groups of children and at least one adult sit around a table and serve themselves. The adult should sit about half way down the long side of a rectangular table rather than at the end so that he/she can respond to individual children (and supervise) while eating.
- program staff eating 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, distribution etc. (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;

Program staff 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.

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 licensee does not control what food is offered. Program staff should monitor the content of bagged lunches and discuss with parents when there are concerns regarding the nutritional adequacy of snacks and meals.

For more information to help support menu planning, refer to the [Menu Planning and Supportive Environments in Child Care Settings- Practical Guide](#).

In addition, the [Menu and Nutrition Environment Self-Assessment Tool for Child Care Settings](#) aims to help child care cooks, chefs and providers assess their menus to meet the food and drink requirements.

[Paint your Plate with Vegetables and Fruit: A Toolkit for Child Care Providers](#) is another resource that aims to support young children in enjoying fruits and vegetables in child care settings. The toolkit includes accompanying resources, including recipes, activities, guidance on policy development and supporting environments.

Subsection 5.4 - Menus

Ontario Regulation 137/15

- 43(1) Every licensee of a child care centre shall post planned menus for the current and following week in a conspicuous place in each child care centre it operates with any substitutions noted on the posted menus.
- (2) A menu referred to in subsection (1) shall be kept by the licensee for thirty days after the last day for which it is applicable.

Intent

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

Posting of planned menus in a clearly visible/noticeable place promotes transparency for parents and allows parents to take into account what the child has been served during the day when planning meals at home.

An accurate record of any food substitutions also helps with meal planning at home and allows parents to track children's food intake. Tracking of food intake is particularly important during the early years when children may show the first signs of a food allergy.

Menus must be retained to provide an example of the variety of foods offered from week-to-week by licensee.

Special Instructions

If multiple menus are posted throughout the centre (e.g., on the parent info board, in the kitchen and in each room), food substitutions must be noted on every posted menu.

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

Compliance Indicators

1. Planned menus for the current and following week are posted in a conspicuous place accessible to parents.
And
Any substitutions are noted on the menus posted for parents' reference at time of substitution.
And
Meals and snacks correspond with the posted menu, including any posted substitutions.
Or
The staff responsible for serving food to the children confirm that menus accurately reflect food served to children.
2. Menus that were posted for parents' reference, including any substitutions, are kept on file for a minimum of 30 days.

Recommendations

Some child care centres may choose to use a set menu rotation, with standard posted menus that remain the same month to month. These menus may include general categories of food ("seasonal fruit" or "pasta") rather than specific food choices ("apples and pears" or "vegetarian lasagna").

It is important to note specific food choices on the posted menu as soon as possible so that parents can plan accordingly, particularly if a child is allergic to a specific item or ingredient and a parent will be providing an alternative.

While it is acceptable to note menu substitutions and specific food choices on standard posted menus using post-it notes, dry erase markers, or other temporary and reusable methods, it is also important to keep a permanent record of these substitutions (per subsection 43 (2) of O. Reg 137/15).

It is recommended that licensees establish a consistent method of record keeping, such as taking a photograph of the menu before removing the record of substitutions, or keeping a separate paper copy of the menu on file for each week or month. The menu kept on file should reflect any substitutions or specific food choices that were made during the week or month.

Subsection 5.5 – Allergies and Food Restrictions

Ontario Regulation 137/15

- 43(3) Every licensee of a child care centre shall ensure that, in each child care centre it operates, a list setting out the names of the children receiving child care in the child care centre who have allergies or food restrictions, and their respective allergens or restrictions,
- (a) is posted in each cooking and serving area;
 - (b) is posted in each play area or play room; and
 - (c) is available and accessible in any other area in which children may be present.

Intent

Children receiving child care may have known allergies to food or other agents (e.g. latex) which may be serious or life-threatening (e.g. anaphylaxis). A list of children with known allergies, as well as their respective allergens, must be posted in areas of food preparation and consumption, play areas or play rooms, and available and accessible in any other area in which children may be present to minimize risk of reaction. All allergies, including allergies to food, medication and other agents (i.e. latex) must be included on the allergy list.

There may also be children receiving child care who have specific food restrictions. These restrictions may be due to food intolerances, family dietary choices (e.g., vegetarian) or religious observance (e.g., requirement for kosher or halal food). Information about food restrictions must also be posted in areas of food preparation and consumption, play areas or play rooms, and available and accessible in any other area in which children may be present (e.g., gymnasium, library, etc.) to ensure that children receive the correct meals and snacks.

Special Instructions

Lists of children's allergies and food restrictions must be kept up-to-date and reflect the most current information available.

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

The information included on allergy and food restriction lists must match the information contained in the individualized plan for children with an anaphylactic allergy, where applicable.

For more information on epinephrine and anaphylactic allergies, please see Manual subsection 4.10.

Compliance Indicators

1. Where applicable, a list is posted in each cooking and serving area, play area or play room, and is available and accessible in any other area in which children may be present that includes the following:
 - name of each child receiving child care in the child care centre with allergies and their respective allergens; and,
 - name of each child receiving child care in the child care centre with food restrictions and their respective restrictions.

Recommendations

Licensees should also:

- remind parents to provide them with updates on their child's allergies and restrictions
- report to parents any indication of an allergic reaction to an agent that the child is unknown to be allergic to.

Subsection 5.6 - 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 in writing.

Compliance 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 be fed according to the written instructions.
Or
Staff confirm that written instructions are followed.

Recommendations

Some things to consider specifying when developing the written instructions 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 licensee;
- whether the parent will be providing an ingredient list to help ensure that allergens are not brought into the child care centre;
- whether the licensee will still offer drinks, other than water, to the child (licensees are responsible for making drinking water available to children at all times);
- an arrangement if the child is still hungry after consuming the lunch from home; and,
- a contingency arrangement if the lunch from home is 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 anaphylactic 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.
 - (d) for a child care centre, a statement that the child care centre has emergency management policies and procedures described in section 68.1 and a statement regarding how parents will be notified if an emergency occurs; and
 - (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 clarifies 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 centre 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 e-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.

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

Compliance Indicators

1. There is a parent handbook that includes information about:
 - a. the services offered and the age category served,
 - b. the times when the services are offered and the holidays observed,
 - c. the fee for services and the admission and discharge policy,
 - d. activities off the premises;
 - e. volunteers and students being supervised by an employee at all times and not being permitted to be alone with any child.
 - f. waiting list policy and procedures, where applicable.

And

A copy of the licensee's policies and procedures required under 45.1 regarding how parents' issues and concerns will be addressed;

And

The parent handbook includes a copy of the program statement and a list of prohibited practices set out in section 48;

And

The parent handbook includes a statement that the child care centre has emergency management policies and procedures described in section 68.1 and a statement regarding how parents will be notified if an emergency occurs.

2. Staff verbally confirm that prospective parents have access to the handbook free of charge; And
Staff verbally confirm that the handbook is available to parents of all children receiving care free of charge; And
Staff verbally confirm that parents are provided an updated version of the parent handbook when modifications are made free of charge.

Recommendations

If the child care centre has a website, the licensee 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., signing in and out, communicating with educators)
- Parking availability at or near the child care centre
- 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., Administration of Medication, Serious Occurrence
- Reporting, Police Record Checks)

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., fees, 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.

To access the standard policy developed by the Ministry or for more information on the Licensing Kit, including other sample policies, templates and tip sheets, please visit the [Early Years Portal](#).

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

Licensees must implement and ensure that the written policies and procedures that set out how parents' issues and concerns will be addressed are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with section 6.1 of O. Reg. 137/15. See Manual subsection 1.2 and 1.3 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 and which is inclusive of all children, including children with individualized plans;
 - (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 licensees of child care and early years programs and services in developing their programs and services.

Under this authority, the Minister has named *How Does Learning Happen? Ontario's Pedagogy for the Early Years* (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 set out in O. Reg. 137/15 align with HDLH and help licensees put the ideas and approaches of the pedagogical framework into practice.

This policy statement, together with the O. Reg. 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.

Special Instructions

The program statement, at a minimum, should include the following items:

- Consistency with HDLH
- A view reflective of children being competent and capable
- A minimum of one written goal for subsections 46(3) (a-k)
- A minimum of one written approach to achieve each goal identified for subsections 46(3) (a-k)

The licensee must develop 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.

The licensee must ensure the approaches set out in the program statement are implemented at the child care centre by staff, volunteers and students

The licensee must ensure that all new staff, students and volunteers review the program statement prior to interacting with children and at any time when the program statement is modified.

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

Compliance 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:
 - (a) promote the health, safety, nutrition and well-being of the children; and

- (b) support positive and responsive interactions among the children, parents, child care providers and staff; and
- (c) encourage the children to interact and communicate in a positive way and support their ability to self-regulate; and
- (d) foster the children’s exploration, play and inquiry; and
- (e) provide child-initiated and adult-supported experiences; and
- (f) plan for and create positive learning environments and experiences in which each child’s learning and development will be supported and which is inclusive of all children, including those with individualized plans; and
- (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; and
- (h) foster the engagement of and ongoing communication with parents about the program and their children; and
- (i) involve local community partners and allow those partners to support the children, their families and staff; and
- (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) of subsection 46 (3) on the children and their families.

Staff, students and volunteers verbally confirm that they reviewed the program statement prior to interacting with children and whenever it has been modified.

4. 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.

Or

Documentation (e.g., storyboards; photos) illustrate how the approaches are being implemented into the program.

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:

- 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, educators and others what licensees are striving to achieve (goal) and what actions are going to be put in place to achieve these goals (approach). 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, educators 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 centres. The view of the child, goals for children, expectations for programs and questions for reflection can be used to inform the program statement.

Licensees should also collaborate with staff 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, educators 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 ss. 46(3)(a-k) the licensee should 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 can be grouped together in developing 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 child care centre. The approaches should be measurable and observable for Ministry staff, educators and families.

When developing approaches, the licensee should consider whether:

- the approaches align with the agency’s pedagogy
- the approach will support achievement of the goal
- staff, home child care providers and home child care visitors 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

Staff, 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 that educators, staff, students and volunteers are implementing the approaches for involving local community partners (ss. 46(3)(i)). However, any time an educator 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 pedagogical documentation to illustrate how the approaches are being implemented into the program. This will provide evidence that the approaches in the program statement are being implemented when they cannot be observed.

Additional Considerations

Middle childhood is a crucial period of growth and change. Staff and volunteers working in child care centres, including in before- and after-school settings with children in this age group have an important role to play as mentors, role models and trusted adults. Middle years children thrive in environments that are safe and supportive, and where they feel they are valued contributors and can engage in experiences that are meaningful and relevant to their everyday lives. High-quality child care programs, including after-school programs should be designed to build confidence, improve leadership skills, promote social relationships, reduce stress levels, and enhance physical and emotional well-being.

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?](#)

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

[Think, Feel, Act: Empowering Children in the Middle Years](#)

Subsection 6.4 - Program Requirements re: Active Play

Ontario Regulation 137/15

- 47(1) Every licensee shall ensure that the program in each child care centre it operates is arranged so that,
- (a) revoked
 - (b) children in licensed infant, and toddler groups are separated from other children during active indoor and outdoor play periods;

Intent

Children of different ages can benefit from physical separation when engaged in active play so that they can explore and engage in age appropriate risk in a safe environment.

Compliance Indicators

1. It is observed that infant and toddler children are separated from other children during active indoor and outdoor play
Or
Staff verbally confirm that infant and toddler children are separated from other children during active indoor and outdoor play.

Recommendations

As described in [HDLH?](#), 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.

During active play, programs may also consider ways to use the environment as a third teacher. Children thrive in indoor and outdoor spaces that invite them to investigate, imagine, think, create, solve problems, and make meaning from their experiences.

Subsection 6.5 - Program Requirements re: Outdoor Play

Ontario Regulation 137/15

47(1) Every licensee shall ensure that the program in each child care centre it operates is arranged so that,

- (c) 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 play spaces. Integrating physical activity into the daily routine in a child care centre helps develop a foundation and enjoyment for movement and physical activity that will support health and well-being throughout the child's life.

Compliance Indicators

1. Children receiving care for six hours or more are observed to spend at least two hours outdoors, weather permitting.
Or
Staff confirm 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 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 focused 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 should be provided opportunities to engage with nature regardless of where the child care centre is located. All varieties of natural environments provide opportunities to enhance children's sense of wonder and joy in the world around them, from large urban centres with small patches of green space to rural programs with vast fields and forests.

Middle childhood is a crucial period of growth and change. Staff and volunteers working in child care centres, including in before- and after-school settings with children in this age group have an important role to play as mentors, role models and trusted adults. Middle years children thrive in environments that are safe and supportive, and where they feel they are valued contributors and can engage in experiences that are meaningful and relevant to their everyday lives. High-quality child care programs, including after-school programs should be designed to build confidence, improve leadership skills, promote social relationships, reduce stress levels, and enhance physical and emotional well-being.

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?](#)

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

[Think, Feel, Act: Empowering Children in the Middle Years](#)

Subsection 6.6 - Program Requirements re: Outdoor Play – Before and After School Programs

Ontario Regulation 137/15

47(1.1) Every licensee of a child care centre shall ensure that where it operates a child care program that operates only before or after school, the program is arranged so that it includes at least 30 minutes of outdoor time each day, weather permitting, unless otherwise approved by a director or a physician or parent of the child advises otherwise in writing.

Intent

This provision sets out a minimum time per day for licensed before and/or after school programs to spend time outside to support the approaches outlined in How Does Learning Happen?, and the overall physical health and well-being of children.

Special Instructions

Where extended day programs operate on non-instructional days (i.e., for full days), the requirements under subsection 47(1)(c) would continue to apply. See Manual subsection 6.5 for more information.

Compliance Indicators

1. Children receiving care in a before or after school program are observed spending at least 30 minutes outdoors, weather permitting.
Or
Staff verbally confirm that children receiving care in a before or after school program spend at least 30 minutes outdoors, weather permitting.
2. Where a child is kept indoors during outdoor play for non-weather related reasons, there is written instruction from a physician or parent on file.
3. Where children receiving care in a before or after school program are not observed to spend at least 30 minutes outdoors, weather permitting, a director approval has been granted.

Recommendations

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

Middle childhood is a crucial period of growth and change. Staff and volunteers working in child care centres, including in before- and after-school settings with children in this age group have an important role to play as mentors, role models and trusted adults. Middle years children thrive in environments that are safe and supportive, and where they feel they are valued contributors and can engage in experiences that are meaningful and relevant to their everyday lives. High-quality child care programs, including after-school programs should be designed to build confidence, improve leadership skills, promote social relationships, reduce stress levels, and enhance physical and emotional well-being.

Licensees may choose to have one outdoor play period that is at least 30 minutes in duration, or divide the outdoor play period into before and after school segments where this meets the needs of the children and is practical for the program.

Subsection 6.7 - Program Requirements re: Rest (Schedule 1)

Ontario Regulation 137/15

- 47(2) Every licensee shall ensure that the program in each Schedule 1 child care centre it operates is arranged so that,
- (a) each child in a licensed toddler or preschool group who receives child care for six hours or more in a day has a rest period each day not exceeding two hours in length; and
 - (b) a child in a licensed toddler, preschool or kindergarten group 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.

Younger children will likely have irregular sleep schedules. Licensees should recognize this and allow for this age group to rest as needed. The licensee should follow the individual schedule of each child in the room and not implement a standardized sleep schedule for all the children in this age group. 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 required.

Special Instructions

Rest time at the child care centre should be of such duration that normal sleep patterns at home are not disrupted.

See Manual subsection 4.14 for more information on sleep supervision practices for infants.

See Manual subsection 3.10 for more information on sleep equipment.

Compliance Indicators

1. Toddler and preschool rest periods are observed to be no longer than two hours in length.
Or
Staff verbally confirm that toddler or preschool rest periods do not exceed two hours in length.
2. Toddler, preschool and kindergarten children are observed to sleep, rest or engage in quiet activities.
Or
Staff verbally confirm that children are allowed to sleep, rest or engage in quiet activities based on the child's needs.
3. Infant children are observed to rest, sleep and engage in quiet activities as needed based on their own individual schedules.
Or
Staff verbally confirm that all infant children rest, sleep and engage in quiet activities as needed based on their own individual schedules.

Recommendations

As discussed in HDLH, 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 through providing space and time for rest and quiet play based on individual differences helps children become increasingly aware of their own basic needs and supports their developing self-regulation skills.

Programs are encouraged to reflect on how the organization of time, space and materials supports children's varied needs for sleep, rest and quiet time.

Programs should take into consideration instructions given from parents regarding their children's sleep and rest period. These instructions should be followed as closely as possible but the licensee also needs to take into consideration the need of the individual child. For example if a parent has provided instructions for the child to not sleep during the day but the child is falling asleep at the table, the licensee should provide a rest period for this child. The licensee can explain to the parents' that the child required a nap that day because the child was unable to stay awake.

For more information, please refer to the following resources:

[Early Years Portal](#)

[How Does Learning Happen?](#)

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

[Think, Feel, Act: Empowering Children in the Middle Years](#)

Subsection 6.8 - Program Requirements re: Rest (Schedule 4)

Ontario Regulation 137/15

- 47(2.2) Every licensee shall ensure that for each licensed family age group for whom it provides child care, the program is arranged so that,
- (a) each child in the group who is 24 months or older but younger than five years who receives child care for six hours or more in a day has a rest period each day not exceeding two hours in length;
 - (b) each child in the group who is 24 months or older but younger than seven years is permitted to sleep, rest or engage in quiet activities based on the child's needs; and
 - (c) the program provided to the group, including the play activity space, reflects the safety and development needs of the children that are in the group.

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 0-18 months of age will likely have irregular sleep schedules. Licensees should recognize this and allow for this age group to rest as needed. The licensee should follow the individual schedule of each child in the room and not implement a standardized sleep schedule for all the children in this age group. 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 required.

Special Instructions

See Manual subsection 4.14 for more information on sleep supervision practices for infants.

See Manual subsection 3.10 for more information on sleep equipment.

Compliance Indicators

1. Each child in the group who is 24 months or older but younger than five years of age are observed to have a rest period no longer than two hours in length.
Or
Staff verbally confirm that each child in the group who is 24 months or older but younger than five years of age have a rest period no longer than two hours in length.
2. Each child in the group who is 24 months or older but younger than seven years is permitted to sleep, rest or engage in quiet activities based on the child's needs
Or
Staff verbally confirm that each child in the group who is 24 months or older but younger than seven years is allowed to sleep, rest or engage in quiet activities based on the child's needs.
3. Each child in the group who is less than 24 months are observed to rest, sleep and engage in quiet activities as needed based on their own individual schedules.
Or
Staff verbally confirm that each child in the group that is under 24 months of age is allowed to rest, sleep and engage in quiet activities as needed based on their own individual schedules.

Recommendations

As discussed in HDLH, 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 through providing space and time for rest and quiet play based on individual differences helps children become increasingly aware of their own basic needs and supports their developing self-regulation skills.

Programs are encouraged to reflect on how the organization of time, space and materials supports children's varied needs for sleep, rest and quiet time.

Programs should take into consideration instructions given from parents regarding their children's sleep and rest period. These instructions should be followed as closely as possible but the licensee also needs to take into consideration the need of the individual child. For example if a parent has provided instructions for the child to not sleep during the day but the child is falling asleep at the table, the licensee should provide a rest period for this child. The licensee can document in the daily written record and explain to the parents' that the child required a nap that day because the child was unable to stay awake.

For more information, please refer to the following resources:

[Early Years Portal](#)

[How Does Learning Happen?](#)

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

[Think, Feel, Act: Empowering Children in the Middle Years](#)

Subsection 6.9 - Prohibited Practices

Ontario Regulation 137/15

- 48(1) 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.
- (2) No employee or volunteer of the licensee, or student who is on an educational placement with the licensee, and no person who provides home child care or in-home services at a premises overseen by a home child care agency shall engage in any of the prohibited practices set out in subsection (1) with respect to a child receiving child care.

Intent

These provisions forbid physical punishment and other harmful disciplinary practices to protect the emotional and physical well-being of children. They set out clear direction regarding prohibitive practices to support the overall well-being of children.

These practices are never permitted in a child care centre. Furthermore, no employee or volunteer of the licensee, or student who is on an educational placement with the licensee shall engage (i.e. implement) any of these practices.

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.

Administrative Penalty – Permit of a Prohibited Practice

A director or inspector, under the Act, may issue a \$2,000 penalty to a licensee who has contravened subsection 48(1) of O.Reg.137/15.

See Manual subsection 13.2 for information on administrative penalties.

Offence – Permit or Engage in any Prohibited Practice

Every person who contravenes or fails to comply with section 48 of O.Reg.137/15 is guilty of an offence. This includes, employees, volunteers and students.

See Manual subsection 13.6 for information on offences.

Compliance Indicators

1. None of the following practices are observed in the program:

- (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 child care centre 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 or threats or derogatory language directed at or used in the presence of a child that would humiliate, shame 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

Staff confirm that these practices are not allowed and do not occur in the program.

Recommendations

Rather than setting out practices to be used to manage children's behaviour, licensees are instead required to examine and set out in their program statement how they will support positive interactions between children, families, staff and the community.

See Manual subsection 6.3 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 and 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.

How Does Learning Happen? 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?](#)

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

[Think, Feel, Act: Empowering Children in the Middle Years](#)

Subsection 6.10 - 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, volunteers or students 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 sets 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 section 48 of O.Reg. 137/15 and the measures that will be used to deal with any contraventions of the policy and procedures or commission of a prohibited practice.

Special Instructions

The licensee must develop policies and procedures with respect to the implementation of the program statement.

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

Licensees must implement and ensure that the written policies and procedures relating to the implementation of the program statement are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with section 6.1 of the O.Reg. 137/15. See Manual subsection 1.2 and 1.3 for these requirements.

Compliance Indicators

1. There are written policies and procedures that identify how staff, volunteers 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 to deal 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 staff, 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 staff, 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 staff, 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 should consider how staff, 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 staff, volunteers and students and their understanding of the expectations.

The policy is meant to focus on the positive means of implementing the program statement. The licensee may choose to also 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 is required to list all prohibited practices set out in section 48 of the O.Reg.137/15 in the policy. Please refer to Manual subsection 6.6 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, Youth and Family Services Act, 2017* 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 to deal with a contravention is to assist the employee, volunteer or student to understand that the requirements have not been met and an opportunity for improvement may exist.

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 been provided for new staff, volunteer or student?

In developing the measures, the licensee should 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 supervisor; 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 should 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 development of policies and procedures 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](#)

[Think, Feel, Act: Empowering Children in the Middle Years](#)

***Subsection 6.11 - Individualized Support Plans and Inclusive Programs**

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 child care program.

Licensees are required to 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).

The implementation of each individualized support plan (by employees, students and volunteers) supports the child(ren)'s ability to participate in the child care program, and provides consistency with the implementation of the plan at the child care program.

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 ss. 52(1)(a), where applicable; and
- instructions relating to the child's use of the supports or aids referred to in ss.52(1)(b) or, if necessary, the child's use of or interaction with the adapted or modified environment, where applicable.

Licensees must implement and ensure that individualized support plans are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with section 6.1 of the O.Reg.137/15.

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

See Manual subsection 1.2 and 1.3 for these requirements.

Compliance Indicators

1. For each child with special needs, the licensee has developed an up-to-date individualized support plan that describes:
 - (a) how the child care centre will support the child to function and participate while in the care of the centre; 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.

OR

The licensee has adopted and completed customizable areas of the template provided by the Ministry.

2. Individuals who have participated in the development of the individualized support plans 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 HLDH? 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.

Also, as described in HDLH?, every child should feel that they belong and are a valuable contributor to their surroundings, and deserves the opportunity to succeed.

To support inclusion, consider each child's capabilities rather than focusing solely on their needs and deficits. When we recognize children as capable and curious, we are more likely to deliver programs and services that value and build upon their strengths and abilities.

Inclusion is not about a child simply being present in the child care centre. It is about the child connecting with others, building relationships, and contributing to the learning and development not to only themselves but to other child in the centre. Licensees are encouraged to talk about children's strengths and capabilities and to think about how other children, staff, volunteers, and even other parents can learn from a child with special needs.

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 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 is recommended to 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?](#)

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

[Think, Feel, Act: Empowering Children in the Middle Years](#)

Section 7 - Staff Qualifications

Subsection 7.1 - Supervisor

Ontario Regulation 137/15

- 53 A supervisor 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 providing licensed child care and is approved by a director; or
 - (b) in the opinion of a director, is capable of planning and directing the program of a child care centre, being in charge of children and overseeing staff.

Intent

This section sets out that the supervisor has licensed child care work experience, a strong theoretical background in the practice of early childhood education and is able to “plan and deliver inclusive play based learning and care programs” for children of all ages (*Early Childhood Educators Act, 2007*). All supervisors must also be approved by a Ministry director.

Director approval for a supervisor who does not meet the requirements of the Regulation may be granted in exceptional cases where there is evidence of knowledge and expertise that has been acquired in other ways.

Special Instructions

Subsection 6(4) of O.Reg.137/15 requires every licensee of a child care centre to employ a supervisor.

A person with recognized Montessori training from either the Association Montessori Internationale (AMI) or a Montessori teacher training institution accredited by the Montessori Accreditation Council for Teacher Education (MACTE) and the required work experience may be approved as the supervisor in a half-day or full-day Montessori program.

Licensees must apply for director approval of either a Registered Early Childhood Educator (RECE) or otherwise approved supervisor through CCLS. The approved supervisor’s name 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](#).

Compliance Indicators

1. The College of Early Childhood Educators’ Public Register indicates that the supervisor is a member in good standing (“current member”) of the College of Early Childhood Educators’ Public Register;
And
There is written evidence that the supervisor has at least two year’s experience providing licensed child care and the supervisor has been approved by a director.
Or
There is written evidence that they have been otherwise approved by a director (e.g. director approval letter, licensing letter, on record in CCLS).

Subsection 7.2 - Qualified Employees

Ontario Regulation 137/15

54(1) The following are qualified employees for any licensed age group:

1. An employee who is a member in good standing of the College of Early Childhood Educators.
 2. An employee who is otherwise approved by a director.
- (2) With respect to a licensed junior school age group or a licensed primary/junior school age group that includes only children who are junior school age, the following are also qualified employees:
1. An employee who has a diploma or degree in child and youth care.
 2. An employee who has a diploma or degree in recreation and leisure services.
 3. A member in good standing with the Ontario College of Teachers. O. Reg. 126/16, s. 36 (1).

Intent

To require that each child's health and safety is protected and responsive programming is offered, this provision requires licensees to employ, at least one qualified staff for each group of children. In preschool groupings where there are more than 16 children, the licensee is required to employ two qualified staff as set out in Schedule 1 of the Regulation.

These staff must have a theoretical knowledge of the practice of early childhood education and be able to "plan and deliver inclusive play based learning and care programs" for children of all ages (*Early Childhood Educators Act, 2007*). These qualifications are demonstrated through professional designation as a RECE.

Staff with qualifications other than an ECE (e.g. diploma or degree in, recreation and leisure or child and youth work or a teacher who is a member of the Ontario College of Teachers) may work in programs serving children 9-12 years. This allows those with a wider range of qualifications to provide environments and experiences that are responsive to the abilities and interests of older children to work in these programs without requiring Ministry approval.

Special Instructions

Individuals with diplomas or degrees in child and youth care, or in recreation and leisure services, or are members in good standing with the Ontario College of Teachers are considered qualified staff for licensed junior school age groupings and do not need to submit a request for director approval.

Director approval may be granted for an individual who does not meet the qualifications outlined above, to take the place of a qualified staff in a specific age group.

A person with recognized Montessori training from either the Association Montessori Internationale (AMI) or a Montessori teacher training institution accredited by the Montessori Accreditation Council for Teacher Education (MACTE), may be approved by a Ministry of Education director as the qualified staff in either a half day or full day Montessori classroom. Specific and/or additional infant or toddler training may be required if the individual will be the qualified staff in an infant or toddler room. A director approval through CCLS is required to be submitted by the licensee.

Licensees must apply for director approval for an individual to take place of a RECE or those described in 54(2) through CCLS. The approved staff's name will appear on the licensing letter and the director approval letter along with any conditions imposed on the approval, such as additional training requirements. Director approvals are not transferable and will apply to one specific licensed age group.

Compliance Indicators

1. For each licensed infant, toddler, kindergarten and primary/junior school age group, the licensee has employed at least one qualified program staff who:
is listed on the College of Early Childhood Educators' Public Register as a member in good standing ("current member") Or
has been otherwise approved by a director.
2. For each licensed preschool group where there are 16 or less children in attendance, the licensee has employed at least one qualified program staff
Or
has been otherwise approved by the director.
3. For each licensed preschool group where there are more than 16 children in attendance, the licensee has employed at least two qualified program staff
Or
have been otherwise approved by the director.
4. For each licensed primary/junior school age group that includes only children who are 9-12 years and/or a licensed junior school age group, the licensee has employed at least one-program staff who:
 - (i) is listed on the College of Early Childhood Educators' Public Register as a member in good standing ("current member")
 - (ii) has a diploma or degree in child and youth care,
 - (iii) has a diploma or degree in recreation and leisure services, or
 - (iv) a member in good standing with the Ontario College of Teachers,Or
has been otherwise approved by a director.

Recommendations

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

To learn more about requirements for Ontario Certified Teachers, see the [Ontario College of Teachers website](#).

Subsection 7.3 - 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.

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.

Compliance Indicators

1. Any resource teachers employed by the licensee are listed on the College of Early Childhood Educators' Public Register as a member 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. Files for every resource teacher 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.

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.

*Subsection 7.4 - Health Assessments and Immunization of Staff

Ontario Regulation 137/15

- *57(1) Every licensee of a child care centre shall ensure that, before commencing employment, each person employed in each child care centre it operates has a health assessment and immunization as directed by the local medical officer of health.
- (2) Omitted - refers to home child care.
 - (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.

Intent

Preventative health care strategies within a child care centre include immunization of both children and staff, as deemed appropriate by the local medical officer of health

Staff must also undergo a health assessment before commencing work to identify any active communicable diseases or other infection risks. This assessment allows licensees and staff to take appropriate measures to prevent the spread of infection and disease.

Special Instructions

The medical officer of health determines what is needed for a staff health assessment and it is the licensee's responsibility to ensure staff have the appropriate health assessments.

Compliance Indicators

1. Staff files include health assessments.
2. Staff files include immunization records.

Or

The required approved form by the Minister has been completed and kept in the staff file for objections and medical reasons for no immunization record in the staff file.

Recommendations

The approved English form by the Minister for personal objections is:

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

The approved English form by the Minister for medical exemptions is:

- [Statement of Medical Exemption Form](#)

For employees, the “individual” form must be selected as the version of the form to be filled out.

Subsection 7.5 - Staff 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

Child care centre staff enter employment with varying levels of knowledge, skill and experience. Employees must understand what is required of their work, and also need opportunities to acquire new information and support to upgrade and continue to improve their skills, knowledge and approaches.

Special Instructions

S. 46(3)(j) of O.Reg.137/15 requires that licensees support staff in relation to continuous professional learning.

The licensee must develop written policies and procedures with respect to staff training and development.

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

Licensees must implement and ensure that the written policies and procedures with relating to staff training and development policy are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with section 6.1 of O. Reg. 137/15. See Manual subsection 1.2 and 1.3 for these requirements.

Compliance Indicators

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

Recommendations

When developing staff training and development policies, licensees need to consider the unique professional learning needs of staff at time of hiring, as well as evolving professional learning needs of existing and experienced employees at varying points in their career.

The [Early Years Portal](#) website 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 CCEYA, O. Reg. 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?](#) provides a range of resources to support professional learning for individuals, for teams and with others in the community.

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 on, plan for and document their professional learning in a meaningful way. CPL is mandatory for registered early childhood educators, as prescribed in [Ontario Regulation 359/15: Continuous Professional Learning](#).

Licensees should consider the following questions when developing a staff training and development policy:

- Orientation requirements – what training do new staff need to complete either before commencing employment, or shortly after beginning work?
- Regular training schedule – what training needs to be upgraded or offered on a regular basis to ensure currency (e.g., First Aid)?
- Qualification upgrades – what opportunities might be available for assistants or paraprofessionals to take specialized early childhood education courses and work towards upgrading their qualifications?
- Ongoing professional learning – what opportunities are there for engaging in individual reflection about pedagogy and daily practice; for discussion and collaborative inquiry among staff teams; with others in the community?
- External tools and resources – what courses are available in the community? Are there online learning opportunities? Is there a ECE leadership course that might be of interest to staff?
- Mandatory or optional training – is certain training required, and other training optional? Why?
- Support – How will professional learning for staff be supported by the licensee? (e.g., paid time, resource materials)

Subsection 7.6 - 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. Every supervisor of a child care centre.
2. Every employee of a child care centre who may be counted for the purposes of meeting the ratios required under section 8.
3. Omitted - refers to home child care.

(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 employees who may be counted towards ratio hold valid certification in standard first aid, including infant and child CPR.

Special Instructions

Duty parents in a cooperative child care program who are replacing an employee in a program room (i.e., in ratio) must meet all requirements applicable to employees, including standard first aid training that includes infant/child CPR.

Parents and other adults at the centre who are volunteering in the centre but are not counted towards ratios do not need to have first aid training.

This provision requires employees who may occasionally be counted in ratio as well as occasional staff to have first aid training. For example, if the cook assists to maintain required ratios in a child care group during parts of the day, they would be required to have first aid training. However, employees who will never be counted for the purpose of meeting ratio, are not required to have first aid training.

Any licensee who is registered with the WSIB must ensure 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.

It is the licensee's responsibility to ensure that all staff have the required standard first aid certification with infant and child CPR. Licensees will need to contact the 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 Indicators

1. The supervisor file includes documentation of a 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 supervisor's file includes 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.
2. Files for staff who may be counted to fulfill required ratios 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
Files for staff who may be counted to fulfill required ratios includes 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: [Link to WSIB First Aid Program](#).

Section 8 - Staff Screening Measures and Police Record Checks

Definitions

Offence Declaration: A written declaration signed (either manually or electronically) 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.

Other Person Providing Child Care or Other Services to Children at the Child Care Centre ('other person'): Any person who provides child care or other services to a child who receives child care at the child care centre, other than an employee, student or volunteer (e.g. resource teachers, nurses, occupational therapists, speech pathologists, entertainers, sport/activity instructors, etc.). This would not include Ministry of Education program advisors, fire/health inspectors, CAS investigators, quality assurance analysts or other inspectors.

Police Record Check: A document concerning an individual that was prepared by a police service or service from national data on the Canadian Police Information Centre system and contains information concerning the individual's personal criminal history. There are three types of police record checks: (1) Criminal Record Check (2) Criminal Record and Judicial Matters Check (3) Vulnerable Sector Check.

- (1) **Criminal Record Check (CRC):** A basic type of police record check that is not intended for people who are seeking positions working with vulnerable persons.
- (2) **Criminal Record and Judicial Matters Check:** A type of police record check that includes criminal convictions, findings of guilt under the *Youth Criminal Justice Act* (Canada), outstanding charges, arrest warrants and certain judicial orders, absolute and conditional discharges and other records as authorized by the *Criminal Records Act* (Canada). This check is not intended for people who are seeking positions with vulnerable persons and cannot take the place of a vulnerable sector check.
- (3) **Vulnerable Sector Check (VSC):** An enhanced type of criminal record and judicial matters check for persons who may hold positions of trust or authority over vulnerable persons, that is performed at the request of an organization responsible for the well-being of a child or vulnerable person to protect children and vulnerable persons, as governed by [section 6.3\(3\) of the *Criminal Records Act* \(Canada\)](#). A VSC verifies whether an individual has a criminal record and any record suspensions for sexual offences.

True Copy: A photocopy or digital copy of an original document that is signed and dated by the individual who reviewed it, confirming that the original was reviewed and that the photocopy matches the original document. True copies may be kept in hardcopy or electronically.

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 relative to them.

*On November 1, 2018, the [Police Record Checks Reforms Act, 2015](#) (PRCRA) came into force. The PRCRA sets out standards to govern how police record checks are conducted and disclosed in Ontario.

The PRCRA governs the types of record checks that can be conducted for screening (e.g. non-law enforcement) purposes. The Act authorizes three different types of police record checks and standardizes the type of information that can be released.

The PRCRA also allows for certain exemptions from the legislation, where there is a justified need, for instance for public safety purposes. Police record checks for schools and child care providers are temporarily exempt from the information disclosure restrictions set out in the PRCRA for one year. During the exemption period police services may continue to disclose additional information in vulnerable sector checks to schools and child care providers, however, this is not required.

In addition to police record checks, child care licensees and school boards should continue to rely on other screening measures, such as reference checks, and checking the College of Early Childhood Educators [website](#), the Ontario College of Teachers [website](#), and the online [Registry of Child Care Violations](#). More information on police record checks in Ontario can be found [here](#).

Subsection 8.1 - Duty to Provide a Police Record Check

Child Care and Early Years Act, 2014

Police record checks

- 35(1) A director or an inspector may require any of the following persons to provide him or her with a police record 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 the results of a police record check concerning the person.

Same

- (3) A police record 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.

Duty to comply

- (4) The person shall provide the director with the results of the police record 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 child care centre under the legislation and do not have a criminal history that may put children in care at risk, the Ministry will verify a police record check for all applicants and licensees as part of the licensing process.

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. 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 be made available for the program advisor to review during a site inspection.

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 provide a police record check, along with a written confirmation that contains the following:

- Name(s) and signature(s) of the applicant, including all directors/officers of the corporation where applicable, that provided a police record check
- A clear statement that the director/officer will not be interacting with the children in the program
- Date the director/officer 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.

New police record checks are required for licensees every five years and must be made available for inspection. If the licensee is a corporation and the directors/officers change, or if the licensee is a First Nation and the Members change, police record checks must be made available for inspection for all new directors/ officers or First Nation Members.

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 police record check, including a vulnerable sector check, shall be considered to be satisfied only if the police record check is,
- (a) conducted by a police service; and
 - (b) prepared no earlier than six months before the day it is obtained by the licensee.

Duty to obtain initial record check:

- 60(1) Every licensee of a child care centre shall obtain a vulnerable sector check from,
- (a) every employee, before the person begins their employment; and
 - (b) every volunteer or student who is on an educational placement with the licensee, before the person begins interacting with children at the child care centre.
- (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 attestation is a measure that is used to help licensees determine whether individuals involved in the provision of child care are suitable 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 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 service will not issue a vulnerable sector check, and will only issue a criminal record check for an individual, the licensee must provide written evidence (e.g., email, fax, etc. from the police service) to demonstrate that the police service that conducted the check that they will not issue a vulnerable sector check for that individual. In this case, the licensee must use one of the following as documentation to meet vulnerable sector check requirements;

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

Some individuals may need to keep 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 original police record check to demonstrate compliance with the requirements.

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.

The written attestation must include the following information:

- Name(s) of the employee(s), volunteer(s) or student(s) 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 service
- 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)
- Name and 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 assists with the supervision of children in the child care program is considered an employee for the purpose of vulnerable sector check requirements.

The following are examples of employees:

- Kitchen staff, cooks, drivers
- Parents taking the place of staff (e.g., duty parents)
- Supply educators
- Private school teacher or staff that do participate in the licensed child care program

The following are examples of individuals who are not considered employees:

- School board employee (e.g., janitors, teachers), where the child care program is offered in a publically-funded school or a private school, and the school staff do not partake in the child care program
- Individuals employed by an agency that is contracted 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 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:

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

The following are examples of individuals who are **not** considered volunteers:

- 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 who are paid by an organization that the licensee has contracted to provide a service and are not left alone with the children in care (e.g., the licensee enters into a contract with a dance company that sends dance teachers to teach children in the program)
- Individuals from the community engaging in the child care for a specific event where they are not left alone with the children in care (e.g., presentations by community organization/ recreational programs; local librarian; fire fighter)
- Parents attending a child care or school event and are not assisting with the care for or supervision of children

Some vulnerable sector checks set out that they are intended for 'volunteer' positions and are not applicable to individuals working with vulnerable persons in an employment position. In some areas of the province, a VSC for volunteers provides the same screening that a VSC for an employment position provides, while in other areas VSCs are specific to individual positions.

Where a PRC lists the individual's position (e.g., a VSC specifies it is for a volunteer position) and the position listed is different from the individual's current position (e.g., individual is now an employee at the agency who may interact with children), an indicator of compliance may be written evidence (e.g., email, fax, etc.) from the police service that conducted the check that the information in the VSC would be the same for both positions.

Licensees will need to check with their local police departments on requirements pertaining to role-based VSCs and whether these can be accepted. Licensees are encouraged to obtain written documentation from the local police department and keep it on file for licensing purposes where a VSC for volunteers is confirmed to be valid for employees.

Compliance Indicators

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

For Employees

1. All employee files contain documentation that indicates a vulnerable sector check was conducted by a police service.
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 8.4 for more information.]

Volunteers and Students Who Interact with Children

4. All volunteer and student files contain documentation that indicates a vulnerable sector check was conducted by a police service.

5. 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.
6. 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.

Recommendation

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 137/15

- 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 another type of police record check within the meaning of the Police Record Checks Reform Act, 2015.

Intent

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

Special Instructions

Where a statute prohibits disclosure of the information on a vulnerable sector check, the police service may issue a criminal record check instead. For these cases, the licensee must provide written evidence (e.g., email, fax, etc.) to support they have tried to get confirmation from the police service that conducted the check that they will not issue a vulnerable sector check for that individual. In this case, the licensee may use one of the following as documentation to meet vulnerable sector check requirements;

- Original criminal record check;
- True copy of a criminal record check (in hard copy or digital format); or
- A copy of a criminal record 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 and meet ratios while, at the same time, ensuring that a vulnerable sector check is being obtained. For example, a licensee may have an immediate staffing need in order to maintain operations but may not be able to immediately obtain a vulnerable sector check for the individual. 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 subsection 61(1) does not apply to employees, students or volunteers from whom the licensee has previously obtained:

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

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

Some examples of additional measures that the licensee may put in place to protect children who interact with the individual until the vulnerable sector check is obtained include:

- Not leaving the employee alone/unsupervised with children (Note that students and volunteers must never be left unsupervised with children; see Manual subsection 2.9).
- 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 child care centre.

International Students

A Canadian police service 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 service in their home country may be used to meet the requirement. Where the document is not in English or French, a certified translation of the document must also be provided. 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 subsection 61(1) to permit the student to begin their placement before a police record check is obtained.

Note: The police record check from the student's home country may not be called or look the same as a criminal record check or a vulnerable sector check from Canada.

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 service 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

See Manual subsection 8.2 for the type of documentation that may be used and when a criminal record 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, 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.

2. Staff verbally confirm that additional measures to support children's safety (e.g., obtaining an offence declaration from the individual; not leaving the employee alone/unsupervised with children) have been implemented.

And

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

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) outlines privacy requirements in relation to accessing criminal records of youth. Restrictions under the YCJA expire when the young person turns 18 years old.

As the young person becomes an adult, the individual provides a statement that discloses every previous finding of guilt under the YCJA, if the person received an adult sentence. The statement serves as 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

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 *Youth Criminal Justice Act* (Canada), if the person received an adult sentence, or; 2) indicates 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 service requesting a check, etc.) within one month (31 days) after the individual turns 19 years.

Individuals who acquire a position in which they interact with children (e.g. employee, student or volunteer) who are over 18 years and 1 month of age but have not yet turned 19 years of age:

Where a person is over 18 years and 1 month of age but has not yet turned 19 years of age when they acquire a position in which they interact with children, they are required to meet the same requirements that apply to adult employees, students or volunteers. These individuals are not exempt from meeting VSC requirements due to their age.

Where a person acquires a position in which they interact with children between the ages of 18 years and 1 month and 19 years and they provide a VSC as required, they will not be required to provide a VSC within 1 month after they turn 19 years of age. They are required to meet the same requirements for providing annual offence declarations and new VSCs before the 5th anniversary of the most recent VSC.

Compliance 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 record 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 service.
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 volunteer/student, 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 - Other Persons at Child Care Centre

Ontario Regulation 137/15

61.1(1) Every licensee of a child care centre shall obtain, in respect of any person who provides child care or other services to a child who receives child care at the child care centre, other than a person described in subsection 60(1),

- (a) an offence declaration from the person; or
- (b) an attestation from the person's employer or from the person or entity who retained the person's services that,
 - i. the employer, person or entity has obtained and reviewed a vulnerable sector check from that person,
 - ii. the vulnerable sector check was performed within the last five years, and
 - iii. the vulnerable sector check did not list any convictions for any offences under the *Criminal Code* (Canada) listed in subparagraph 1 ii of subsection 9(1) of the *Child Care and Early Years Act, 2014*.

(2) A licensee shall obtain the offence declaration or attestation described in subsection (1) in respect of a person,

- (a) before the person begins interacting with children at the child care centre; and
- (b) every year thereafter, no later than 15 days after the anniversary date of the most recent offence declaration or attestation, if the person continues to provide such child care or other services.

Intent

This provision supports the licensee in promoting the health, safety, and well-being of children in their program by requiring all persons entering the centre and working directly with children to provide the necessary screening.

Special Instructions

Licensees are required to verify that persons who are employed by or contracted with outside organizations (e.g., special needs resource consultant, bus drivers, etc.) or individuals (i.e. a psychiatrist contracted with a parent) have completed background screening prior to interacting with children in their program.

Examples of individuals employed by or contracted with outside organizations include, but are not limited to special needs resource consultants, speech and language pathologists, supply staff not employed by the

licensee such as temporary staff, persons attending the centre to deliver a presentation to children; and persons attending the centre to offer lessons to children.

Under Section 61.1, there is no requirement for the licensee to collect a VSC from other persons providing child care or other services to children in a child care centre. A VSC may be obtained and reviewed by the employer or entity who retained the person's services, in which case the licensee must obtain an attestation from the employer or entity. Where there is no attestation, the licensee must obtain an OD from the person.

Compliance Indicators

1. The individual's file contains: an offence declaration

Or

An attestation from the person's employer or from the person or entity who retained the person's services that indicates that:

the employer, person or entity has retained and reviewed a vulnerable sector check from that person;

And

the vulnerable sector check was performed within the last five years;

And

the vulnerable sector check did not list any convictions for any offences under the *Criminal Code* (Canada) listed in subparagraph 1 ii of subsection 9 (1) of the *Child Care and Early Years Act, 2014*.

2. The offence declaration or attestation was obtained:

Before the person began interacting with children at the child care centre;

And

Every year thereafter, no later than 15 days after the anniversary date of the most recent offence declaration or attestations, if the person continues to provide such child care or other services.

Subsection 8.7 - Timing for New Record 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.

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

See Manual subsection 8.2 for the type of documentation that may be used and when a criminal record 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 service;
 - (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 employees, volunteers and students:

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 record 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 Forms Repository. 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 their staff, volunteers and students. When deciding on a set date the licensees need to still maintain compliance with the required timeline for when a new offence declaration is required for each individual staff member, volunteer, and/or student.

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 of all their staff, volunteers and students.

When setting the date for an all-staff/volunteer/student 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 8.8 - Break in Employment

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 child care settings.

Special Instructions

Leaves and absences (e.g., sick leave, parental leave, summer closures, etc.) are not considered breaks in employment.

Breaks in employment or other relationship are determined by the individual's relationship with the licensee, not a specific program or position, for example,

- A staff directly employed by a multi-site licensee may work at several sites. If this staff stops working at one of these sites for a period of time, but remains employed by the licensee for the other sites, there is no break in employment.
- Where an individual previously completed an educational placement with the licensee and is then hired by the licensee as a staff, this is considered a break in employment or other relationship because the individual's relationship with the licensee ended and was then resumed, regardless of the change in position.

Compliance Indicators

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

For employees, 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 service;
 - (b) conducted no more than 6 months before the date it was obtained by the licensee; and
 - (c) obtained before the employment relationship resumed.

For employees, 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 service;
 - (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 8.9 - PRC Policies and Procedures

Ontario Regulation 137/15

- 65 Every licensee shall ensure that there are written policies and procedures that address,
- (a) the process of 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 their staff, volunteers and students to achieve compliance as well as transparency regarding how screening measures are applied.

Special Instructions

The licensee must develop written policies and procedures with respect to police record checks 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.

To access the standard policy developed by the ministry or for more information on the Licensing Kit, including other sample policies, templates and tip sheets, please visit the [Early Years Portal](#).

Licensees must implement and ensure that the written policies and procedures with respect to police record checks are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with section 6.1 of O. Reg. 137/15. See Manual subsection 1.2 and 1.3 for these requirements.

Compliance Indicators

1. There is a police record check policy that includes information on the following: (a) the process of obtaining a vulnerable sector check;
 - (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,

Or

The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry.

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 employment.

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 8.10 - 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 record check)
 7. Subsection 31 (4) of the Act (Obligation to produce and assist).
 8. Section 35 of the Act (Police record checks)

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.

O.Reg.137/15 provides an enforcement tool as these offences can be prosecuted and lead to fines and/or imprisonment.

Special Instructions

Requirements for past conduct set out in the CCEYA apply to any individual who provides child care, including licensees, supervisors, program staff and home child care providers.

Licensees must review vulnerable sector checks provided by prospective employees, volunteers and students 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 individuals 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. This information is not available in a police record check.

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](#)

[The Ontario College of Social Workers and Social Service Workers Online Register](#)

Compliance Indicators

See Manual subsection 8.2 for what type of documentation may be used and when a criminal record 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 any individual providing child care and/or operating a child care centre has not been convicted of any offence set out under the CCEYA or prescribed by regulations.
2. A review of membership status of individuals 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* (Canada) 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

1. There is a working telephone service that is accessible to staff 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.

Recommendations

It is recommended that each child care centre have its own telephone number. A telephone number shared with other organizations in the same building which could be in use during an emergency and could prevent essential and prompt communication.

Subsection 9.2 - Fire Safety/Evacuation Procedures and Drills

Ontario Regulation 137/15

- 68(1) Every licensee shall ensure that in respect of each child care centre it operates,
- (a) a written procedure approved by the local fire chief is established with respect to the duties of each member of the staff of the child care centre in the event of a fire;
 - (b) each staff member is instructed as to his or her responsibilities in the event of a fire before commencing work for the first time;
 - (c) the written procedure referred to in clause (a) is posted in a conspicuous place in each room in the child care centre that is used for the care of children;
 - (d) fire drills are conducted in accordance with subsection (2);
 - (e) a written record is kept of all fire drills, all tests of the fire alarm system and all tests of fire protection equipment and that each record is kept for at least 12 months from the date of the drill or test; and
 - (f) there is a designated place of shelter in the event the child care centre must be evacuated due to an emergency.
- (2) For the purposes of clause (1) (d), the following rules apply:
1. A fire drill shall be conducted in respect of every child care centre, except a child care centre described in paragraph 2, at least once a month in accordance with Ontario Regulation 213/07 (Fire Code) made under the *Fire Protection and Prevention Act, 1997*.

2. A total evacuation fire drill shall be conducted in respect of every child care centre or part of every child care centre that is operated in a school and that provides services only to children who are pupils of a school board, including a third party program operated under section 259 or 259.1 of the *Education Act*, in accordance with Ontario Regulation 213/07,

- i. at least three times during each fall and spring term the school is in operation, and
- ii. at least three times or at least once a month, whichever is less, during the summer term the program is in operation.

(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

The intent of these provisions requires staff responsibilities to be clearly outlined, staff and children are familiar with the evacuation procedure involved in the event of fire or other emergency and regular drills are conducted to reinforce required emergency procedures.

A designated place of shelter provides a point of assembly where children and staff can be accounted for and temporary care can be given if the child care centre must remain vacant for an extended period of time.

This provision also requires and current records of all testing of fire protection devices and drills. These records should reveal the status of these devices and ensure that they are kept in working order.

Special Instructions

Each municipality may impose further restrictions related to fire safety. Licensees should check with the local fire department for additional information.

The licensee must develop written procedures with respect to fire safety/evacuation.

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

Licensees must implement and ensure that the procedures relating to fire safety/evacuation are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with section 6.1 of the O.Reg.137/15. See Manual subsection 1.2 and 1.3 for these requirements.

Child care centres and licensees must also comply with the Ontario Fire Code, made under the *Fire Protection and Prevention Act, 1997*.

Before and After School Programs in Publicly Funded Schools

Fire safety requirements for schools apply to child care centres operating in a school and that serve full-day kindergarten students and older school children who attend that school.

More specifically, as with schools:

- During the fall and spring terms (as determined by the local school board), the licensed child care program must hold at least three fire drills during each term;
- During the summer term (as determined by the local school board), the licensed child care program must hold at least three fire drills during the term or at least once a month, whichever is less;
- The Fire Code provisions for child care centres, relating to the proportion of flammable materials allowed to cover wall space and non-flammable waste receptacles, do not apply. However, the Fire Code provisions for schools do apply.

Ontario Fire Code

The Ontario Fire Code requires the following in child care centres:

- Where there are more than 100 children and staff in a child care centre, flame-retardant drapes, curtains and other decorative materials must be used in any lobby or exit area.
- All "flammable and combustible" liquids, such as paint and cleaning fluids, must be stored in areas inaccessible to children.
- Combustible waste materials must not be allowed to accumulate in amounts or locations which would constitute a fire hazard.
- Flammable creative materials must be stored in metal containers or containers that are approved by the Underwriters Laboratories of Canada (U.L.C.).
- Store rooms or metal storage cabinet must have a "three-quarter hour separation". This means that a fire would be contained in the room or storage cabinet for a minimum of 45 minutes before spreading.
- All waste containers must be made of non-combustible materials and should have lids (do not use plastic).

Note: For more details, contact your local Fire Department.

Electric Heating Units

Do not use any heating unit which would permit a child to insert a toy or tool in it and contact the wiring. Clothing or paper should not be hung near enough to any unit to catch fire.

Compliance Indicators

1. There is a written procedure approved by the local fire chief that specifies the duties of each member of staff in the event of fire and is available on premise for review at all times.
2. A written procedure is posted in a conspicuous place in all rooms used for the care of children that explains each individual's responsibilities in the event of a fire.
3. A written record is kept of all fire drills, tests of the fire alarm system and tests of fire protection equipment.
And
The written records reflect all fire drills and tests completed in the last 12 months.
4. The licensee confirms that all staff were instructed as to their responsibilities in the event of a fire prior to staff commencing employment.
And
Staff confirm their responsibilities, which align with the written procedures.
5. The licensee confirms that the emergency shelter location is available for use by the child care program during the centre's hours of operation.
Or
There is a letter from the emergency shelter confirming that the location is available for use by the child care program during the centre's hours of operation.
6. There is a written record of fire drills that indicates that fire drills were conducted at least once a month.
Or

For programs located in publicly funded schools serving only children who are pupils of the school board:

There is a written record of fire drills that indicates that a total evacuation drill was conducted at least

three times during each fall and spring term during the hours of the program.

And

There is a written record that a total evacuation drill was conducted at least three times during the summer term or once a month during the summer term (whichever is less) during the hours of the program.

Recommendations

Fire Drills

It is recommended that licensees contact their local fire department for advice in establishing fire drill procedures acceptable to their local fire chiefs. Fire department staff can also suggest an acceptable time limit for evacuation of the building.

Plans that assign specific duties to every staff member and volunteer in the case of a fire must be prepared. (Each room occupied by children requires a specific procedure applicable to any time of the day).

It is recommended that the evacuation procedures identify the emergency shelter location.

It is suggested that fire drills are practiced once a week until children and staff are familiar with the procedures and monthly thereafter. When the children are able to respond promptly and correctly to the fire drill signal, it may be appropriate to teach an alternate exit route. The time limit for evacuation suggested by the fire department can be used as a goal during all practices. Drills should include evacuation from all areas including the sleep rooms, although not at sleep time. Practices should be held on different days of the week and at different hours of the day.

Emergency Preparedness and Planning

In advance of an emergency, it is recommended that the following occur:

- Identify a designated place of shelter that is available year round during the child care centre's hours of operation. Examples of emergency locations are churches, community centres, libraries, shopping plazas, schools and other child care centres.
- Obtain written approval to use the designated place of shelter in the event of an emergency and update this written approval on an annual basis to ensure the facility is still available for use.
- Advise parents of designated place of shelter.
- Establish a system to notify parents if an emergency occurs.
- Select a fire alarm signal (audible, or audible and visual) not used for any other purpose, and operable only by adults.
- Ensure that all staff are familiar with the operation of an alarm system where it is already installed in a multi-purpose building.
- Teach the children an immediate response when an emergency signal is heard (e.g. stand up and face the teacher); and
- Choose a place in the room where the children will line up (e.g., along the wall).

The person who discovers a fire should,

- Assist anyone in immediate danger;
- Try to isolate any burning area by closing the door;
- Sound the alarm; and then
- Telephone the fire department (the number should be clearly posted beside the telephone).

Other staff members should immediately undertake their pre-assigned emergency duties. The recommended duties include:

- Directing children to safety outside once they are in line, with one adult leading, other adults placed throughout the line and one adult at the end.
- Turning off stoves or other such appliances.
- Retrieving medication.
- Retrieving the emergency information and current attendance record. Checking the number of children against the attendance record. If parents arrive before the attendance is taken, they must wait for attendance to be completed before the child is released to their care. Maintaining an up-to-date record is essential.
- Searching the premises, if safe to do so, including washroom areas, closets and other hiding places for children, to ensure that all persons have left the building.
- Closing all doors and ensuring that the building is locked after everyone has vacated it.
- If necessary, ordering and supervising evacuation to the designated place of shelter until parents are notified and arrive.

Christmas, Birthdays and Special Days

Staff are to plan for potential emergency evacuation on occasions when large groups are present for parties and other special programs. Staff are encouraged to also consider the following:

- Use flameproof paper decorations and artificial Christmas trees.
- Use only approved low voltage electric light decorations and provide adult supervision whenever the lights are in use.
- Do not use extension cords in areas that may be used as pathways for emergency exit. Unless approved, open flames (i.e., candles) cannot be used.
- Make certain that any flammable material, such as paper wrappings and paper napkins, are removed promptly.

Neighbourhood and Region-Wide Evacuation

The child care centre's procedures for contained emergencies should be followed in a neighbourhood or region-wide evacuation unless the supervisor receives direction either directly or indirectly through local authorities, such as the police or fire department. The supervisor must then alert the staff and prepare them to follow the evacuation instructions. The staff are responsible for supervising any other children who may be delegated to their temporary care during such an event.

Subsection 9.3 - Emergency Management

Ontario Regulation 137/15

68.1(1) In this section,

“emergency” at a child care centre means an urgent or pressing situation in which immediate action is required to ensure the safety of children and adults in the child care centre. O. Reg. 126/16, s. 42.

(2) Subject to subsection (3), every licensee shall ensure that each child care centre it operates has written policies and procedures regarding the management of emergencies that,

- (a) set out the roles and responsibilities of staff in case of an emergency;
- (b) require that additional support, including consideration of special medical needs, be provided in respect of any child or adult who needs it in case of an emergency;
- (c) identify the location of a safe and appropriate off-site meeting place, in case of evacuation;
- (d) set out the procedures that will be followed to ensure children’s safety and maintain appropriate levels of supervision;
- (e) set out requirements regarding communications with parents;
- (f) set out requirements regarding contacting appropriate local emergency response agencies; and
- (g) address recovery from an emergency, including,
 - i. requiring that staff, children and parents be debriefed after the emergency,
 - ii. setting out how to resume normal operations of the child care centre, and
 - iii. setting out how to support children and staff who may have experienced distress during the emergency. O. Reg. 126/16, s. 42.

(3) Despite subsection (2), a licensee is not required to have emergency management policies and procedures described in that subsection if,

- (a) the child care centre is located in a school, the licensee uses or adopts the school’s emergency management policies and procedures and those policies and procedures address the same matters as described in subsection (2); or
- (b) the licensee is otherwise required to have a plan that addresses the same matters as described in subsection (2). O. Reg. 126/16, s. 42.

Intent

The intent of this provision is to require licensees to have policies and procedures that protect the health and safety of children and staff in the event of an emergency.

The provision requires that staff roles and responsibilities be clearly outlined in the event of an emergency.

A designated meeting place provides a pre-determined or pre-planned point of assembly where children and staff can be accounted for in case of an evacuation.

Requiring that there are measures in place to address the recovery of the emergency provides staff, children and parents with supports for well-being and mental health.

Special Instructions

The licensee must have written policies and procedures regarding the management of emergencies. These may be developed by the licensee, or the licensee may adopt the standard policy developed by the Ministry or the school’s plan if located in a school. If the licensee chooses to adopt the Ministry policy, they must complete all customizable areas of the standard policy.

To access the standard policy developed by the Ministry or for more information on the Licensing Kit, including other sample policies, templates and tip sheets, please visit the [Early Years Portal](#).

The licensee must ensure that the parent handbook includes a statement that the child care centre has emergency management policies and procedures and a statement regarding how parents will be notified if an emergency occurs.

Licensees must implement and ensure that the written policies and procedures relating to the emergency management are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with section 6.1 of O. Reg. 137/15. See Manual subsection 1.2 and 1.3 for these requirements.

Compliance Indicators

1. The licensee has developed a written emergency management policies and procedures.
Or
The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry.
Or
Where the child care centre is located in a publicly funded school:
The licensee has verbally confirmed that the child care centre has adopted and is using the school's emergency management policies and procedure.
Or
Where the child care centre is required to have a plan:
The plan address the same matters as described in subsection (2).
2. Where the licensee has developed the written policy and procedure, it includes the roles and responsibilities of staff in case of an emergency;
3. Where the licensee has developed the written policy and procedure, it includes the requirement for additional support, including consideration of special medical needs, be provided in respect of any child or adult who needs it in case of an emergency;
4. Where the licensee has developed the written policy and procedure, it identifies the location of a safe and appropriate off-site meeting place, in case of evacuation;
5. Where the licensee has developed the written policy and procedure, it includes the procedures that will be followed to ensure children's safety and maintain appropriate levels of supervision;
6. Where the licensee has developed the written policy and procedure, it includes requirements regarding communications with parents;
7. Where the licensee has developed the written policy and procedure, it includes the requirements regarding contacting appropriate local emergency response agencies;
8. Where the licensee has developed the written policy and procedure, it addresses recovery from an emergency, including:
 - (a) requiring that staff, children and parents be debriefed after the emergency,
And
 - (b) setting out how to resume normal operations of the child care centre,
And
 - (c) setting out how to support children and staff who may have experienced distress during the emergency. O. Reg. 126/16, s. 42.

Recommendations

In developing the written policies and procedures regarding the management of emergencies, the licensee may wish to take into consideration different types of emergency situations and how they would be addressed (e.g. flood, intruder, lockdown, snowstorm forcing individuals to stay onsite).

The licensee may also wish to consider the following questions when developing the procedures to address emergency situations:

- What are the roles and responsibilities of the staff?
- Who is responsible for taking the children's attendance?
- Who is responsible for taking the children's emergency contact information?
- Who is responsible for taking the children's medication when exiting the premise?
- Who is responsible for conducting a walk-through of the centre to ensure everyone has evacuated?
- What are the additional supports required for those with special medical needs?
- How will the supports assist in the evacuation of individuals requiring additional support?
- Does the off-site meeting place share the same business hours as the centre?
- What steps will be taken to ensure there is appropriate supervision of children?
- Who will be responsible for communicating information to parents? Will the communication with parents be done by telephone, email or text? What information will be included and when?
- What situations would be deemed as requiring contact be made with emergency response personnel?
- Who is responsible for contacting local emergency response?
- Who is responsible for debriefing staff, children and parents after an emergency?
- What does the debriefing look like?
- Who will determine how and when to resume operations?
- How will information regarding the resuming of operations be provided to staff and families?
- What supports will be brought in to assist individuals experiencing distress during and emergency?

In order to support staff's understanding of the emergency plan, for centres located in schools, where the licensee has chosen to adopt the schools emergency policies and procedures it is recommended that a copy of the plan be kept onsite.

Subsection 9.4 - 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 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

This provision sets 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 and accessible 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.

Special Instructions

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

Compliance Indicators

1. There is a list that includes phone numbers for emergency services, nearest poison control centre and a taxi service;
And
Staff provide the location of the emergency contact list and confirm that it is accessible to staff at all times.
2. There are emergency records readily accessible for all children in care that include:
 - a telephone number of at least one parent;
 - a telephone number for an alternate emergency contact or notation indicating that the parents are the only contact;

- Where applicable, special medical or additional information provided by parents, including any allergies or known medical conditions.
3. The licensee confirms that children's emergency records are 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, staff and volunteers in the event of an accident or injury.

Special Instructions

Current insurance coverage is very important for the health, safety and well-being of children and staff. As such, 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

1. There is a current insurance policy that includes comprehensive general liability coverage and personal injury coverage for the employees and volunteers in each child care centre, where applicable.
And
If the licensee owns a vehicle, the insurance policy shows coverage for all vehicles owned by the licensee.

Recommendations

Co-operative programs should check with their local co-op councils about group insurance plan coverage that may be available.

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 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 of a child for sleep.
- (2) The records listed in subsection (1) shall be kept, as the case may be,
- (a) on the premises of the child care centre at which the child receives child care; or
 - (b) omitted - refers to home child care
- (3) See Manual Section 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 and that this information can be easily accessed by the licensee, supervisor and program staff.

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 should 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.

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

Compliance Indicators

1. Children's records include all of the information identified in subsection 72(1) (see above), as applicable.
2. Children's records are kept on the premises of the child care centre at which the child receives care.
3. Children's records (including application, attendance and individualized plans) are maintained for three years from the date the child is discharged.

Or

Where records of discharged children are maintained at a head office, the licensee confirms that records are maintained for three years from the date the child is discharged.

4. The licensee confirms that the medical officer of health is permitted to inspect the records.

And

The licensee 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.

Parents of children who object to immunization due to religious/conscience or medical reasons must complete a standardized ministry approved form. The English and French forms approved by the Minister can be found below:

For personal objections:

- [Link to Statement of Conscience or Religious Belief form](#)
- [Déclaration de conscience ou de croyance](#)

For medical reasons (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 are accounted for at any given moment, particularly in the event that a child care centre must be evacuated. It also enables the licensee to demonstrate that licensed capacity 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 program staff ensure 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 child care centre, especially when transporting children to or from different locations. Records should 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 child care centre (e.g., dropped off at school).

The Ministry of Education has developed sample policies, templates and tip sheets intended to support compliance with licensing requirements. For more information on the Licensing Kit, including access to sample policies, templates and tip sheets please visit the [Early Years Portal](#).

Compliance Indicators

1. Attendance records are available on the premises.

And

The 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 child care centre by themselves, such as in some before- and/or after-school programs located in schools, 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 could include checking the child's normal path to the child care program 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, responsibility for recording, number of attendance sheets (one for the whole program or one per classroom) and 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 - Release of Information

Ontario Regulation 137/15

- 73 No licensee shall require as a condition of providing care for a child at a child care centre or with a home child care agency it operates a prior consent from a parent of the child to the release of information with respect to the child.

Intent

This provision provides that no child is refused service because a parent of the child has refused prior consent to release information as a condition of enrolment.

Compliance Indicators

1. The licensee confirms that parents are not required to provide consent to the release of personal information concerning their child as a condition for enrolment.

Recommendations

Each licensee should have a policy describing the types of information that will be collected and the purpose for collecting and storing such information. Information includes written records, as well as photos and videos of children.

The policy is to align with the following protection of privacy principles:

1. Information collected should be the minimum needed to serve the purpose of the service provided.
2. The right of every child and family to privacy should be recognized and protected to the greatest extent possible.
3. Parents are to have access to their child's records and should be informed of who may have access to the child's records on an internal basis (e.g., staff, volunteers, bookkeeper).
4. The appropriate informed written consent of a parent should be a requirement prior to the release of personally identifiable information to third parties. This includes the release of any information through social media (e.g., posting pictures to Facebook).

The written consent of a parent must be obtained before a child's personally identifiable information is released to an outside researcher and/or a child participates in any research project conducted at the child care centre.

Access to a child's records without parental consent may only be given to officials of the following:

1. Coroner's Office
2. Courts in response to a warrant or court order
3. Ombudsman
4. Authorities vested in provincial or federal statutes
5. The Minister of Education and officials to whom he/she has delegated the authority (e.g., program advisors).

Subsection 10.5 - Agreement with Municipality or First Nation

Ontario Regulation 137/15

75(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

This provision protects the municipality or First Nation and the licensee by helping to ensure that there is a mutual understanding as to their respective responsibilities.

Compliance Indicators

If the child care centre provides services on behalf of a municipality or First Nation:

1. A copy of the agreement with the service system manager or First Nation is kept at the premises.
Or
The licensee confirms that the agreement is on file at the head office.

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 in 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.

Intent

This provision is intended to prohibit licensees from charging parents for the opportunity to place their child on a waiting list for an unsecured spot in the child care centre.

This provision is also intended to set out that waiting lists are administered in a transparent manner and that information is available to prospective parents.

Special Instructions

This requirement does not prohibit licensees from charging parents an enrolment fee once a child has been offered a secure spot in the child care centre. For example, a licensee may charge the fees for the first month of attendance at the time of offering a secure spot in the centre.

While the waiting list policy must be included in the parent handbook, if a parent specifically requests the waiting list policy, the licensee may provide that information in a different form, such as a photocopied page, unless the parent requests the parent handbook. The waiting list policy may be added to existing printed handbooks as an addendum. Under subsection 45(2) of the regulation, licensees shall ensure that the handbook is available to any parent considering whether to enter into an agreement with the licensee for the provision of child care. The handbook may be provided online, via email or in hard copy.

Licensees who do not establish or maintain a waiting list are not required to develop a waiting list policy. For example, if the local service system manager (CMSM/DSSAB) establishes and maintains a centralized waiting list, the licensee is not required to develop a waiting list policy.

The licensee must develop written policies and procedures relating to waiting lists, 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.

To access the standard policy developed by the Ministry or for more information on the Licensing Kit, including other sample policies, templates and tip sheets, please visit the [Early Years Portal](#).

Licensees must implement and ensure that the written policies and procedures relating to waiting lists are implemented by staff, volunteers and students and are monitored for compliance and contraventions in accordance with section 6.1 of O. Reg. 137/15. See Manual subsection 1.2 and 1.3 for these requirements.

Compliance Indicators

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, the licensee has developed 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.

Or

The licensee has adopted and completed all customizable areas of the standard policy provided by the Ministry.

Subsection 10.7 - 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

Operations Survey:

In 2017, the Ministry of Education began to collect statistical information about licensed child care operations on an annual basis in the Child Care and Licensing System (CCLS). Licensees are required to complete the Operations Survey module in CCLS for each associated centre and/or agency on an annual basis. The survey gathers information about hours of operation, enrolment, fees, service agreements, and building types. Information provided should be reflective of operations on March 31 of that year.

The Ministry requests licensees complete the survey module, in CCLS, between April 1 and April 30 of each year, with each section reviewed and saved and the final declaration and consent confirmed.

For multi-site licensees, a survey must be completed for each licensed child care program that the licensee oversees.

To assist licensees with completing the survey, the Ministry has developed a CCLS Operations Survey Reference Guide, available on the [Early Years Portal](#).

Compliance Indicators

1. The operations survey was completed in CCLS between April 1 and April 30 of each year.
And
All information requested has been provided to the Ministry.

Subsection 10.8 - 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 are 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 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 which 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 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

Licensees 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 or establish a process for quickly retrieving them if requested.

Subsection 10.9 - 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.

(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.

Intent

This provision makes it easier for parents to recognize licensed child care and access important information about the licensed child care program.

Special Instructions

Child care 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.

The licensed child care decal is the property of the Ministry of Education, and must be returned to the Ministry when the child care centre is no longer operating as licensed child care. Licensees must also return their most recent licence when returning their decal.

When returning a licensed child care decal, licensees must 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 must contact Licensed Child Care Help Desk as soon as possible at 1-877-510-5333 or email childcare@ontario.ca.

Compliance Indicators

1. The licence is posted in a conspicuous place accessible to parents.
2. The licensed child care decal is posted in a conspicuous place accessible to parents.
3. Any additional information that the licensee is required to post through conditions on their licence is posted in a conspicuous place accessible to parents.

Recommendations

The licensed child care decal for child care centres is designed to be affixed to a smooth glass surface, such as a window, and should be posted at the main entrance used by most parents.

In shared space situations, such as schools or community centres, licensees should negotiate with the principal or other responsible individual to have the decal posted by the entrance used by most parents of children attending the child care centre. This may not be the main entrance of the building.

In situations where there is no conspicuous window location in which to post the decal, licensees may wish to get a small upright picture frame so that the decal can be prominently displayed beside the attendance sheet.

Section 11 - Other Legislation

Introduction

Licensees are required to comply with laws of Ontario. As such, contraventions of other legislation are relevant in determining whether the Ministry will consider renewal or revocation under ss. 20(4) of the CCEYA. Certain notable pieces of other legislation are included below, however, 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 - Small Water Works (*Safe Drinking Water Act, 2002*)

Ontario Regulation 170/03

Drinking water systems that supply water to a child care centre where the source of the water is not from a municipal water service connection are required to comply with O. Reg. 170/03 under the *Safe Drinking Water Act, 2002*.

Intent

Child care centres are required to comply with the laws of Ontario, including rules and for microbiological sampling and testing for water sources that are not on municipal systems as set out in O. Reg. 170/03 under the *Safe Drinking Water Act, 2002*.

The *Safe Drinking Water Act, 2002* is intended to protect human health and prevent drinking water health hazards through the control and regulation of drinking water systems and drinking water testing.

Special Instructions

Register for a Drinking Water Information System (DWIS) Number

Before sampling and testing for lead, licensees must register the child care centre for a DWIS number, following these steps:

- find a [lab licensed to test for lead](#)
- complete the [Registration and Laboratory Services Notification form](#)
- email the completed form to reg170_forms submission.moe@ontario.ca
- receive a confirmation letter or email and keep the assigned drinking water information system number on file

Child care centres that are co-located with other institutions that also have DWIS numbers (e.g., public schools, private schools), must still obtain a DWIS number that is unique to the child care centre; however, the co-located facilities may share a single sample. Information on the co-located facilities must be included in the [Registration and Laboratory Services Notification form](#)

Recommendations

Non-municipal drinking water systems are private drinking water systems that are not managed by the local municipality. These systems provide water to people's homes as well as to designated facilities that serve vulnerable populations, such as child care centres, schools and hospitals.

When a non-municipal drinking water system serves a designated facility, the owner of the system must take additional measures to ensure the health and safety of the individual accessing the water.

The provincial government, through the Ministry of the Environment and Climate Change, regulates these systems to ensure water safety.

More information can be found at the following links:

[Rules for Non-Municipal Drinking Water Systems](#)

[Providing Safe Drinking Water to the Public \(a guide for owners and operators of non-residential and seasonal residential drinking water systems that serve designated facilities\)](#)

Licensees may also wish to contact the Drinking Water Help Line (1-866-793-2588) for questions about drinking water systems, system classification and water testing. The help line is available Monday to Friday from 9 a.m. to 5 p.m.

Subsection 11.2 - Lead Testing (*Safe Drinking Water Act, 2002*)

Ontario Regulation 243/07

The child care centre is registered with the Ministry of the Environment and Climate Change and has a registration number. (*Safe Drinking Water Act, 2002.*)

Intent

Child care centres are required to comply with the rules for lead testing in O. Reg. 243/07 under the *Safe Drinking Water Act, 2002*.

Young children are more sensitive to the effects of lead because they are still developing and their small bodies can absorb it more easily than adults. Even small amounts of lead can be harmful to young children, infants and pregnant women.

The *Safe Drinking Water Act, 2002* is intended to protect human health and prevent drinking water health hazards through the control and regulation of drinking water systems and drinking water testing.

O. Reg. 137/15 requires that licensees demonstrate at time of application that they are in compliance with the requirements of the *Safe Drinking Water Act, 2002*.

Recommendations

See Manual subsection 11.1 for information on Registering for a Drinking Water Information System (DWIS) Number.

For detailed information, licensees may refer to the [Guide for schools, private schools and day nurseries on flushing and testing for lead in drinking water](#).

Subsection 11.3 - Smoke-Free Ontario Act, 2017

Smoke-Free Ontario Act

Child care centres are required to comply with the requirements under the *Smoke-Free Ontario Act, 2017* that prohibit smoking tobacco and medical cannabis and the use of electronic cigarettes in licensed child care centres.

The *Smoke-Free Ontario Act, 2017* prohibits smoking or holding lit tobacco in a child care centres and requires that licensees notify all employees that smoking and the use of electronic cigarettes is prohibited, post prescribed signage indicating that smoking is prohibited (i.e. “No Smoking” signs) at all entrances and exits, and ensure that there are no ashtrays or similar equipment at the child care centre. Licensees must ensure that any individual who refuses to comply with the requirements of the *Smoke-Free Ontario Act, 2017* does not remain at the child care centre.

Enforcement of the *Smoke-Free Ontario Act, 2017* is the responsibility of the local medical officer of health, they are responsible for carrying out inspections and responding to complaints to enforce the Act.

Intent

The *Smoke-Free Ontario Act, 2017* helps protect the health of all Ontarians by prohibiting smoking and the use of electronic cigarettes in all enclosed workplaces and public places. Under the Act, smoking is prohibited at all times in a child care centre whether or not children are present.

Recommendations

Licensees are encouraged to develop a smoke-free policy. The local medical officer of health may provide direction to child care centres on developing a smoke-free policy.

It is recommended that the smoke-free policy be included in the parent handbook and reviewed with all individuals at the child care centre before they interact with children (e.g. staff, volunteers, students, etc.) and with parents prior to enrolment of their children.

For more information, contact the [local public health unit](#) or visit the Ontario government's website – [Smoke-Free Ontario](#).

Subsection 11.4 - 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 medical officers of health 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](#)

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 child care centre.

Corporations are required to list their directors and officers in the CCLS 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 child care centre 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.

[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 child care centre. 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 child care centre or home child care agency.

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 child care centre changes. This change could happen in two situations:

- An individual licensee chooses to sell their child care centre to a corporation or another individual.
- An incorporated licensee chooses to sell some of the assets of their child care centre. The purchaser buys some of the assets of the child care centre as specified in the sale agreement, but does not acquire the corporation which is licensed to operate the child care centre. 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 child care centre. The new owner will need to apply for and be issued a new licence to operate a child care centre before they begin providing child care.

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. plans to inform parents, 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 begin providing child care.
5. The prospective purchaser applies for a licence using the CCLS (Registration Guide for Licensed Child Care Programs)
6. The prospective purchaser provides all initial documentation required by the Ministry, including:
 - a. Application fee: e-transfer/credit card payment to the Ministry of Education
 - b. Written confirmation of compliance with local zoning, fire, health and building departments (where applicable). Note that municipal approvals cannot be transferred from the previous licensee.

- c. Incorporation papers (where applicable), including a list of officers and the directors of the corporation.
 - d. A Police Record 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. Program advisor conducts a licensing inspection with both the vendor/current licensee and the prospective purchaser/applicant.
- a. Licensing inspection is conducted prior to the closing date to ensure sufficient time to achieve compliance with licensing requirements.
 - b. 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.
 - c. Copies of the summary sheets identifying outstanding requirements are provided to both parties.
 - d. 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 site visit may take place just prior to the closing date to verify that sufficient equipment and furnishings are in place.
10. The licence is issued through CCLS and printed and posted in the child care centre.

Sale of Shares – new licence **not** required

When the legal entity responsible for the operation and management of the child care centre 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 child care centre 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 centre.

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. plans to inform parents, 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 centre 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 the children attending the centre.
 - c. Police Record 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 director will review the information about the new directors and officers of the corporation (provided by the purchaser), including police record 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 child care centre 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) 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,

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.

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

Amount of administrative penalty

78. (1) The administrative penalty for the first contravention of a provision set out in an item of Table 1 or Table 2 to this section is the amount set out for that item in Column 3 of the Table.

(2) If, within three years after the first contravention of a provision set out in an item of Table 1 or Table 2, a subsequent contravention of the provision occurs, the administrative penalty is,

- (a) for the second contravention, twice the amount set out for that item in Column 3 of the Table;
- (b) for the third contravention, three times the amount set out for that item in Column 3 of the Table; and
- (c) for each contravention after the third, four times the amount set out for that item in Column 3 of the Table.

(3) If a contravention of a provision set out in an item of Table 1 continues for two or more successive days, the administrative penalty is the amount determined under subsection (1) or (2) multiplied by the number of successive days that the contravention continues.

(4) If the amount of an administrative penalty calculated under this section for the contravention of a provision set out in an item of Table 1 or Table 2 exceeds \$100,000, the amount is deemed to be \$100,000, subject to any reduction of the amount under subsection 39 (4) of the Act.

TABLE 1

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 (3) subparagraph 1 iii	Prohibition – provision of home child care, advising home child care agency	1,000
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	2,000
7.	Act, s. 8	Prohibition – operation of multiple unlicensed premises	2,000
8.	Act, s. 9	Prohibition – past conduct, child care providers, etc.	2,000
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 licenses	750
13.	Act, s. 15	Duty to provide receipt for payment	500
14.	Act, s. 31 (4)	Obligation to produce and assist	2,000
15.	Act, s. 35	Obligation to provide police record 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
0.1	Regulation, s. 11.1 (1)	Supervision of volunteers and students at all times	1,000
0.2	Regulation, s. 15 (2)	Designated spaces and items inaccessible to children	1,000
0.3	Regulation, s. 30.1 (1) and (2) (a)	Bodies of water	1,000
0.4	Regulation, s. 31	Hazards	1,000
1.	Regulation, clause 38 (1)(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 (1)	Prohibited practices, licensee	2,000
3.1	Regulation, s. 60, 61.1 and 63	Duty to obtain record check	1,000
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.

List of 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 record check).
7. Subsection 31 (4) of the Act (Obligation to produce and assist).
8. Section 35 of the Act (Police record checks).

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(1) The fees payable in respect of an application for a licence to operate a child care centre shall be determined by reference to the maximum number of children for whom child care may be provided at the child care centre, 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 child care centre, the amount set out in Column 4 of the Table.

Table

Item	Column 1 Maximum number of children	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.	0-24	200	100	50
2.	25-49	250	120	65
3.	50-74	300	140	75
4.	75-99	350	170	90
5.	100-124	400	200	100
6.	125 or more	450	230	115

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).

All fees paid in connection with a new licence application, licence renewal or revision are non-refundable. Licensees are encouraged to carefully review activities initiated in CCLS for accuracy prior to submission.

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 where 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, Youth and Family Services Act, 2017*.

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

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 outdoor playground/structure 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 outdoors 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 a 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.
- The local medical officer of health declared an outbreak which has caused closure of a room or the entire child care centre and child care cannot be provided for some or all children.
- There was a lockdown at the centre.
- Other unplanned disruption occurred (e.g., evacuation, etc.).

Example of Incidents that are **not** Serious Occurrences

- A program does not open or must close 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).
- The local medical officer of health declared an outbreak and has put restrictions on the program (e.g. discontinuing all sensory play).