

Child Care Centre Licensing Manual

Ministry of Education

January 2024

Note to Users

This manual provides general information about Ontario’s law governing child care centres: the [Child Care and Early Years Act, 2014](#) (CCEYA) and [Ontario Regulation 137/15 \(General\)](#) made under the CCEYA.

The manual was written to provide general information for existing licensees and applicants for a child care centre licence and does not consider particular or local facts and circumstances.

This document is not intended as a substitute for the CCEYA and any other applicable legislation and does not constitute legal or professional advice. In the event of a conflict or inconsistency between this manual and any legislation, the legislation prevails. It is the responsibility of a licensee or licence applicant to ensure that they act in accordance with the CCEYA and the Ministry of Education assumes no liability resulting from the reliance on this manual.

Version History

Version	What’s new or different
1.0 released January, 2024	➤ updated to add new licensing requirements that came into effect after September 2019 and which are still in force - these are marked with the following icon:  ➤ revised to make content more reader-friendly

Changes to the manual

The manual will be revised as necessary to align with changes to the regulations under the CCEYA.

Current versions of provincial laws are posted on the government’s [e-Laws website](#).

Legend

	Tells the reader that there is a significant new/changed regulatory requirement that came into effect since 2019 (i.e., indicates a substantive change from the time the previous version of the manual was in place)
	Tells the reader that there is a cross-reference – this means that a requirement in the CCEYA or O.Reg. 137/15 mentions or is related to a <i>different</i> requirement in the legislation or regulation
	Tells the reader there is helpful information and/or tips being provided
	Tells the reader that there is extra, important information that needs to be noted
	Tells the reader that there is an exemption – this means that under some circumstances, a rule/requirement does not apply or can be met in a different way
	Tells the reader that there are guidelines for what to include when seeking “director approval”
	Tells the reader that there is a ministry-developed standardized template associated with a requirement, so licensees/applicants do not need to create a required document/record on their own if they do not wish to; they can fill out what the ministry provides
	Tells the reader that there is quick reference . Some of the requirements that licensees need to meet are complex and have different variations of the requirement/rule depending on things like the age of children and what the centre’s operating hours are. Where presenting information in a different way (such as in a chart, using visuals, etc.) could be helpful, it has been provided
	Tells the reader there is an example that helps to explain or demonstrate something
	Tells the reader that it is an offence under the CCEYA to contravene or fail to comply with a rule/requirement being explained
	Tells the reader that there is an administrative penalty associated with a contravention of a rule/requirement being explained

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Introduction

Purpose of the Manual

The Ministry of Education (“the ministry”) publishes the Child Care Centre Licensing Manual (“the manual”) to provide information about the legal requirements that apply to child care centres under the applicable laws in Ontario. These requirements are set out in the statute entitled the [Child Care and Early Years Act, 2014](#) (CCEYA) and [Ontario Regulation 137/15](#) (O.Reg. 137/15).

In this manual, the relevant laws may be referred to as “legislation”, “the CCEYA”, “the Act”, “the statute”, “the regulations” or “O. Reg. 137/15”.

The purpose of the manual is to:

- **support** centres in meeting licensing requirements by telling the reader why a requirement is in place (the **intent**) and how a licensee can show how that the requirement was met (**compliance**)
- **help** centres stay in compliance as well as improve program quality by setting out clarifying guidance and talking about best practices that complement a requirement under the CCEYA
- **connect** centres to resources to help licensees and staff continue to build their knowledge about child care, children’s development, etc.

This manual does not cover everything in the CCEYA and O.Reg. 137/15 – it focuses mostly on the rules/requirements that apply to the day-to-day operations of child care centres.



It is important to note that both the CCEYA (the statute) and O. Reg.137/15 (the regulation) contain requirements that licensees of child care centres must meet. It is the responsibility of applicants and licensees to meet the rules and requirements under the CCEYA, its regulations, binding Minister’s policy statements, and any other laws that may apply.

Where it is unclear to an applicant or licensee how a particular law applies to their circumstances, the individual may wish to consult with a lawyer for assistance in understanding and interpreting the CCEYA.

Organization of the Manual

This manual is generally organized in the same order of the requirements set out in the CCEYA and O.Reg. 137/15.

To help make information easy to understand and to make sure the reader can find important information, each section of the manual includes:

- **The legal requirement** (which is known as the **legislative/regulatory requirement**): in the manual, rules/requirements in CCEYA or O. Reg. 137/15 are copied and put into the manual. These requirements are sometimes referred to as **licensing requirements**
- **Intent**: explains why a rule/requirement is included in the legislation or regulation and why it is important for licensees to meet the rule/requirement
- **Clarifying guidance**: provides additional information or clarifies information related to a legal requirement to help licensees understand and meet the requirements
- **Best practices**: where there are any, these are included to help licensees in thinking about how else they can meet and stay in compliance with legal requirements and enhance the quality of their program
- **Compliance indicators**: show how ministry **program advisors** assess that a licensee has met a requirement; this information can come from documentation, observation or an interview process (these are explained further below)

Licensees who have further questions or require clarification about the CCEYA or this manual should contact their Ministry of Education program advisor directly or contact the licensed child care helpdesk at childcare_ontario@ontario.ca.

What are compliance indicators?

Compliance indicators are used by Ministry of Education **program advisors** – employees of the ministry who inspect child care centres – when they are checking to make sure that a centre has met licensing requirements (meeting a requirement is called **compliance**).

For all **inspections**, program advisors must use a standard **inspection checklist**.

When they inspect a centre, program advisors look for information that shows a licensee is meeting the requirements under the CCEYA. Program advisors gather three types of information when doing an inspection. Information is collected from:

- **Observation** – information collected while the program advisor is **watching and listening** to the program activities and staff

- **Review of documentation** – information collected by **reviewing written documents** (such as reviewing policies and procedures the licensee is required to have, reviewing files and records, etc.)
- **Interview** – information collected by **speaking with licensees and/or staff**



The CCEYA prohibits people from giving false or misleading information to ministry officials, including in any application, report or other document required to be submitted to the ministry related to CCEYA or the regulations. If a person provides false or misleading information to the ministry, this is an offence under the CCEYA.

For some licensing requirements, only one compliance indicator is needed to show that the requirement has been met. If compliance indicators are linked with “**Or**” any one indicator may be met to achieve compliance.

EXAMPLE

Licensees must ensure that all children who spend at least six hours a day in the child care program spend at least two hours of the day outside (weather permitting). 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 **OR**, if they are unable to observe all children playing outside for two hours, the program advisor will ask questions of the centre’s supervisor or program staff to confirm that children go outside for two hours every day, weather permitting.

For some requirements, there is more than one compliance indicator that shows compliance with a particular licensing requirement. If there is more than one compliance indicator described in a section of the manual and the word **AND** appears between the compliance indicators, all of compliance indicators must be met to achieve compliance.

EXAMPLE

Licensees must develop and make available a parent handbook that includes specific information as set out O.Reg. 137/15. When doing an inspection, the program advisor will look for evidence that there is a parent handbook **AND** that it contains all the information required by the regulation.

The regulation requires licensees to develop different policies and procedures, as well as **individualized plans for children** who need extra support when they are at a child care centre.

It is important to note the difference between **policies** and **procedures**:

- **Policy:** A policy sets out a requirement that staff and others in a centre need to follow. Policy statements address what the requirement is rather than how to implement or satisfy the requirement.

Policies are not task oriented – they answer WHAT and/or WHY

- **Procedure:** A procedure is different from, but related to, a policy. A procedure is an established, predetermined set of instructions on how to perform tasks that must be completed to achieve something. Where the regulation requires a licensee to have a policy about something, the main thing that the procedures need to achieve is compliance with the centre's policy.

Procedures are task oriented – they answer WHO, HOW, WHERE AND WHEN

- Procedures typically include specific step-by-step instructions on how to perform tasks and/or what actions need to be done, when, by whom, what reports need to be made, etc.
- Procedures often include the word “if” such as “if X happens, then staff are to do Y”.
- Procedures have a beginning and an end.
- Procedures may be updated to respond to feedback about how well they work.

Sample policies

To support licensees in understanding and being compliant with licensing requirements, the ministry has developed several **sample policies and procedures** where it makes sense for these to be available for certain requirements in the regulation. These sample policies/procedures are available on the ministry's [Child Care Licensing System under “Tools and Resources”](#).

Where a particular requirement for centres has a related sample policy provided by the ministry, the following symbol will appear in the manual in the section(s) that explains the requirement:



Use of a ministry-developed sample policy is optional but strongly recommended – licensees may create their own documents if they wish, as long as the documents meet the requirements in the regulation about what needs to be included in a policy, procedure or individualized plan. If the licensee does choose to adopt the ministry-developed policy or individualized plan, the licensee must **complete all customizable areas** of these documents.

When doing inspections, ministry program advisors are looking at the **content** in a licensee's policies, procedures and individualized plans to make sure what is required in the regulation is reflected/addressed in the documents. Licensees can name their documents however they want and different documents can be grouped together if the licensee wishes to do so.

About child care in Ontario

The law for child care

The [Child Care and Early Years Act, 2014](#) (CCEYA) is the law which oversees child care in Ontario. To make sure they are familiar with the law, licensees and those who are thinking about applying for a licence should read the CCEYA and its regulations. The CCEYA has two regulations:

- [Ontario Regulation 137/15](#) is the “general” regulation; it is most relevant to licensees and is the focus of this manual as it sets out most licensing requirements.
- [Ontario Regulation 138/15](#) deals with funding, cost sharing and financial assistance and is mostly relevant to service system managers and First Nations; however, licensees and applicants should be aware of **section 27.1** which requires every licensee to keep financial records for each child care centre it operates and keep such financial records for at least six years from the time of their making. The financial records must show, at a minimum, the assets, liabilities, income, expenses and accumulated surplus and deficit of the child care centre.

 **Child care** has a specific meaning in the CCEYA – it means the provision of temporary care for or supervision of children in any circumstance other than in exempt circumstances per section 3 of the CCEYA. The “exempt circumstances” are listed in **section 4 of Act** and **section 3 of O.Reg. 137/15**

What types of child care does the CCEYA apply to?

The CCEYA applies to different types of child care:

- Unlicensed child care;
- Home child care providers contracted by a licensed home child care agency;
- In-home services providers contracted by a licensed home child care agency;
- Home child care agencies;
- Child care centres (including licensed before- and/or – after-school programs);
- Authorized recreational and skill building programs; and
- Child and family programs (namely EarlyON Child and Family Centres)

Unlicensed child care

An unlicensed child care provider can provide child care for:

- a maximum of five children under the age of 13 years, including their own children under the age of 4 years
- no more than three children can be under 2 years of age

The rules around how many children an unlicensed provider can provide child care for are in [paragraph 1 of subsection 6 \(3\) of the CCEYA](#).

For additional rules that apply to unlicensed providers, please refer to the CCEYA and the ministry's infographic: [Home Child Care and Unlicensed Child Care: How Many Children Are Allowed?](#)

Exempt circumstances

There are several **exempt circumstances** (also called **exemptions**) set out in the CCEYA. These exemptions identify the types of programs or services that do not require a licence to provide child care. They include:

- Child care to children from the same family in the family's home which is provided by nannies or babysitters
- Child care provided by relative where all children are related to the caregiver
- Camps that only care for children age 4 years and older
- Programs with a primary purpose of artistic, musical, etc. and other academic or skill-based recreational programs, in accordance with the regulations
- Programs with a primary purpose of academic study and skills (such as tutoring), in accordance with the regulations
- Private schools that only serve children age 4 years and over

There are other exemptions from needing to have a child care licence that are set out under **section 4** of the CCEYA and **section 3** under the O.Reg.137/15.

Questions about whether a program needs a licence

Information about providing child care in Ontario is available on this [provincial website](#).

If, after reviewing the CCEYA and its regulation, there are still questions about whether a planned program needs a licence, a question can be sent to the ministry. Note that the ministry responds only to written inquiries.

Written inquiries (over email or mail) to the ministry must include detailed information about the planned child care program, including:

- the proposed times of the day the program would operate
- the ages and number of children who would be served by the program
- what the purpose of the program/service would be
- what a typical program or schedule of activities would look like

Inquiries about whether a program needs a child care licence can be sent by email to uccv@ontario.ca or by mail to:

Child Care Branch
77 Wellesley Street West, Box 980
Toronto ON M7A 1N3

Licensed Child Care

There are two types of licensed child care in Ontario:

1. **child care centres** which include both community-based and school-based child care programs
2. child care offered through **home child care agencies**

Information on all licensed child care programs in Ontario can be found on the provincial [Licensed Child Care Website](#).



Note that there are rules in the CCEYA about what a program can be called. Only a program licensed as a child care centre under the CCEYA can be called a “child care centre” or “licensed day care” and there are other restrictions; see [subsections 11\(1\) and 11\(2\) of the CCEYA](#).

Child care licences under the CCEYA are issued by a **director** who is an employee of the Ministry of Education and who is appointed by the Minister of Education. The director is the person who makes licensing decisions, consistent with the CCEYA. Directors review all documents required for licensing and approve and electronically “sign” a **licence**.

The ministry will only issue licences to applicants who have shown that they have met all CCEYA licensing requirements that apply to them and their centre/program. While most applicants will get a regular licence issued to them as their first licence, sometimes a provisional licence is issued if a licensee is unable to demonstrate compliance with all requirements. In these situations, the outstanding requirement(s) must not pose a threat to the health, safety or well-being of children and the ministry must be certain that the applicant is actively working on addressing the outstanding matters. To demonstrate compliance with many of the licensed requirements, applicants must submit a variety of supporting documents in CCLS. Other requirements are assessed at a **site inspection** prior to the licence being issued.

Licensed child care programs may be issued one of two types of licences: regular or provisional.

- A **regular licence** may be issued or renewed when the licensee has met all licensing requirements. The maximum term for a licence is two years (for more information about the term of a licence, see content regarding “tiered licensing” below).

If the ministry is granting a regular licence, the licensee will get an **electronic version of the licence** which needs to be printed out (preferably on white paper), and

- A **provisional licence** may be issued when certain licensing requirements have not been met and the licensee requires more time to meet the requirements. The maximum term for a provisional licence is one year.
 - If the licence being granted is a provisional one, the ministry will courier to the licensee a licence which has been 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 (known as **non-compliances**) are sent to the centre for distribution to parents.

Licensees will also be mailed a **decal** when their first licence is issued. The decal is a sticker issued by the ministry to the licensee that indicates the program is licensed.

Licences (printed versions) and decals are referred to as “**signage**” in the CCEYA and O.Reg. 137/15. Both licences and decals must be posted in a child care centre where parents and others can easily see them.

Directors may set out **conditions** on either regular or provisional licences. Conditions are extra requirements put in place by the ministry that may be needed to:

- reflect circumstances specific to the operation of a centre (for example, there may need to be different requirements for programs which run for only half a day as opposed to a full day)
- address previous non-compliances and reduce the chance that the non-compliance will be repeated

By law, directors can:

- **refuse to issue, revoke** or **renew** a licence; the grounds upon which such a refusal could be based are set out in section 23 of the CCEYA.
- issue a **protection order** if there is an **imminent** (in other words, urgent and upcoming) threat to the health, safety or welfare of any children in a centre. A ministry official will make a protection order if they believe on reasonable grounds that there is an imminent threat to the health, safety or welfare of any children for whom child care is provided (see [section 37 of the CCEYA](#)).

Canada-Ontario Canada-wide Early Learning and Child Care Agreement

In March 2022, the Province of Ontario signed an agreement with the Government of Canada on the funding and terms for the [Canada-wide Early Learning and Child Care system](#) (CWELCC).

CWELCC has changed the landscape of licensed child care in the province, including changing the cost of child care for parents whose children attend child care centres which are part of CWELCC.

Also, as a result of CWELCC, the process to apply for a child care licence and the role of local municipal governments, which are the [service system managers](#) (SSMs) for child care in Ontario, have changed.

See part 2 of this manual for more information.

Licence Appeal Tribunal

By law, applicants and licensees have a right to a hearing by the [Licence Appeal Tribunal](#) (the **LAT**) when their application for a child care licence or a renewal is denied and in other situations relating to the licence. See **Appendix D** for more information on the right to appeal or visit the [Licence Appeal Tribunal website](#).

Tiered Licensing

The ministry uses a [tiered licensing](#) approach when licensing child care centres. Tiered licensing is a risk-based approach to licensing which means that how often the ministry inspects the centre and what inspection checklist is used depend on how well the centre has complied with licensing requirements in the past.

Centres that have had difficulty meeting licensing requirements in the past require more ministry oversight than centres which have a good track record of being in compliance with licensing requirements.

This approach to licensing allows the ministry to ensure the health, safety and well-being of all children in centres while at the same time being able to focus additional time and attention on child care centres that need more support to achieve and maintain compliance with licensing requirements.

The type of inspection the ministry will conduct, as well as how long the licence is in effect (called the **duration of the licence**), depends on the **tier** a centre is assigned to by the ministry (there are three tiers: Tier 1, Tier 2, Tier 3).

The tiered licensing approach uses information about how well a centre was able to meet licensing requirements in the past (this is called the centre's **compliance history**) as well as a centre's history of formal enforcement action to determine its tier level; that is why **tiered licensing is only available to child care centres that have been licensed for three years or longer**.

Tiered licensing and the maximum two year licence duration for a regular licence do not apply to 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 the next licence renewal inspection for the centre, based on the centre's compliance history.

Roles and Responsibilities in Licensed Child Care

The role of licensees

The licensee and their staff have a very important role to play when they are part of licensed child care; the science is very clear – those working in child care programs help develop children's brains and help build the foundation for children to succeed in their relationships, in school, and in life. When we think of licensees and their staff as brain developers, we understand the profound impact of what they do and why it is so important.

The CCEYA emphasizes the Province's interest in, amongst other things, a system of child care and early years programs/services that **promotes the health, safety and well-being of children** and **provides high quality experiences and positive outcomes for children** (see [subsection 49\(1\)](#)).

The licensee and their staff have an essential role to play in achieving these things because they spend a lot of time with children and have a lot of influence over what children experience every time they attend the child care program.

Licensees are responsible for the quality of their program. A high quality program:

- makes it a priority for everyone in the child care program to be continuously building and maintaining responsive, respectful and caring relationships amongst children, staff, families and the community
- protects the health and safety of children

- supports children's development and well-being
- is inclusive, which means the program and staff:
 - make sure that all children can actively participate and contribute in a meaningful way
 - are responsive to the unique and diverse experiences of children, families, educators and communities
 - understand and respect parents' choices: parents are the main decision-makers in the child's life which means understanding that parents may do things differently depending on their own culture, beliefs and lived experiences
- engages and values staff, makes them feel fulfilled in their work and provides the staff with opportunities for continuous learning and growth

The provincial government

The **Ministry of Education** is part of the Ontario provincial government. The government is responsible for having and enforcing laws like the CCEYA to protect people and, in the case of child care programs, ensure children are getting high quality experiences. That is why the CCEYA is in place: the experiences and relationships that children have in child care programs are so important and their impacts on children are so strong that there needs to be a set of minimum standards around how things happen in programs.

The ministry **administers** the CCEYA, which includes **issuing child care licences**, and it is also responsible for **enforcing** the CCEYA.

At least once a year, Ministry of Education **program advisors** conduct **inspections** of all child care centres to:

- make sure licensing requirements are being met
- renew licences
- follow-up with licensees who need more help in meeting licensing requirements
- support licensees to achieve and maintain compliance and improve program quality

Ministry staff also look into **complaints** received from the public about licensed child care and follow-up on **serious occurrences**.



By law, certain ministry staff may, at any reasonable time, enter and inspect a child care centre.

Consolidated Municipal Service Managers and District Social Services Administration Boards

Outside of First Nation communities, the child care system is managed at the municipal level by 37 Consolidated Municipal Service Managers (CMSMs) and 10 District Social Services Administration Boards (DSSABs).

Under the CCEYA, the CMSMs and DSSABs are designated as the **service system managers** (SSMs) for child care and other early years services at the local level.

Each CMSM/DSSAB is responsible for planning and managing different types of services in their region that are in place to support licensees and families using child care, including the processing of fee subsidies and wage subsidies and support services for children with special needs in licensed child care.

The ministry has authority under the CCEYA to share certain information with CMSMs/DSSABs with CMSMs/DSSABs. The CMSMs/DSSABs are subject to the [Municipal Freedom of Information and Protection of Privacy Act](#).

First Nations

For on-reserve communities, the Minister of Education 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.

How to Apply for a Child Care Centre Licence

In Ontario, an individual, corporation or First Nation can apply for a licence to operate a child care centre. Licences cannot be issued to **unincorporated partnerships**.

 As part of the documentation provided to the ministry for a new licence application where the applicant is a corporation (federal or provincial), the applicant must provide their **articles of incorporation**. Where the corporation is a federally incorporated corporation, the applicant is not required to prove that the applicant has registered the corporation provincially.

There is only one way to apply for a child care centre licence; those applying for a licence (**applicant**) must apply using the Ministry of Education's online [Child Care Licensing System](#) (CCLS) and submit the required fee payment. Applicants must have an email address in order to apply for a licence in CCLS.

The ministry has created two technical guides to help new applicants use CCLS and complete the registration and application processes:

1. the [Child care licensing system: registration guide for new applicants](#) provides step-by-step instructions on **how to register**
2. the [Child care licensing system: reference guide for applicants and licensees](#) provides step-by-step instructions for **how to use CCLS**

Copies of these guides and additional resources can also be found in CCLS under the **Tools and Resources** tab.

New Application Process

Once an applicant has registered in CCLS and created an applicant profile, they can submit an application for a new licence. Submitting this application starts the licensing process, but **it may take 4-12 months to complete all required steps and actually obtain a licence.**



Many factors, including those outside of the control of the ministry, will determine how long it will take for the ministry to issue a licence. Some examples of these factors are:

- how long it will take the applicant to develop required policies and procedures
- whether renovations are required to the building that the planned centre would be in
- the need to purchase equipment, furniture, etc.
- how long it will take the applicant to hire a **supervisor** and other staff
- how long it will take to obtain all required local government approvals, including zoning

During the application process, applicants must submit a variety of supporting documents, like floor plans, policies and procedures, and municipal approvals; however, most of these will be uploaded in CCLS after the application has been formally submitted to the ministry.

The initial application that is submitted to the ministry must include foundational information and approvals for the proposed child care program, including the following:

- name – proposed name for the child care centre
- location – civic address where child care will be provided
- capacity – age groups and number of children for each age group
- zoning approval – documentation showing that the proposed child care site is zoned for use as a child care centre, sometimes called “proof of permitted use”
- intention to enrol in CWELCC – whether the program intends to enrol in the CWELCC system

The CWELCC system uses a directed growth strategy to ensure that new funded spaces are located in communities that need them most. Local SSMs manage growth as well as enrolment in the CWELCC system.

If a program intends to enrol in CWELCC, their application will be automatically sent to the applicable service system manager (SSM). The SSM must confirm (through CCLS) that the proposed program is eligible for funding and aligned with local growth plans. The applicant will only be permitted to submit their application to the ministry after the SSM has provided this confirmation.

If a program **does NOT intend to enrol in CWELCC**, the applicable service system manager will be automatically notified by CCLS of this decision. This notification satisfies the requirement set out in [subsection 13.1\(1\) of O. Reg 137/15](#) and the applicant will be able to proceed with their application.

For more information on enrolment in the CWELCC system, applicants should contact their [service system manager](#).

Once an initial application is complete and advice has been provided by the SSM, the applicant must pay an initial fee deposit of \$200. Once this fee has been paid, the application will be officially submitted. A Ministry of Education **program advisor** will be assigned to the applicant file once the SSM(s) approve the child care program's CWELCC intention. If the supplicant is not intending to enrol in CWELCC, a Ministry of Education **program advisor** will be assigned to the applicant's file after the initial fee deposit is received.

While submitting an application will launch the licensing process, applicants are NOT permitted to begin construction or renovation of a proposed child care centre until the ministry approves their floor and site plans. These plans can be submitted in CCLS once a program advisor reviews the application.

Applicants are encouraged to have detailed plans prepared so that they can be submitted in a timely manner. These plans must show the layout of the centre and include labels identifying the use of each room, room measurements, locations of fixed counters, cabinets and storage areas and the planned layout of **designated spaces** (these are spaces in the centre that have a dedicated use, for example, there needs to be a dedicated storage space for toys and other play materials; the requirements for designated spaces are in section 15 of O.Reg. 137/15).

The plans must also show that the building meets the requirements of Ontario's [Building Code](#). To demonstrate compliance with the Building Code, applicants must either have their plans approved by the local building department or by an engineer and/or architect.

Some centres will also need to submit a [site plan](#) which shows the outdoor space that would be part of the centre and, where applicable, a [separate playground plan](#); only centres that must have outdoor space per O.Reg. 137/15 need to submit a site plan which may also need to have a separate playground plan, depending on the proposed design of the outdoor space.

The ministry program advisor assigned to the application for a licence can confirm which plans an applicant must submit other than a floor plan.



The ministry has created separate [Planning and Design Guidelines for Child Care Centres](#) – this document has a lot of detail around how child care centres need to be designed and includes helpful checklists.

1. **Request for approval for the centre supervisor:** There must be a Ministry of Education director-approved supervisor in place before a licence may be issued (see subsection 6(4) of O.Reg. 137/15). Applicants need to submit to the CCLS a request for director-approval for the person who they have selected to be their supervisor. If the Ministry of Education director does not approve the individual because they do not meet the requirement set out in regulation, the applicant will need to submit a request for a different individual.
2. The following **15 policies and procedures** are required under the CCEYA:

1.	Playground Safety Policy		See section 24(5)(a) of the regulation for the requirement
2.	Anaphylactic Policy		See section 39(1) of the regulation for the requirement
3.	Sleep Supervision Policy & Procedures		See section 33.1(2)(c) of the regulation for the requirement
4.	Serious Occurrence Policy & Procedures		See section 38(1)(a) of the regulation for the requirement
5.	Administration of Drugs/Medication Procedure		See section 40(1)(a) of the regulation for the requirement

6.	Supervision of Volunteers and Students Policies and Procedures		See section 24(5)(a) of the regulation for the requirement
7.	Program Statement Implementation Policies and Procedures		See section 49 (a) of the regulation for the requirement
8.	Staff Training and Development Policies and Procedures		See section 58(1) of the regulation for the requirement
9.	Police Record Checks/Vulnerable Sector Check Policies and Procedures		See section 65 of the regulation for the requirement
10.	Fire Safety/Evacuation Procedures		See section 68(1)(a) of the regulation for the requirement
11.	Monitoring Compliance and Contraventions Policies and Procedures		See section 49(c) of the regulation for the requirement
12.	Waiting List Policies and Procedures		See section 75.1(2) of the regulation for the requirement
13.	Parent Issues and Concerns Policies and Procedures		See section 45.1 of the regulation for the requirement
14.	Emergency Management Policies and Procedures		See section 68.1(2) of the regulation for the requirement
15.	Safe Arrival and Dismissal Policy		See section 50 of the regulation (effective January 1, 2024)



These **sample policies** are available on the ministry's [Child Care Licensing System under "Tools and Resources"](#).

If you have further questions or require clarification on registering and applying for a licence in CCLS, please the CCLS helpdesk at childcare.helpdesk@ontario.ca.



Per section 77 of the Act, the CCEYA prohibits people from giving false or misleading information to ministry officials, including in any application (such as that required for CCLS), report or other document required to be submitted to the ministry related to CCEYA or its regulations.



It is an offence under the CCEYA to contravene or fail to comply with subsections 77 (1) or (2) of the Act, per section 78(1)(12) of the Act.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).

Glossary of Terms

Applicant: An individual, corporation or First Nations representative, including an existing licensee of child care programs, who is applying for a new licence to operate a child care program. Where the applicant is a corporation, the term applies to all directors of the corporation and all individuals with a controlling interest in the corporation.

Base fee: Any fee or part of a fee that is charged in respect of a child for child care, including anything a licensee is required to provide under the Regulation or anything a licensee requires the parent to purchase from the licensee, but does not include a non-base fee.

Canada-Wide Early Learning and Child Care System (“CWELCC”): The Canada-Wide Early Learning and Child Care System for early years and child care funding provided for in an agreement entered into by the Province of Ontario and the Government of Canada.

Child: A person who is younger than 13 years old.

Child Care: 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 (CCEYA): The legislation that regulates child care in Ontario.

Child Care Licensing System (CCLS): An online application for child care applicants and licensees to coordinate their applications and licences. On this application, child care applicants and licensees can submit applications, submit licence revision requests, update application and licence information, submit Serious Occurrence Reports (SORs), and more.

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.

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.

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

 “Directors” on a board of directors for a child care centre (boards of directors can hold a licence) are not the same people as directors appointed by the Minister of Education to issue licences under the CCEYA.

Eligible child (re: CWELCC): Any child, until the last day of the month in which the child turns six years old, **and** up until June 30 in a calendar year, **any** child who, turns six years old between January 1 and June 30 in that calendar year, **and** is enrolled in a licensed infant, toddler, preschool or kindergarten group, a licensed family age group, or home child care.

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

Floor plan: A plan (usually a computer-generated drawing) that includes details of the interior of the child care centre, including designated spaces.

Home Child Care Provider: The person who provides child care at a premises 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 or 4 of O. Reg. 137/15, a child who is younger than 18 months of age.

In-home Services Provider: The person in charge of the child(ren) where child care is provided for a child at their own home, or at another place where residential care is provided for the child(ren).

Inspector: An employee of the ministry appointed by the Minister of Education. Inspectors' powers and duties are provided under the CCEYA and 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. Ministry program advisors and regulatory compliance officers have been appointed as inspectors.

Junior School Age Child: For the purposes of interpreting the age groupings under Schedule 1 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 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.

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 (LAT): A tribunal to which appeals of certain decisions under the CCEYA may be made.

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 (also known as a “Schedule 4” program): 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 of the regulation.

Licensed Child Care Website (LCCW): An online application where families can search for licensed child care programs. The website provides parents with operational information on the program, such as the program type, address, website, language of service, etc. The website also provides licence and inspection information including any conditions and approvals that may be required of the licensee.

Licensee: A person (which can be an individual, corporation, First Nation) who holds a licence issued under the *Child Care and Early Years Act, 2014*. Once a licence is issued, a licensee may operate a licensed child care program according to the terms set out in their licence and the requirements/rules set out in the CCEYA and its regulations.

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).

Non-base fee: Any fees charged for optional items or optional services, such as transportation or field trips, or any fees charged pursuant to an agreement that parent and licensee in respect of circumstances where the parent fails to meet the terms of the agreement such as fees for picking up a child late and fees to obtain items that the parent agreed to provide for their child but failed to provide.

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).

Policy: A policy sets out a rule(s) that staff and others in a centre need to follow. Policy statements address what the rule is rather than how to implement or comply with the rule/requirement.

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

Procedure: A procedure is different from, but related to, a policy. A procedure is an established, predetermined set of instructions on how to perform tasks that must be completed to achieve something.

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 are designated inspectors under the Act.

Qualified employee/staff:

- **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 ministry director.
- **For a licensed junior school age group** 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.

 The words “staff” and “employee” mean the same thing in both O.Reg. 137/15 and this manual.

Record: Unless otherwise specified in O.Reg. 137/15, any record, report or other document required under this regulation, or any other regulation made under the CCEYA, may be made or kept in either a hard copy or electronic format.

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 consultant: A person who meets the qualification requirements set out in section 55 of O.Reg. 137/15 and supports program staff/providers and parents in working with children with special needs who attend licensed child care.

Separate sleeping area: An area used for sleep, separated from any play activity area (e.g., separated by a structure, divider or wall that is fixed to the ground).

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.

Site plan: A plan (i.e., a computer-generated drawing) of the entire site of the child care centre showing details such as location, entrance(s), access to the outdoor play space (playground) and details about the outdoor play space (e.g., location of gates, fence height).

Supervisor: A person who plans and directs the program of a child care centre, is in charge of children, oversees staff and is responsible to the licensee. This person must meet qualifications set out in section 53 of O.Reg. 137/15 and must be approved by a Ministry of Education director.

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

“Unless otherwise approved by a director”: this is a phrase that is used in some requirements in O.Reg. 137/15. The shorthand way the ministry refers to this is “director approval”.

This phrase means that, even though there is a requirement in the regulation about something in particular, there may be circumstances where that requirement could be met in a different way. The regulation will specify if a licensee can ask for director approval to do something that is an alternative or modified approach to meeting the requirement as set out in the regulation. All requests for director approvals need to be made directly to the program advisor assigned to the licensee through CCLS.



Anytime the CCEYA or its regulations say “every licensee shall...” the word **shall** means **must** or **is required to**.

Part 1 – Licensee Responsible

Part 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.

Intent

Section 6 is in place to establish who oversees a child care centre; it is the licensee who is accountable and responsible for the overall operation and management of a child care centre.

This section allows for the licensee to hand over (or **designate**) the responsibility for the day-to-day operation and management of the child care centre; this person is then called the **designated person** or **designate**.

Subsection 6(4) requires a licensee to hire a supervisor and identifies the critical functions of a supervisor.

Clarifying guidance

Subsection 6(4) requires a licensee to hire a supervisor; the supervisor can also be the designate as required by subsection but people other than a supervisor may also be a designate.

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



Cross-reference: All supervisors must have certain qualifications and be approved by a ministry director; see **section 53** of the regulation

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

Part 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

In other sections of the regulation, there are requirements for specific policies, procedures and individualized plans to be in place (these are explained throughout the manual).

The policies, procedures and individualized plans required by the regulation have been put in place to support the health, safety, and well-being of children and others in a child care centre and to support children’s development. For the policies, procedures and individualized plans to be effective and achieve what they set out to achieve, they must be put into effect or action. To this end, subsection 6.1(1) requires licensees to **implement** the required policies, procedures and individualized plans.

Clarifying guidance

The requirements in section 6.1 apply to all policies, procedures and individualized plans required under the regulation (all of these are explained throughout the manual).

Licensees are required to develop an **individualized plan** for a child with:

1.	An anaphylactic allergy		See section 39 of the regulation for the requirement
2.	Medical needs		See section 39.1 of the regulation for the requirement
3.	Special needs		See section 52(1) of the regulation for the requirement

 These **sample policies and procedures** are available on the ministry’s [Child Care Licensing System](#) under “Tools and Resources”.

 **Cross-reference:** The regulation requires licensees to have a parent handbook; certain types of information need to be in the handbook, including certain policies and procedures; see **section 45**

Best practices

To support compliance with the implementation of all required policies, procedures and individualized plans, licensees should review each policy, procedure and individualized plan with all individuals at the child care program (namely staff, volunteers and students) before they interact with children.

The licensee may consider developing an ongoing tracking tool or chart to document when and who in the centre has reviewed each policy, procedure and individualized plan.

Updates to policies and procedures

Any updates made to required policies, procedures or individualized plans should be explained to all staff, volunteers and students and parents as soon as possible after an update is made.

Parent handbooks should also be updated as soon as reasonably possible when a licensee's required policies and procedures are revised.

When a program advisor inspects a centre, they may ask which policies, procedures or individualized plans have been updated since the last inspection. This helps the program advisor determine what they need to review and what should be implemented in the child care centre at the time of inspection.

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.

Part 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

The policies, procedures and individualized plans required by the regulation have been put in place to support the health, safety, well-being of children and others in a child care centre and to support children's development. For the policies, procedures and individualized plans to be effective and achieve what they set out to achieve, they must be followed by all persons (other than children) in the centres at all times.

Subsection 6.1(7) (a) and (b) requires licensees to have written policies and procedures that explain how the licensee will **monitor** instances of compliance and instances of non-compliance (also called **contraventions**) by staff, volunteers, and students with the required policies, procedures and individualized plans. Such written policies and procedures must also include a description of how the licensee will address both instances of compliance and contraventions.



Cross-reference: In addition to requirements that licensees must monitor staff, students and volunteers for contraventions of required policies, procedures and individualized plans, the regulation also sets out that licensees cannot permit anyone in their child care centre to commit a prohibited practice; see subsection 48(1) of the regulation

Subsection 6.1(8) requires the licensee to keep **records** of their written policies and procedures around compliance and contraventions.



Cross-reference: The regulation has requirements around record retention; see **section 82**

Clarifying guidance

Subsections 6.1(7) (a) and (b) and 6.1(8) apply to all policies, procedures and individualized plans under the regulation; there are no exceptions.

Best practices

In developing policies and procedures that set out how compliance and contraventions will be monitored, recorded and addressed, licensees should consider:

- How ongoing monitoring is to 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.

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.

Part 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

Section 10 of the CCEYA is in place to prohibit a child care provider from blocking a parent's access to their child, unless the child care provider believes that the parent has no legal right of access. It also prohibits a child care provider from blocking access by a parent to the **premises** (in other words, the place/location where the child care is being provided), unless the provider believes the parent has no legal right of access to the child and/or that the parent may be dangerous or disruptive.

These requirements apply to both unlicensed and licensed child care providers/operators, including child care centre licensees and their staff.

Clarifying Guidance



It is an offence under the CCEYA to contravene or fail to comply with section 10 of the Act per section 78(1)(5) of the Act.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 10 of the CCEYA may lead to an administrative penalty of **\$1,000**; see **section 78** of O.Reg. 137/15 and **item 9 of Table 1** under that section.

The amount of the administrative penalty increases if contravention of section 10 is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.



Cross-reference: The regulation has requirements around record retention; see **section 82**

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;
Or
 - 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.

Part 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

Section 15 of the CCEYA is in place to ensure that those who are paying for child care get a receipt for the services provided. This section also sets out that child care providers are not allowed to charge a fee when providing parents with a receipt. Providing receipts is important for a number of reasons for both the licensee and parents (for example, receipts may be necessary to do tax paperwork).

Clarifying guidance



It is an offence under the CCEYA to contravene or fail to comply with section 15 of the Act per subsection 88.1(2) of the regulation.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 15 of the CCEYA may lead to an administrative penalty of **\$500**; see **section 78** of O.Reg. 137/15 and **item 13 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.



Receipts are a type of record and ministry officials can ask to see these records when conducting an inspection. Licensees must have a system to store copies of receipts.



Cross-reference: The regulation has requirements around record retention; see **section 82**

Compliance indicators

1. The licensee verbally confirms that, upon request, the 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.

Part 2 – Canada-Wide Early Learning and Child Care (CWELCC) System

Part 2.1 Application to CWELCC system

Ontario Regulation 137/15



77.3 (1) A licensee who wishes to enrol in the Canada-Wide Early Learning and Child Care System shall apply to the local service system manager for enrolment in accordance with the process established by the local service system manager and shall provide any documents requested by the local service system manager.

(2) The local service system manager shall enrol an applicant in the Canada-Wide Early Learning and Child Care System unless,

- (a) there are reasons to believe that the child care centre or home child care agency is not financially viable or will not be operated in a manner that will be financially viable;
- (b) there is reason to believe that the licensee will use the funding for improper purposes or;
- (c) if the application for enrolment is submitted on or after January 1, 2023, the operation of the child care centre or home child care agency in the service area is inconsistent with the service system manager's child care and early years programs and services plan with respect to,
 - (i) the demand for child care, and
 - (ii) the capacity and locations of existing child care centres and premises where home child care is provided.

(3) A licensee that is enrolled shall comply with the terms of any agreement that it enters into with the local service system manager in relation to the Canada-Wide Early Learning and Child Care System, including terms regarding the use of the funding and wage requirements.

(4) A licensee shall keep a copy of any agreement referred to in subsection (3) at the child care centre or home child care agency, as the case may be.

(5) In the event of a conflict between this Regulation and the terms of an agreement referred to in subsection (3), this Regulation prevails.

(6) For greater certainty, if a licensee that is a corporation transfers shares of the corporation that would be sufficient to allow the person acquiring the shares to make a change to the corporation's board of directors, the licensee remains enrolled and subject to the agreement referred to in subsection (3).

(7) For greater certainty, if a licensee sells substantially all of its assets, subsection 77.1 (3) applies to the purchaser, and if the purchaser wishes to enrol in the Canada-Wide Early Learning and Child Care System, it shall apply for enrolment in accordance with this section.

Intent

Section 77.3 is in place to set out rules for enrolment in the CWELCC system, including the reasons a service system manager is allowed to deny an applicant enrolment.

Clarifying guidance

Every licensee who wants to be part of the CWELCC system must apply for enrolment following the process set out by their local service system manager; contact information for all 47 service system managers is including in this [list of the service system managers](#). This process may be somewhat different across the province and licensees are encouraged to visit their service system manager's website for more information.

After a service system manager receives a CWELCC application from a child care applicant or existing licensee, they review the application details and determine whether the program is eligible for enrolment in CWELCC. They may follow-up with the licensee for more information or to confirm specific program details.

There are three reasons for which a service system manager can deny enrolment in CWELCC (as specified in subsection 77.3(2) of the regulation):

1. the program is not financially viable or will not be financially viable
2. there is reason to believe that CWELCC funds would not be used properly
3. the child care program is not consistent with the service system manager's targeted growth plan

If the service system manager decides to enrol a licensee's program in CWELCC, they will work with the licensee to execute a service agreement. The licensee must comply with any terms and conditions in this agreement and keep a copy of the service agreement at the child care centre.

For more information on the rules related to funding and eligibility for CWELCC, see the [Ministry of Education's funding guidelines](#).

 **Cross-reference:** the regulation has requirements around keeping records; see **subsection 82(1)**

Part 2.2 Eligibility for Canada-Wide Early Learning and Child Care System

Ontario Regulation 137/15



13.1 (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 the following with a director:

1. If the person intends to apply for enrolment in the Canada-Wide Early Learning and Child Care System, advice provided by a service system manager to the person within the preceding six months regarding whether the person would be enrolled in the Canada-Wide Early Learning and Child Care System under subsection 77.3 (2) based on the information provided by the person to the service system manager.
2. If the person does not intend to apply for enrolment in the Canada-Wide Early Learning and Child Care System, evidence that the person has notified the service system manager of their intent to apply for a licence and that they will not be applying for enrolment in the Canada-Wide Early Learning and Child Care System.

(2) Every person who applies for a licence to operate a home child care agency under section 20 of the Act shall, at the time of application, file with a director the advice or evidence described in subsection (1).

(3) Every licensee who applies for the renewal or revision of a licence to operate a child care centre or home child care agency shall file with a director the advice or evidence described in subsection (1) if the director so requires. O. Reg. 565/22, s. 1.

(4) Any advice provided by a service system manager for the purposes of this section shall be based on the information the service system manager has at the time the advice is provided and does not constitute a decision or promise made for the purposes of subsection 77.3 (2)

Intent

Section 13.1 requires all child care centre licence applicants to provide the ministry with information about their plans to enrol in the CWELCC system. If the applicant plans to enrol in the CWELCC system, this information must include advice from the local service system manager that indicates whether the proposed program would be eligible to receive CWELCC funding.

When submitting their application in CCLS, licence applicants will be required to state whether or not they intend to enrol in CWELCC.

If the applicant does not intend to enrol, the service system manager will receive a notification from CCLS that there is a new child care licence application that will not be applying for CWELCC. This satisfies the regulatory requirement in section 13.1 to provide the ministry with evidence that the SSM has been notified that the program does not intend to enrol in CWELCC.

If the applicant intends to enrol, CCLS will send their application to the local service system manager who can provide the required “advice” directly in CCLS. The only exception to this process is related to alternate capacities.

Where the applicant would like to have one or more of the rooms in their proposed program licensed with an alternate capacity, the applicant must have a conversation with the SSM about this alternate capacity and document their advice outside of CCLS using a standard form. This form is called the “SSM Confirmation Form” and can be downloaded from the Tools and Resources section of CCLS.

Compliance Indicators

1. a) At time of application, the licensee has uploaded to CCLS official documentation that confirms that the child care centre complies with the laws affecting the health of inhabitants of the municipality or of the reserve of a First Nation;

Or

b) There is evidence of verbal/email confirmation from the municipality or First Nation.

2. a) At time of application, the licensee has uploaded to CCLS official documentation that confirms that the child care centre complies with 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;

Or

b) There is evidence of verbal/email confirmation from the local medical officer of health or board of health.

3. a) At time of application, the licensee has uploaded to CCLS official documentation that confirms that the child care centre complies with any by-law and any other law for the protection from fire hazards;

Or

b) There is evidence of verbal/email confirmation from the municipality or First Nation.

4. a) At time of application, the licensee has uploaded to CCLS official documentation that confirms that the child care centre complies with any building by-law passed to regulate the construction, repair or use of building (zoning by-laws);

Or

b) There is evidence of verbal/email confirmation from the municipality or First Nation.

5. a) At time of application, the licensee has uploaded to CCLS official documentation that confirms that the child care centre complies with the requirements of the Building Code;

Or

b) There is evidence of verbal/email confirmation from the municipality or First Nation.

6. a) At time of application, the licensee has uploaded to CCLS official documentation that confirms that the child care centre complies with the requirements of the Fire Code;

Or

b) There is evidence of verbal/email confirmation from the municipality or First Nation.

Part 2.3 Cap on fees

Ontario Regulation 137/15



77.1 (1) A licensee shall ensure that, after March 27, 2022, a fee higher than the cap established under subsection (2) or (3) is not charged in respect of an eligible child enrolled at a child care centre it operates or at a home child care premises that it oversees, unless the fee had already been communicated to parents on or before March 27, 2022.

(2) Subject to subsection (3), the cap on the base fee and on non-base fees is the amount charged on March 27, 2022 if the licensee was licensed in respect of the child care centre or home child care agency on March 27, 2022.

(3) The cap on the base fee is the applicable amount set out in a Table to this section if,

- (a) the licensee became licensed in respect of the child care centre or home child care agency after March 27, 2022;
- (b) the licensee became licensed in respect of a new licensed age group for the first time after March 27, 2022; or
- (c) the licensee began operating a licensed age group after March 27, 2022 that it had not operated for at least two years.

Intent

To ensure the CWELCC system is sustainable over the long term and to protect families from sudden fee increases, section 77.1 required licensed child care programs serving children who are eligible for CWELCC to cap their fees at a specific amount until they decide whether they will participate in the CWELCC system.

Clarifying guidance

The [Canada – Ontario Canada-wide Early Learning and Child Care Agreement](#) was announced on March 27, 2022.

If a licensed child care program **was operating when the CWELCC system was announced on March 27, 2022**, the program's fees are capped at the amount that was charged on that day.

However, if a program **communicated to parents prior to March 27, 2022** that there would be changes to their fees in the future, those fee increases were permitted, and the licensee's fees would be capped at whatever amount was communicated to parents.

If a program **was first licensed after March 27, 2022**, their fees are capped at a specific amount that is set out in regulation. These specific amounts are set out in tables in O. Reg 137/15 and were calculated using actual fee information provided by licensed child care programs through the annual survey.

What is a base fee?

Base Fee: any fee charged for the provision of child care, including any fees for services or items required by O. Reg 137/15 and any other mandatory parent fees. (ONLY base fees must be reduced under the CWELCC system.)

Non-Base Fee: any fee charged for optional items or optional services (e.g., transportation) OR any fees charged where the parent fails to meet the terms of the agreement with the licensee (e.g., late fees).

Examples of base and non-base fees are provided in the chart below:

Base Fee	Non-Base Fee
Play materials, equipment and furnishings: cot, crib, bedding, play materials	Late pick up fees for child care provided beyond operational hours outlined in the parent handbook
Supervision by adult during operational hours	Bank processing fees (such as for non-sufficient funds)
Development and implementation of individualized plans (medical, special needs, anaphylaxis)	Field Trips (if optional)
Registration fee, deposits, administration fees – any fees that are mandatory for a parent to pay in order to receive child care	Transportation (if optional)
Food (where required by regulation for children under 44 months AND where mandatory for parents)	Diapers, sunscreen (if optional)

 **Cross-reference:** the regulation has requirements around having a parent handbook and what types of information must be included in the handbook (at a minimum); a licensee's parent handbook must include information about the base fee and any non-base fees that may be charged **whether or not the licensee is enrolled in CWELCC**. See **subclause (a)(iii) of subsection 45(1)** of the regulation



It is an offence under the CCEYA to contravene or fail to comply with section 77.1 of the regulation. per paragraph 88.1(9) of the regulation.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 77.1 of the regulation may lead to an administrative penalty of **\$750 × number of children for whom a fee above the cap was charged**; see **section 78** and **item 21 of Table 1** under this section

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.

Part 2.4 Cap on Fees (continued)

Ontario Regulation 137/15



77 (4) If a licensee or applicant for a licence notifies the local service system manager in writing that it will not be applying for enrolment in the Canada-Wide Early Learning and Child Care System the caps on fees established under subsections (2) and (3) cease to apply to the licensee or applicant.

(5) If a licensee or applicant for a licence applies for enrolment in the Canada-Wide Early Learning and Child Care System, the caps on fees established under subsections (2) and (3) do not apply to the licensee or applicant after a decision is made about enrolment and, if the licensee is successful in its application for enrolment, section 77.4 applies in respect of eligible children.

Intent

Subsections 77.1(4) and 77.1(5) of the regulation are in place to set out the rules around the lifting of the fee cap. It allows applicants and licensees who are **not enrolling in CWELCC** to be able to set their own fees and requires licensees who are enrolling in CWELCC to reduce their fees.

Clarifying guidance



It is an offence under the CCEYA to contravene or fail to comply with section 77.1 of the regulation, per paragraph 88.1(9) of the regulation.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 77.1 of the regulation may lead to an administrative penalty of **\$750 × number of children for whom a fee above the cap was charged**; see **section 78** and **item 21 of Table 1** under this section

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.

A licensee is no longer required to cap their fees if they notify their service system manager in writing that they **do NOT want to enrol in the CWELCC system**. Once this notification has been provided, a licensee may raise their fees.

A licensee **who does wish to enrol in the CWELCC system** must maintain their capped fees until they successfully enrol, and then they must reduce their fees in accordance with the rules set out in subsection 77.4(1) and subsection 77.4 (1.1).



Cross-reference: the regulation has requirements base fees for CWELCC-enrolled licensees; see **section 77.4** of the regulation

Part 2.5 Base Fees for CWELCC-enrolled licensees

Ontario Regulation 137/15



77.4 (1) The following base fees apply to a licensee that is enrolled in the Canada-Wide Early Learning and Child Care System in respect of an eligible child enrolled at a child care centre it operates or at a home child care premises that it oversees:

1. If the cap on fees established under subsection 77.1 (2) or (3) is more than \$11.99 per day, the base fee is the greater of,
 - i. \$12 per day, and

ii. the amount of the cap, less 25 per cent.

2. If the cap on fees established under subsection 77.1 (2) or (3) is less than \$12 per day, the base fee is equal to the cap.

(1.1) Despite subsection (1), on and after December 31, 2022, the following base fees apply to a licensee that is enrolled in the Canada-Wide Early Learning and Child Care System in respect of an eligible child enrolled at a child care centre it operates or at a home child care premises that it oversees:

1. If the base fee determined under subsection 77.4 (1) is more than \$11.99 per day, the base fee for the purposes of this subsection is the greater of,
 - i. \$12 per day, and
 - ii. the amount of the base fee determined under subsection 77.4 (1), less 37 per cent.
2. If the base fee determined under subsection 77.4 (1) is less than \$12 per day, the base fee for the purposes of this subsection is the same as the base fee determined under that subsection. O. Reg. 542/22, s. 2 (2).

(2) A base fee that is different from the base fee determined in accordance with subsection (1) or (1.1) may be charged in respect of an eligible child if the Minister has authorized the local service system to enter into an agreement with the licensee to permit the different base fee.

(3) A local service system manager that receives an application under subsection 77.3 (1) on or before December 31, 2022 shall specify an enrolment date that is,

- (a) April 1, 2022 if the licensee was licensed as of April 1, 2022; or
- (b) the date the licensee's licence was issued, in any other case.

(4) If a base fee higher than the base fee determined under subsection (1), (1.1) or (2) is charged in respect of an eligible child, the licensee shall ensure that a credit or refund is issued of the difference for,

- (a) child care provided during the period starting on the licensee's enrolment date and ending on the 20th day after the licensee is notified by a service system manager of the enrolment date; and
- (b) any period of time after the 20th day referred to in clause (a) for which base fees for child care to be provided have been prepaid.

(5) Any credit or refund required under subsection (4) shall be given within 20 days after the day the licensee is notified by a local service system manager of the enrolment date.

(5.1) If a child in respect of whom a credit was provided under this section ceases to receive child care at a child care centre the licensee operates or at a home child care premises that it oversees, the licensee shall ensure that a refund is provided of any remaining amount within 20 days after the day the child ceases to receive care.

(6) On and after the 21st day after the licensee is notified by a service system manager of the enrolment date, the licensee shall ensure that a base fee that is higher than the applicable base fee is not charged.

Intent

Section 77.4 is in place to set out the rules that must be followed for CWELCC-enrolled licensed programs for reducing base fees and issuing refunds to parents (if applicable).

Clarifying guidance



It is an offence under the CCEYA to contravene or fail to comply with section 77.4 of the regulation, per paragraph 88.1(10) of the regulation.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 77.4 of the regulation may lead to an administrative penalty of **\$750 × number of children for whom a fee higher than the applicable base fee was charged or not credited or refunded**; see **section 78** of O.Reg. 137/15 and **item 22 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention of is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.



Section 77.4 only applies to licensees enrolled in CWELCC.

Base fees are any fee charged for providing child care, including any fees for services or items required by O. Reg 137/15, but not including non-base fees.

Non-base fees are fees charged for optional items or services or where a parent fails to meet the terms of an agreement (for example, late fees.)

Licensees participating in the CWELCC system must reduce their base fees by a specific percentage and establish a new base fee for parents of eligible children. Parents must be charged this new fee within 20 calendar days of the licensee enrolling in the CWELCC system.

Calculating New Base Fees

In 2023, to calculate the new base fee, licensees must determine their capped base fee(s) and reduce this fee by 52.75%.

The regulation sets out this reduction as a two-step process because child care fees are being reduced gradually over time. The first step in fee reductions took place between April and December 2022 when licensees were required to reduce their capped fee(s) by 25%.

On December 31, licensees were required to reduce fees by another 37%. These two calculations work out to a total reduction of 52.75%.

- If a licensee's capped base fee is already \$11.99/day or less, they must maintain their fees at the capped rates.
- If reducing their base fee(s) by 52.75% results in a base fee of \$11.99/day or less, licensees are only required to reduce to \$12/day.

Refunding “overpayments”

Where necessary, licensees must ensure parents are refunded for any **overpayments** between the enrolment date and the date the parent started paying lower fees. An overpayment is the difference between the “old” base fee and the “new” base fee being charged to parents.

Licensees must provide refunds for overpayments to parents within 20 calendar days.

For example, a program that enrolled on April 17 and lowered fees on May 1 must provide a refund for overpayments between these days. The refund must be provided on or before May 7 (which is within 20 calendar days).

If a licensee enrolled their licensed program in the CWELCC system and reduced parent fees **on the same day**, no refunds would be required.

 **Cross-reference:** the regulation has requirements around keeping records; see **subsection 82(1)**

Compliance Indicators

1. There is written evidence or the licensee verbally confirms that where the licensee's base fee charged to parents was higher than the base fee determined under subsection 77.4(1) or 77.4(2), the licensee has credited or refunded parents the difference in fee from the date of enrolment in CWELCC and ending no later than 20 days after notification of enrolment in CWELCC AND (if applicable) refunded fees paid in advance AND the credited or refund was provided within 20 days of being notified by the service system manager of their enrolment date.

2. There is written evidence or the licensee verbally confirms that ALL children who had a credit with the licensee and ceased receiving child care at the child care centre or home child care premises were refunded any remaining amount within 20 days after the day the child ceased receiving care.
3. The licensee verbally confirms that parents of eligible children are/have not been charged a base fee higher than set out under 77.4(1)(1.1) or (2), on and after the 21st day of being notified by the service system manager of the licensee's enrolment in the Canada-Wide Early Learning and Child Care System.

Part 3 – Ratios and Group Size

Part 3.1 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.
- (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

Child care centres must organize children into groups based on the age of the children; these groups are called **age categories** and are explained in Schedule 1 the regulation.

There are six age categories; each **age category** (listed in Column 1) has a name such as “infant”, “toddler”, etc. and a corresponding **age range** (listed in Column 2):

Section 7 is in place to clarify how to interpret other sections of the regulation that mention an age category or a specific age; this clarity is needed so that the licensing requirements can be applied consistently.

It is important to understand which requirements apply to all children in an age category versus which apply to children of a specific age because:

- Age categories group children based on an age range which means children are different ages
 - Children have different care, supervision and developmental needs at different ages and stages of childhood, especially in the younger years

- The regulation allows for some flexibility with how children are organized in the age categories set out in Schedule 1– this is known as **mixed-age grouping** which allows for a small number of children to be younger or older than the age range that is put in place for each age category (see the description of subsection 8(1))
 - For example, a toddler age category is for children age 18 months or older; because the regulation allows for mixed-age grouping, there could be a 16 month old child in a toddler room.
- The regulation allows for family age groups (see Schedule 4 of the regulation); family age groups can have children from ages 0 – 12 years.

COLUMN 1 Name of age category	COLUMN 2 Age range of age category
Infant	Younger than 18 months
Toddler	18 months or older but younger than 30 months
Preschool	30 months or older but younger than 6 years
Kindergarten	44 months or older but younger than 7 years
Primary/Junior School Age	68 months or older but younger than 13 years
Junior School Age	9 years or older but younger than 13 years

Clarifying guidance

Subsection 7(1) explains that when the regulation refers to a child by one of the six names of the age categories in Schedule 1, it is talking about a child whose age falls into the age range for that age category. If the regulation speaks to an “infant” it is referring to a child who is younger than 18 months of age, if the regulation speaks to a “toddler” it is talking about a child who is between 18 and 30 months of age, etc.

Subclause 7(2)(1) explains that if a rule/requirement in the regulation applies to a licensed age group that includes children who are in the group because of mixed-age grouping, it applies to all of the children in the group, no matter what the actual ages of any of the children are.

Subclause 7(2)(2) explains that if a rule/requirement says it applies to children of specific age when they are in a mixed-age grouping, the rule applies to each child in the group who is that age.

Where a requirement in the regulation talks about children of a specific age, the requirement applies to all children of that age no matter what group in an age category they are part of when they are receiving child care at the centre.

An example of where paragraph 7(2)2 applies when interpreting a requirement in the regulation is subsection 33.1(1). Subsection 33.1(1) requires that each child younger than 12 months of age is placed for sleep in a manner consistent with the recommendations set out in the document called [Joint Statement on Safe Sleep: Reducing Sudden Infant Deaths in Canada](#), unless the child's doctor recommends otherwise in writing. This requirement applies to all children 12 months and younger, whether they are in an infant group, a toddler group (because of the allowance for mixed-age groupings) or a family group.

Where a requirement in the regulation talks about an age category (in other words, the requirement applies to an infant, toddler, preschool, etc. group), the requirement applies to the whole group of children enrolled in that age category, regardless of the actual age of any children in the group.

 There are requirements in the regulation that apply to all children, no matter what age they are. For example, licensees must have and maintain a record for every child in their child care centre (see section 72 of the regulation for the requirements around children's records).

Under section 2 of the CCEYA, a **child** is defined as a person who is younger than 13 years of age.

Part 3.2 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
 - (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 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

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
Item	Name of age category	Age range of age category	Ratio of employees to children	Maximum 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

Subsection 8(1) is in place so that 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. These groupings allow staff to:

- adequately supervise and care for children
- meet the developmental needs of children
- effectively support children's learning, exploration, play and inquiry
- ensure children are getting the emotional support they need and can form strong relationships with the staff

Schedule 1 sets out:

- the **age range** (column 2) associated with each **age category** and the name of the **age category** (column 1)
- the total number of staff required a group of children in an age category
 - how many staff are needed for a certain number of children is called the staff to child **ratio** (see column 3)
- that some of the staff that make up the total number of staff (which is a **proportion**) need to be **qualified staff** (see column 4)
 - qualified staff are those people who meet the requirements in section 54
- the maximum number of children who can be in a group for a particular age category

The staff to child ratio and **maximum group size** is different for each group in each of the six age categories because the younger a child is, the more care and supervision they need.

Clarifying guidance



It is an offence under the CCEYA to contravene or fail to comply with section 8 of the regulation per section 88.1(3) of the regulation.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 8 of the regulation may lead to an administrative penalty of **\$2,000 times the number of children that exceed the number specified in section 8**; see **section 78** of O.Reg. 137/15 and **item 17 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.

The age ranges for the age categories in Schedule 1 were set up so they match the ages when children enter different grades in school. For example, under the *Education Act*, a child who is 44 months old (which is 3 years, 8 months old) can start going to kindergarten at the beginning of the school year.

Infant, toddler and preschool groups need to be cared for in separate rooms which are called **play activity rooms**. For groups in the other three age categories, there is more flexibility where they must have a play activity *area*, but the area does not necessarily need to be a room.



Cross-reference: the regulation has requirements about play activity rooms and play activity areas; see **section 17**

The number of program staff required under the regulation, as set out in Column 1 of Schedule 1, is the minimum number needed required; licensees are able to have more staff in a room if they choose to (as long as other requirements outside of the CCEYA are met; for example, there may be occupancy limits).

The licensee is responsible for ensuring that the required staff to child **ratio** for a group of children is maintained at all times with some limited exceptions for **reduced ratios**.



Cross-reference: there are periods of time in a day when **reduced ratios** are permitted under certain circumstances; see **subsection 8(4)** of the regulation



Cross-reference: a ministry director can approve a centre to have **mixed-age groupings** which means a group of children can have a certain number of children who not in the age range assigned to that age category; see **subsection 8(3)** of the regulation

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.

4. 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.

Part 3.3 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.
- (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

To allow centres to maximize enrollment and so they can respond to the changing developmental needs of children, approval for **mixed-age groupings** can be granted by a ministry director to allow a certain number of children from one age group to transition into a different age group even if the child moving rooms is not within the age range specified for the receiving age category.

Subsection 8(2) is in place to clarify that mixed-age groupings can be used for more than one age group in the centre.

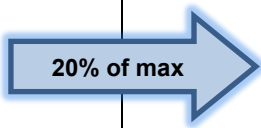
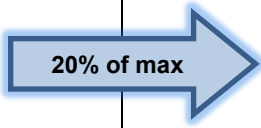
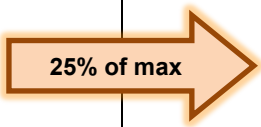
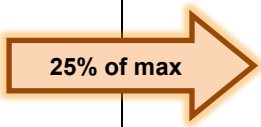
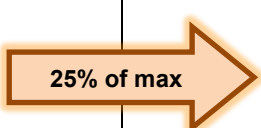
Subsection 8(3) is in place to limit how many children can move into a group in a different age category.

Clarifying guidance

Age category (per Column 1 of Schedule 1)	How many younger children can move into an age category's group without affecting requirements tied to the age grouping receiving the younger children?	Requirements to be followed for the mixed-age grouping
Infant	Not applicable because there are no children younger than infants	Not applicable because there are no children younger than infants
Toddler	Up to 20% of the licensed capacity for the toddler age group can be infants	If more than 20% of the children in the toddler age group are younger (i.e., infants), the requirements for the infant age group apply
Preschool	Up to 20% of the licensed capacity for the preschool age group can from a younger age category	If more than 20% of the children in the preschool age group are younger, the requirements the requirements set out in Schedule 1 for the youngest child in the group apply
Kindergarten*	If the child care is provided on or after the first day of school in a calendar year, up to 25% the licensed capacity of the kindergarten group of children, can be children who turn 3 years of age that year, as long as all other children are kindergarten children	If more than 25% of the children in the kindergarten age group are from a younger age group, the requirements set out in Schedule 1 for the youngest child in the group apply
Primary/junior school age*	Up to 25% of the licensed capacity of the primary/junior school age group of children can be kindergarten age, based on licensed capacity for the group, if all the other children are primary/junior school age	If more than 25% of the children in the primary/junior school age group are from a younger age category, the requirements set out in Schedule 1 for the youngest child in the group apply
Junior school age*	Up to 25% of licensed capacity for the junior school age group can be children who are between 7 – 9 years of age, if all the other children are junior school age	If more than 25% of the children in the junior school age group are from a younger age category the requirements set out in Schedule 1 for the youngest child in the group apply

Mixed-Age Grouping by Age Category

This chart shows the maximum number of children from a younger age category's group who can be included in an older group without affecting the staff to child ratio, maximum group size and proportion of qualified employees needed for the older age category's group.

Name of age category	Total maximum number of children in group	Maximum number of children that can be included because of the rules for mixed-age grouping
Infant	n/a	n/a
Toddler	15	 3 younger
Preschool	24	 5* younger
Kindergarten	26	 7 three-year olds
Primary/Junior School Age	30	 8* kindergarten-age children
Junior School Age	20	 5 seven-nine year olds

* For any calculation of a percentage of a maximum group size that results in a decimal over 0.5, the number is rounded up to the nearest whole number

Where the number of children in a group is fewer than the maximum allowed under the regulation (in other words, the total number of children in the group is a **smaller number** than what is in Column 4 of Schedule 1), centres need to do their own calculations. How to do the calculations is explained in the chart below.

EXAMPLE

The *ABC Child Care Centre* has a toddler room which has a licensed capacity of 13 children.

The licensee wants to include infants in the toddler room. The licensee must first get a director's approval for mixed age grouping. If approved; then the number of infants allowed needs to be calculated using the rules outline in subsection 8(3)

How to figure out how many infants can be in the centre's toddler room:



Step 1: confirm the licensed capacity for the toddler group. This number is included as part of a centre's licence. In this example, *ABC Child Care Centre*'s licensed capacity for its toddler group is 13

Step 2. Figure out the percentage of younger children allowed in the older group per subparagraph 8(3)(1)(i). For this example, 20% of the children in the toddler group can be infants

Step 3. Convert the percentage set out in section subparagraph 8(3)(1)(i) to a decimal. For 20%, this converts to a decimal of 0.2

Step 4: Multiple the licensed capacity by the percentage number of younger children allowed expressed as a decimal; so in this example, the *calculation of younger children allowed* is **20%** of **13** which is

$$0.2 \times 13 = 2.6$$

The counting of children needs to be done as a **whole number** without decimals; this is why the following rounding rules must be followed:

- If the *calculation of younger children allowed* results in a number that is **X.5 or higher**, the number is **rounded up**
 - In this example, **2.6** is rounded up to **3**; this means that 3 infants can be in the toddler room that is licensed for 13 children (so 10 of the children would be toddlers)
- If the *calculation of younger children allowed* results in a number that is **X.4 or lower**, the number is **rounded down**
 - For example, if the calculation of younger children results in 2.2, the number of younger children allowed in the older age group would be 2

There may be situations where older children are in rooms with younger children because of the allowance for mixed-age grouping (where approved by a ministry director). Licensees need to ensure that all requirements under the CCEYA that are tied to the age of children (for example, around nutrition and rest) are met for all children in a room. Staff also need 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.

Best practices



When considering transitioning a younger child to an older age category as part of a mixed-age grouping, licensees should:

1. have an agreed-upon plan with the child's parent(s) to do the transition
2. talk to the parent and child (where developmentally appropriate) about how to make the transition as smooth and easy as possible for the child
3. think about and plan for how to keep the younger child safe in the older age group, how to meet the child's developmental needs and how to help build the child's skills. Things to consider include:
 - Whether the play materials and environment in the older age group's room are safe for younger children; for example, no potential choking hazards should be present in mixed-age groupings with very young children
 - How a child's individual physical needs for diapering, meals or rest time will be met
 - How well the child understands and uses language
 - How the child reacts to major changes
4. prepare the children in the older room for the arrival of the younger child by talking about the transition and how the child can be welcomed and made to feel safe and secure
5. slowly and gradually introduce the child moving to another age group to the staff and children

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.

Part 3.4 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 a child care centre, there are periods of time during the day where not all children are there at the same time or the children are sleeping/resting so fewer adults than required (by subsection 8(1)) at other times of the day are enough to adequately care for and supervise children.

Being able to have reduced ratios during some short parts of the day for certain age groups (namely those older than infants) gives staff a chance to take a break or come to/leave work at different times.

Subsection 8(4) is in place to limit when **reduced ratios** can happen; namely that reduced ratios are only allowed during three different periods of time during the day:

1. **Arrival periods**: reduced ratios are allowed because in most centres, children arrive at the child care centre at different times so attendance can fluctuate
2. **Departure periods**: reduced ratios are allowed because in most centres, children leave the child care centre at different times so attendance can fluctuate
3. **Rest periods**: reduced ratios are allowed because the children are not very active during rest period, so they need less supervision than during other times of the day

Clarifying guidance



It is an offence under the CCEYA to contravene or fail to comply with section 8 of the regulation per section 88.1(3) of the regulation.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 8 of the regulation may lead to an administrative penalty of **\$2,000 times the number of children that exceed the number specified in section 8**; see **section 78** of O.Reg. 137/15 and **item 17 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.

The regulation defines how long an **arrival period** is and a **departure period** is; the length of time depends on how many hours a day a program operates and there is a maximum length of time for both. See the quick reference chart below for details.

The regulation also defines the maximum length of a **rest period** for some programs; the following chart explains this and the maximum arrival and departure periods as well:



Quick reference

	Program operates for	
	6 HOURS OR MORE/DAY	LESS THAN 6 HOURS/DAY
Arrival period* (counted from the time the program opens that day)	no more than 90 minutes	no more than 30 minutes
Departure period* (counted from the time before the program closes for the day)	no more than 60 minutes	no more than 30 minutes
Rest period	no more than 2 hours for licensed preschool or toddler groups or family groups with children age 2-5 years	N/A no length of rest period prescribed for any age/age group that operates for less than 6 hours/day

* child care centres that operate 24 hours/day do not have defined arrival or departure periods so the allowance for reduced ratios only applies to the rest period

There are five situations where reduced ratios are **never permitted**:

1. during **outdoor play periods**, regardless of the age of the children
2. for **infant groups**: children under 18 months need more care and supervision than older children and may not yet be walking; all adults need to be present to look after infants, and, in the case of an emergency, to evacuate infants
3. for **family age groups** because the way the required staff to child ratios are calculated is different than how ratios are calculated for child care centres operating under Schedule 1
4. for **junior school age groups** as the staff to child ratio for these groups set out in Column 3 of Schedule 1 only requires one staff per group
5. **at any time, other than a rest period in a child care centre that operates 24 hours a day**; while reduced ratios can be in place during rest periods, reduced ratios are not permitted at any other time because 24 hour/day programs do not have distinct arrival or departure periods of time as part of the centre's schedule

Licensees are responsible for ensuring that the numbers of adults required by the regulation are on-site, available and accessible to each room operating at a reduced ratio – even if those adults are not required to be counted in ratio. This is important in case of an emergency.



Cross-reference: a certain number of adults are required to be on the premises of the child care centre at all times; see **subsection 8(6)** of the regulation

There is a requirement in the regulation that requires people who are counted in staff to child ratios to have their first aid certification, including infant and child CPR. Newly hired staff have up to three months to get this certification; because of this, some staff may not have their first aid certification when they start working at the centre. To keep children safe and make sure there are staff who can respond to an emergency, the regulation requires that where there is a person who does not yet have their first aid certification and is supervising children, another staff person who **is** first aid certified must be available and close enough to the children so that the certified person can respond if there is an emergency.



Cross-reference: the regulation has requirements around staff training, including around first aid certification; see **section 58**



Quick reference

The following chart has done the calculation of 2/3 of staff required during periods of time when reduced ratios are permitted.

Name of age category	Ratio per Column 3 of Schedule 1	Number of Children in Room	Number of Staff Required During Periods when Reduced Ratios are Permitted
Infant	3:10	1-10	 reduced ratios never permitted
Toddler	1:5	1-8	1 
		9-15	2  
Preschool	1:8	1-12	1 
		13-24	2  
Kindergarten	1:13	1-20	1 
		21-26	2  
Primary/Junior School Age	1:15	1-23	1 
		24-30	2  
Junior School Age	1:20	20	 reduced ratios never permitted

Best practices

Licensees should let parents know what the program's departure and arrival periods are, and where applicable, when the rest period is, so they know when there may be fewer staff present during the day. It is best practice for all licensees to:

- let parents know when these time periods are when they are enrolling their child; and
- include the times of these periods in the [parent handbook](#), which is required by section 45 of the regulation.

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.

Part 3.5 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

A supervisor in a child care centre must direct the program, be in charge of the children, and manage the staff; this is a requirement in subsection 6(4) of the regulation.

Subsection 8(5) is in place to limit when a supervisor can be counted towards staff to child ratios because, in a large child care centre, it is not possible for the centre's supervisor to do everything that is required of them by subsection 6(4) while at the same time doing what is required of staff who are counted in staff to child ratios.

Clarifying guidance



It is an offence under the CCEYA to contravene or fail to comply with section 8 of the regulation per section 88.1(3) of the regulation.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 8 of the regulation may lead to an administrative penalty of **\$2,000 times the number of children that exceed the number specified in section 8**; see **section 78** of O.Reg. 137/15 and **item 17 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.

Supervisors may be counted towards staff to child ratio requirements under certain circumstances, which are set out in subsection 8(5) and summarized in the chart below:



Quick reference

Number of full-time employees (FTEs)	Can the supervisor be counted as part of the required staff to child ratio?
1, 2, 3, or 4	Yes and the supervisor counts as an FTE with respect to ratios the whole time
5 or 6	Yes but the supervisor only counts as an FTE for up to 50% of the time an FTE is required to meet the ratio
7 or more	No

Best practices

Whenever possible, supervisors should arrange their shifts in order to be available to parents during times of arrival and departure to discuss any questions or concerns.

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 of 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.

Part 3.6 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

The younger children are, the more care and supervision they need and the more help they need to evacuate when there is an emergency, especially if the children are not walking yet. Subsection 8(6) is in place to make sure that there are enough people at the centre to help if there is an emergency.

The use of the word **adult** (which is a person 18 years of age or older) in this requirement (rather than staff) or employee is intentional because it can refer to people in the child care centre other than the staff required to be in the child to staff ratio. These other people can fulfill the requirement in this subsection (in addition to the staff who are counted in ratio).

Clarifying guidance



It is an offence under the CCEYA to contravene or fail to comply with section 8 of the regulation per section 88.1(3) of the regulation.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 8 of the regulation may lead to an administrative penalty of **\$2,000 times the number of children that exceed the number specified in section 8**; see **section 78** of O.Reg. 137/15 and **item 17 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.



Quick Reference

How many children are receiving child care in the centre?		The number of adults who need to be at the child care centre
Infants 1, 2, or 3	OR	Toddlers or older 1, 2, 3, 4, or 5
		1 
Infants 4 or more	OR	Toddlers or older 6 or more
		2  

Licensed infant groups need “their own adult” (1 or 2 adults, depending on the number of infants:

If there are:

- 1 infant and 6 toddler, 3 adults would be needed.
- 4 infants and 6 toddlers, 4 adults would be needed.

The requirements in section 8(6) must be met even when reduced ratios are being used. Even if only one adult is required to maintain the reduced staff to child ratio, an additional adult must be on site and readily available in case of emergency.



EXAMPLE

45 minutes before a full-day child care centre closes (this is within the departure period), there are 8 toddlers left in the child care centre. Because of reduced ratio rules in subsections 8(2) and 8(3), only 1 staff needs to be counted in staff to child ratio and must be in the room with the toddlers.

But, because of subsection 8(6), there must be 2 adults at the centre.

The second adult who needs to be in the centre does not have to be counted in the staff to child ratio because the requirement to have 1 staff for every 8 toddlers during the departure period has already been met. This means that the other person required to be at the centre because of subsection 8(6) can be a support staff person (for example, a cook).

If there were 9 toddlers in the centre 45 minutes before it closes, 2 staff need to be there to meet the required staff to child ratio per subsections 8(2) and 8(3). No additional persons need to be at the centre because the requirement in 8(6) to have 2 adults present if there are more than 6 toddlers has already been met.

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.

Part 3.7 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.

- (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 (Schedule 4 of the regulation):

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 a broad range of 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 populations where child care options are limited or in areas where there is a need for child care during non-standard hours of operation.

There are many benefits to grouping children in family age groups, including:

- 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.

Clarifying guidance

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.

Ministry program advisors can help applicants/licensees with calculations related to family age groups.



Contravention of section 8.1 of the regulation may lead to an administrative penalty of **\$2,000 times the number of children that exceed the number specified in section 8.1**; see **section 78** of O.Reg. 137/15 and **item 18 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.

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

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

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.

Part 3.8 Resource Consultants

Ontario Regulation 137/15

- 10 A resource consultant shall not be included when calculating the number of employees required to meet the ratio under section 8 or 8.1.

Intent

Resource consultants provide extra support related to children with special needs in child care centres. Section 10 is in place to prohibit these professionals from being counted in the required staff to child ratios because resource consultants' roles and responsibilities in the centre do not include providing care and supervision (in other words, child care) to children.

Clarifying guidance

Most resource consultants are employees of an agency such as a community centre or they are employees of a service system manager. These employers set out the qualification requirements for their own staff.

 **Cross-reference:** For resource consultants who are employees of a licensee, the qualification requirements for these professionals in O.Reg. 137/15 apply. See **section 55** in the regulation

If child care staff are concerned about a child's development and are thinking about requesting the services of a resource consultant, they must obtain consent from the child's parent to make a request for or referral to the services of a resource consultant (and/or any other community-based services or supports).

 **Cross-reference:** the regulation defines a "child with special needs" as 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; see **subsection 1(1)** of the regulation

Compliance indicators

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

Part 3.9 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

Adult supervision of children is necessary to maintain a safe child care environment, to prevent or minimize the risk of injuries and to maintain a high level of quality in a child care program. This provision is in place to protect the safety and well-being of children by requiring that they be always supervised by an adult while receiving child care in a child care centre.

Clarifying guidance



It is an offence under the CCEYA to contravene or fail to comply with section 11 of the regulation per subsection 88.1(4) of the regulation.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 11 of the regulation may lead to an administrative penalty of **\$2,000**; see **section 78** of O.Reg. 137/15 and **item 20 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.

Children must be actively supervised by an adult at all times including:

- throughout the whole period that child care is being provided
- when children are either on or off the premises of the child care centre (such as when they are at a community playground, travelling as part of a field trip, etc.)
- when children are in a vehicle, even if the children are in car seats or have their seatbelts on

If children are coming into the centre at different times from being outside for the required outdoor play period, to make sure there is no break in the supervision of children, an available adult who works at the centre should meet children at the door.

Where there are repeated incidents of children going unsupervised, the ministry may take additional progressive enforcement action against the licensee. The ministry looks at a number of factors when determining what progressive enforcement action to take including considering whether contraventions of section 11 are associated with complaints and/or serious occurrences and what types of corrective action, if any, the licensee has taken to reduce the likelihood of contraventions of section 11 in their centre (for example, the ministry may consider whether/how the licensee has started to support and train staff). Ministry staff may also provide additional oversight and monitoring in centres with patterns of non-compliances that are not improving in a meaningful and timely manner.



Cross-reference: the regulation has a set of specific requirements around sleep supervision. See **section 33.1**



Cross-reference: the regulation has requirements around outdoor play. See **section 47(1)** and **47(1.1)**

Age of staff

The Ministry recognizes an individual who is at least 18 years old as an “adult” for the purposes of O. Reg. 137/15. Therefore, **staff members who are not yet 18 years of age cannot be left alone to supervise children.**

While the CCEYA does not prohibit licensees from hiring individuals who are under 18 years old, licensees may have their own policies about the age of the persons they hire. If making such a policy, licensees are strongly encouraged to speak with a lawyer to ensure that it meets any relevant legal requirements (such as around human rights, labour, truancy).

Best practices

Adults who are supervising children should be **actively** supervising children which means they should minimize distractions (for example, use of personal electronic devices) that could take their focus/attention off of the children.

Licensees should discuss with supervising adults who will be doing what in terms of supervision (in other words, their roles and responsibilities when it comes to supervision). When there are new staff or when volunteers or parents join activities that they are not normally part of, they must be made aware of who needs to do what in terms of supervision.

To minimize the risk of serious harm/injury or instances of children going missing, supervising adults should:

- make sure they are familiar with the physical layout of the child care centre premises and the outdoor space used by the children
- know which children are in attendance at any particular time of the day
- do frequent head counts of children to ensure that all of those who are at the centre for the day are present during various activities
- position themselves to be able to see all children
- anticipate what may happen next to be able to assist children and step in if there’s potential danger or a risk of children getting away from the group
- be extra vigilant when on field trips, going on a walk, or during times of transition as children may not know what to do or where they should be going when taking part in activities that are not typically part of their day-to-day routines in the centre

In general, supervising adults need to understand how much supervision needs to be provided to individual children by understanding their skills and abilities. Supervising adults may need to provide greater attention to children who require a higher degree of supervision compared to their peers due to their age/developmental stage or due to special and/or medical needs. Similarly, extra supervision/attention should be given to children who are new to the centre until they become familiar with the centre's routines, the layout of the premises and outdoor space, etc.

Those responsible for supervising children should focus on maintaining children's physical safety as well as their psychological and emotional safety. Supervising adults need to look out for and address any instances of children teasing, intimidating or bullying other children.

Supervision of school-age children

[How Does Learning Happen? Ontario's Pedagogy for the Early Years](#) sets out that children are to be viewed as capable and competent individuals. There may be situations where it is safe and appropriate for school-age children to be independent for a short period of time with guidance and support from adults.

EXAMPLE

As children get older, they become more independent and are better able to self-regulate. Two school-aged children use a "buddy system" to go to the washroom together without direct adult supervision, like what happens during the school day. Licensees should consider an individual child's competencies and how safe the building/hallways are when making decisions that can appropriately support the school-age child's independence and learning of new skills.



Supervision around water

The ministry strongly recommends that licensees only bring children under their care and supervision to pools/beaches which have qualified life guards present. If visiting a beach, pool or other body of water, a comprehensive supervision plan needs to be in place. Ratio requirements under the regulation must be complied with when children are around bodies of water; licensees should make efforts to have additional adults present, such as volunteers and parents when children will be swimming.

The use of on-premises splash pads, sprinklers, hoses or water tables, under close supervision of adults always, can be good cooling or sensory activities if going to a swimming pool or beach is not an option. Such play-based learning and sensory exploration opportunities are important to children's development and should be encouraged. Your local public health unit may have recommendations and/or requirements related to the use of water tables or other water-based activities.

Resources around water safety

All licensees, staff, parents, volunteers and students on an educational placement at the centre are strongly encouraged to familiarize themselves with basic water/swimming safety practices and precautions. See the **resources** list at the end of the manual.



Cross-reference: the requirements for staff to child ratios apply to all off-premises activities including field trips to pools, beaches, etc. See **section 8** of the regulation



Cross-reference: the regulation requires people who are counted in ratios to have their first aid certification, including infant and child CPR. Newly hired staff have up to three months to get this certification; because of this, some staff may not have their first aid certification when they start working at the centre. To keep children safe and make sure there are staff available who can respond to an emergency, the regulation also requires that where a person who does not yet have their first aid certification and is supervising children, another staff person who is first aid certified is available and close enough to the children so that the certified person can respond if there is an emergency. This requirement applies when children are off the premises such as when there is a field trip. See **section 58** of the regulation



Cross-reference: the regulation has separate requirements around sleep supervision; see **section 33.1** of the regulation



Early childhood educators are reminded that *failing to adequately supervise a child who is under the professional supervision* of an early childhood educator is considered **professional misconduct** under the *Early Childhood Educators Act, 2007* – refer to section 2 of [Ontario Regulation 223/08 \(Professional Misconduct\)](#)



The College of Early Childhood Educators has produced resources around supervision – see the College’s [Practice Note: Professional supervision](#) and [College Talk: Enhancing children’s safety through professional supervision](#).

Compliance indicators

1. All children are observed to be always supervised by an adult.

And

2. Staff who work with kindergarten and school-age children describe the supervision strategies for these groups (e.g., washroom routines).

Part 3.10 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.



(1.1) Subsection (1) does not apply in respect of a student who is on an educational placement with the licensee and is also an employee.

- (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

While **volunteers** and **students** play an important role in supporting staff and enriching children's daily experiences at the child care centre, it is the employees of the centre who are counted in required staff to child ratios and who need to be first aid certified. Additionally, many requirements that licensees are subject to are tied to staff.

To protect the health, safety and well-being of children in the program and ensure licensees are meeting all requirements in the regulation, section 11.1 is in place to prohibit children being left alone with a volunteer or student unless the student is also an employee. As of January 1, 2024, the regulation was amended to clarify that staff who are employed while also enrolled in an educational program and who are completing an educational placement in their current place of work may continue to be counted as a staff member throughout the duration of their placement.

This section also requires that policies and procedures set out the roles and responsibilities for all three types of people who are at the centre:

1. staff – including those staff who are responsible for supervising the students or volunteers in the centre
2. students
3. volunteers

Clarifying guidance



Contravention of subsection 11.1(1) of the regulation may lead to an administrative penalty of **\$1,000**; see **section 78** of O.Reg. 137/15 and **item 0.1 of Table 2** under that section.

The amount of the administrative penalty increases if the contravention of is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.



Cross-reference: Information about the requirement regarding the supervision of volunteers and students and the related policies and procedures required must be included in the parent handbook; see clause **45(1) (a.1)** of the regulation



Cross-reference: 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; see **section 6.1** of the regulation



A **duty parents** who is taking the place of an employee in a **cooperative child care program** is not considered a volunteer if they are being counted in the required staff to child ratios. In these instances, they must meet all the requirements for staff.

Best practices

When developing their required written policies and procedures regarding students and volunteers, licensees should consider:

- Who will supervise volunteers and students at the centre
- 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 students

Compliance indicators

1. It is observed that volunteers and students are always supervised by an employee;

And

No volunteers 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 are always supervised by an employee;
- (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.

Part 4 – Building, Equipment and Playground

Part 4.1 Child Care Centres in Publicly- funded 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

Section 12 of O.Reg. 137/15 and section 75 of the CCEYA are in place to avoid having two sets of requirements for certain things for centres that are in schools, and which only serve children who are kindergarten age and older.

For the purposes of building and accommodation requirements, before- and after-school licensed child care programs located in schools are part of the school. Licensees for these types of programs are not required to demonstrate compliance with building and accommodation requirements set out under the CCEYA because the school building is already subject to requirements around building and accommodation.

Per section 12 of the regulation, the following requirements do not apply if a licensed child care program is located in a school and only serves children who are kindergarten age and older.

- 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 space requirement



Under the CCEYA, the term **school** has the same meaning as in the [Education Act](#). As such, references in the CCEYA and its regulations to “school” are referring only to **publicly funded schools**.

Private schools are referred to as **private schools** in the CCEYA and its regulations and have the same meaning as set out in the [Education Act](#).

Clarifying guidance

Licensees are responsible for the safety of children while under their care and supervision, including in licensed before- and/or after-school programs located in schools.

If the licensee or child care centre staff notice unsafe outdoor play structures or other shared spaces/facilities used by the school and licensed child care program (such as a washroom) or have concerns with the safety of the building, they must take steps to address the concern. At a minimum, the licensee and/or their staff must contact the school or school board immediately so that action can be taken to address any safety concerns, such as making necessary repairs.

If unsafe outdoor play structures cannot be repaired immediately, licensees are to take steps to ensure children are offered other outdoor play experiences and they must not allow children to play/use unsafe equipment, structures, etc.

If children are observed to be using unsafe equipment, the licensee will be cited for non-compliance with subsection 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:

- speak with the licensee and/or supervisor about the concerns
- make referrals to local authorities, such as the fire department
- follow up with the school board's Early Years Lead

Part 4.2 Compliance with Local By-laws etc.

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 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 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).
- (3) A licensee shall ensure that a premises complies with the matters always listed in subsection (1) during which it is used as a child care centre.

Intent

There are laws and requirements that apply to child care centres in Ontario that are set out in statutes other than the CCEYA, such as those regarding fire prevention, building standards, etc. The Ministry of Education is not responsible for the administration of such other statutes.

Section 13 is in place to make sure that the ministry can see proof that applicants/licensees have met other legal requirements that may be relevant to the operation of a child care centre. This tells the ministry that the care centre is safe and suitable for children to be there.

Clarifying guidance

Licensees must provide proof that the child care centre complies with the requirements of the **local public health unit** and local authorities such as those which are responsible for fire protection and building and zoning.

- before a licence is issued
- when the licensee asks the ministry for a revision or renewal of their licence

Subsection 13(3) is a requirement for licensees to be in compliance with the laws that are listed in subsection 13(1) on an ongoing basis.

Local by-laws vary among municipalities and First Nations and can change over time. To ensure compliance with the CCEYA and O.Reg. 137/15 and help make sure there will be timely processing of their request for a new licence or renewal or revision of an existing licence, all applicants and licensees must check with their local municipality to confirm what by-laws are relevant to their planned child care centre or existing child care centre.

 **Cross-reference:** some of the requirements under section 13 do not apply to child care programs located in schools that only serve children kindergarten-age and older. See **section 12** in the regulation and **section 75** of the CCEYA

Compliance indicators

1. At time of an application, 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 only 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. The licensee verbally confirms that the child care centre complies with all applicable items listed in section 13(1) at all times.

Or

There is written evidence that the child care centre complies with all applicable items listed in section 13(1) at all times.

Part 4.3 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.
- (2) The plans referred to in subsection (1) shall include space designated for each item listed in subsections 15 (1) and (3).

Intent

Section 14 is in place so that applicants/licensees do not put in time, effort and money into building or renovating a centre that will later have trouble meeting licensing requirements under the CCEYA. To this end, this section sets out a requirement that a ministry official must approve plans for new child care centres and planned renovations to existing child care centres.

The approval from the ministry rests on whether the submitted floor and site plans meet all requirements in O.Reg. 137/15 related to the physical space of the child care centre, including how big the program rooms are and whether the required designated areas are present in the planned centre.

Clarifying guidance

The reference to **plans** in subsection 14(1) refers to at a minimum, **floor plans**; some centres will also need to submit a **site plan** which includes outdoor play space.

Floor and site plans must be uploaded into the CCLS. A combined floor and site plan is also acceptable if it includes all relevant details – the program advisor assigned to the planned or existing centre will confirm which type of plan/s must be submitted.



The ministry has created separate [Planning and Design Guidelines for Child Care Centres](#) – this document has a lot of detail around how child care centres need to be designed and includes helpful checklists.



Cross-reference: Section 14(2) of the regulation does not apply to child care programs located in publicly-funded schools that only serve children kindergarten age and older; **see section 12**



Cross-reference: the regulation requires all child care centres (other than those in a school that only serve kindergarten children or older), regardless of how many hours a day they operate/plan to operate, to have **designated spaces** for certain materials, records, activities, etc. See **section 15**



Cross-reference: storage for medical supplies, cleaning materials and equipment and other items that could cause harm to a child, such as poisonous and hazardous substances and storage spaces for heating and electrical equipment cannot be accessible to children. It is important to plan for this when designing a child care centre. See **subsection 15(2)** of the regulation



Cross-reference: there are additional requirements around space that apply only to centres which operate/plan to operate for six hours or more per day. It is important to note that such programs must have a designated space for outdoor play in their site plan. See **subsection 15(3)** of the regulation

Compliance indicators

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

Part 4.4 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 hard copy records, if necessary.
 5. Storage for medical supplies, cleaning materials and equipment and other items that could cause harm to a child, such as 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

Section 15 is in place to make sure that there are assigned spaces in the centre to store different things that are needed in a child care centre and to make sure there are different dedicated locations to do various activities (such as sleep, eat, prepare food, etc.).

Having dedicated locations for things and activities is important to keep the centre organized, to keep children safe and to ensure children cannot get to things that may be dangerous.

Clarifying guidance



Contravention of subsection 15(2) of the regulation may lead to an administrative penalty of **\$1,000**; see **section 78** of O.Reg. 137/15 and **item 0.2 of Table 1** under that section.

The amount of the administrative penalty increases if contravention is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

Medical supplies, cleaning materials and equipment and items that could cause harm to a child, such as poisonous or hazardous substances that pose a risk to the health, safety and well-being of children must be inaccessible to children. Examples of poisonous or hazardous substances include but are not limited to:

- Bleach and laundry detergent (liquid, powder or pod-type)
- Substances in aerosol cans
- Hand sanitizer
- Dish soap and automatic dishwasher detergents (liquid, powder or pod-type)
- Any medication used by staff, volunteers or students
- Any object that could seriously injure a child such as knives, tools, any material/object



The “*if necessary*” in paragraph 15(1)(4) is there because the regulation says that a record can be either a hardcopy (in other words, printed out on paper) or an electronic document. If a licensee chooses to only have electronic documents of the records that the regulation requires, they do not need to have something like a filing cabinet to store physical records. If a licensee has a mix of both electronic and paper records, then a dedicated space such as a filing cabinet is required. Filing cabinets should be locked as they can store personal information, including personal health information.



Cross-reference: the regulation says, “unless otherwise specified in this Regulation, any record, report or other document required under this Regulation, or any other regulation made under the Act, may be made or kept in either a hard copy or electronic format”. See **subsection 82(2)**



Cross-reference: Section 15 of the regulation does not apply to child care programs located in publicly-funded schools that only serve children kindergarten age and older; see **section 12**



The ministry has created [Planning and Design Guidelines for Child Care Centres](#). This document has a lot of detail around how child care centres should be designed and includes helpful checklists.

Compliance Indicators

1. For new applications and revision requests, there is space for the designated areas listed in 15(1).
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).

Part 4.5 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

Subsection 16(1) is in place to make sure there is enough floor space for children to safely do indoor activities and play. The required amount of floor space cannot have any obstructions/obstacles that would be a hazard to children or prevent them from being able to explore and play safely.

How much **unobstructed floor space** is required in a play activity area/room in a centre depends on the age of the children; younger children need more floor space as they may be crawling and staff may be sitting on the floor to supervise, support and play with children.

Clarifying guidance

Subsection 16(1) talks about **how big of a space** is required in terms of square footage (also referred to as floor space) to make up a required **play activity ROOM** or **play activity AREA** (which are required as part of subsection 17(1)):

- Infant, toddler and preschool groups must have a **play activity ROOM**
- Kindergarten, primary/junior school age and junior school age groups must have a **play activity AREA**

Play activity rooms and play activity areas are where children spend most of their time when they are getting child care at the centre.

For the purposes of measuring floor space, **obstructed space** means an area where there are items that cannot be moved. Obstructed spaces are those that include things like:

- counters
- sinks
- built in storage shelves
- children's cubbies

When measuring floor space, the obstructed space cannot be included in the calculation for the 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.



If an area within the room has been designated for the permanent storage of stacked cots or resting mats, this area is considered an obstructed space so it cannot be counted for the measurement of the total floor space.



EXEMPTION: Applies to licensed kindergarten, primary/junior school age or junior school age groups in a school.

To encourage a seamless day where children who go to school stay in the same room throughout the school day as well as during the before- and/or after-school child care program component of the day, a ministry director can approve a child care program to operate without meeting the space requirements set out in clause 16(1)(b) as long as:

- The child care is being provided in a room in a publicly-funded school

AND

- The room being used is a room that is used during the school day by children who are the same age as the children enrolled in the licensed before- and/or after-school program

Licensees of before- and/or after-school programs who want to use a room in a school that is less than 2.58 square metres of unobstructed floor space for each child must obtain director approval under subsection 16(2) of O. Reg 137/15.



Guidelines when seeking director approval: Director approval being requested for 16(2) will only be considered:

- After there is confirmation from the school that a room in the school is being used during the instructional part of the school day and as a room for a child care program at other times (a **shared space attestation form is available on CCLS**) and must be provided to ministry staff when they ask for it)

AND

- The request for director approval must:
 - be provided to the centre's assigned program advisor in writing
 - include information on all rooms available for use by the child care program, regardless of whether the child care program is currently using the rooms
 - include a description of what the room the child care program is planning on providing child care in is used for during the school day
 - be signed by the licensee or their designate



The ministry has created the [Planning and Design Guidelines for Child Care Centres](#). This document has a lot of detail around how child care centres should be designed and includes helpful checklists.

Best practices

While subsection 16(1) has requirements about how big a play activity room or play activity area has to be, the regulation does not have requirements about the minimum floor space of other places in the centre. However, it is recommended that the overall total space of a child care centre be at least between 7.4 and 9.3 square metres (which is about 80-100 square feet) per child.

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.

Part 4.6 Rooms/Areas by Age Group

Ontario Regulation 137/15

- 17(1) Every licensee of a child care centre 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

Subsection 17(1) is in place to:

- prevent crowding of children and others in the child care program
- ensure that children's developmental needs are being met – infants spend a good part of their day sleeping so they need a quiet, separate space to sleep away from the noise and distraction of older children
- protect children's safety – younger children need to be in play activity rooms away from older and bigger children who are more active
- allow for adequate supervision

Clarifying Guidance

Subsection 17(1) talks about the **type of play activity place** a group in a particular age category must have – either a **play activity ROOM** or a **play activity AREA**.

Play activity rooms and play activity areas are where children spend most of their time when they are getting child care at the centre.

- Infant, toddler and preschool groups must have a **play activity ROOM**
- Kindergarten, primary/junior school age and junior school age groups must have a **play activity AREA – the area does not need to be a room**

Infants have their own sleep schedules so having a set sleeping schedule for all children in a room does not make sense; this is why only infant rooms and family groups with children who require a crib or cradle must have a separate sleeping area.



* **EXEMPTION:** Licensees can ask for director approval for a set-up where children in a kindergarten or primary/junior school age groups are split up into two different play activity areas.

Examples of a set-up where children are in two different play activity rooms include:

- the use of two adjacent classrooms
- one large gymnasium split into two separate play activity areas
- using one space on some days and then using another space on other days such as: on Monday, Wednesday and Friday the child care program uses the gymnasium and on Tuesday and Thursday the program uses cafeteria



A **junior school age group** (made up of 9 – 12 year old children) cannot be split up into two separate play areas because there is only one staff member required for the group of 20. If the 20 children were to be split up into two areas each with 10 children, one of the areas would not have a staff person present which is not allowed because of subsection 8(1) and section 11 of the regulation.



Cross-reference: the regulation requires play activity spaces to be a certain size; see **section 16**



Cross-reference: the regulation requires a crib or cradle be provided for each child under 12 months of age; see **paragraph 19(2)(4)**

Best practices

All play activity rooms and play activity areas should:

- be designed for ease of supervision
- have a good exterior view and natural light if possible
- be conducive for language understanding and use – if music is being played in a room outside of dedicated music programming the music should be kept at a volume below speaking volume

It is best practice that play activity rooms for infants and toddlers are next to diaper-changing areas and accessible to cubbies.

If the required play activity area for a group of more than 16 children in a primary/junior school age group is one single area (for example, in a gymnasium in a school; as opposed to being split up between two joined classrooms), it is recommended that the area be broken up into different stations (for example, one for computers, one for reading, one for homework, etc.) so the children can spread out.

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.

Part 4.7 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.
- ...
- (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

Subsection 19(1) is in place to ensure that there are enough developmentally-appropriate play materials in the child care centre to meet the objectives outlined in the subsection, which are aligned with the ideas in [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#).

Best practices



Tips for choosing play materials

When choosing developmentally appropriate play materials (which can include natural materials such as leaves, branches and toys, games, etc.) for each room and to use in the outdoor play space, licensees should choose materials, toys etc. that:

- engage children, draw them in and spark children's curiosity and help children to learn and develop in all areas (social, emotional, cognitive, communicative and physical)
- support making the environment a good **third teacher**, as outlined in [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#)
- offer children opportunities to use complex thinking and creativity
- let the children make choices, work together to solve a problem and share materials with each other
- challenge children to take manageable risks that help grow their competence and skills



It is not recommended that free-standing play structures (for example, a moveable indoor slide) be used in centres. These structures can be dangerous in a child care centre because they are not meant to be used by large groups of children, they are not anchored to the ground and simply not made to be used outside of families' homes. If a licensee is thinking about using a free-standing play structure in their centre, they should first check to see if their insurance company has any concerns. If the licensee proceeds to use such a play structure in the centre, they must ensure that the age range for use and safety instructions provided by the manufacturer of the play structure are followed.

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.

Part 4.8 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

Subsection 19(2) is in place to ensure that there is enough appropriate and safe furniture for dressing, diaper changing and sleep/rest periods in the child care centre.

The requirement for bedding for each child who receives child care for six hours or more is in place to prevent bedding from being shared.

Subsection 19(3) is in place to ensure children are not exposed to broken, damaged or otherwise compromised play materials, equipment and furnishing to support their safety.

Clarifying guidance



EXEMPTION: The language around “unless otherwise approved by a director” in paragraph 19(2)7 allows licensees to request approval from a ministry director to use something other than a cot for children of a certain age (age 30 months to 6 years in a child care centre with a Schedule 1 age group or children age 24 months to 5 years in a Schedule 4 family age group). Director approvals will be considered for **resting mats** (sometimes also called nap mats) for:

- children who have special needs or medical needs who may not be able to use or tolerate cots

OR

- children who take short rest periods or quiet time but do not typically sleep when in the child care centre

OR

- other circumstances as determined on a case-by-case basis



Guidelines for seeking director approval for resting mats (as an alternative to cots)

Before asking a ministry director for approval to use resting mats, licensees should ensure that:

1. the request is being made only for children with special or medical needs or for children who do not typically nap/sleep at the centre (but they may lay down to rest)
2. parents have indicated that they would provide permission to use resting mats for their children
3. there is a carpeted area in the centre on which the resting mats would be placed



Cross-reference: the regulation has program requirements around sleep, rest and quiet time for children. See **subsection 47(2)** and **subsection 47(2.2)**

Subsection 19(3) requires licensees to make sure that play materials, equipment and furnishings, including cots, cradles and cribs in their child care centre, 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.

When looking to make sure a centre's play materials, equipment and furnishing are in safe condition and good state of repair, ministry program advisors look to see whether:

- there are any missing, broken or otherwise compromised parts/components
- they are visibly soiled/dirty
- they work as intended



The Government of Canada is responsible for recalling consumer products and issuing safety alerts. Licensees and supervisors of centres should be familiar with the federal government's [website for recalls, advisories and safety alerts](#). This website has an option to sign-up for notifications about new and updated recalls and alerts.



Cross-reference: licensees must follow any direction provided by the local medical officer of health around anything that has to do with the health and well-being of children in the centre; see **subsection 32(1)** of the regulation

Cots and cribs are never to be used as play, feeding or diaper-changing areas. Once a child has awakened, they should be removed from the cot/crib.

Children should never nap or sleep in car seats, swings, play pens, high chairs, or any other type of furniture/equipment other than what is required in the regulation. If a child falls asleep somewhere other than a crib/cradle or cot, staff should immediately pick them up and place them in their crib/cradle or cot.



Cross-reference: licensees must follow any direction provided by the local medical officer of health related to laundry schedules and cleaning, sanitizing and disinfecting items in a child care centre including furniture/equipment, bedding, etc.; see **section 32(1)** of the regulation



Cross-reference: the regulation requires that each child younger than 12 months of age be placed for sleep in a manner consistent with the recommendations set out in the document called [Joint Statement on Safe Sleep: Reducing Sudden Infant Deaths in Canada](#) unless the child's doctor says in a written note this is not appropriate for the child. See **subsection 33.1(1)**

Best practices

Cots should be placed least 45.7 cm (18 inches) apart from each other and with an aisle of at least 91.4 cm (36 inches wide) to help ensure all children and staff can safely evacuate in case there is an emergency.

Licensees, supervisors and staff should be familiar with the [Joint Statement on Safe Sleep: Reducing Sudden Infant Deaths in Canada](#) which is published by the **Public Health Agency of Canada**. This publication provides recommendations around safer sleep practices; one such recommendation is that bedding such as pillows, duvets, quilts, comforters and bumper pads should not be placed in an infant's crib or cradle.

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 who is younger than 12 months.
4. There is a crib or cradle or cot, in accordance with any 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.

8. 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.
9. There is storage for play materials.

Part 4.9 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

Section 20 is in place so that child care centres can safely evacuate children and others in a child care centre when there is an emergency.

Clarifying guidance



EXEMPTION: A licensee or applicant for a licence can ask for director approval to have a child care centre located on the third storey of a building or higher.



Guidelines for seeking director approval for a centre location higher than a second storey

When requesting director approval to place infant, toddler, preschool, kindergarten or family age groups on the third storey of a building or higher, licensees must provide the ministry program advisor with a detailed plan for safe evacuation that has been approved by the local fire department. Licensees should ensure the unique needs of young children are reflected in this safe evacuation plan, including any necessary accommodations or plans for non-walking infants.

The ministry may also ask a licensee to provide detailed plans about how children will move from the child care centre to the outdoor play space in situations where the required outdoor play space is not on the same storey as the centre.



Cross-reference: Section 13 requires licensees to be compliant with 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



Licensees should check to see whether their local government has any additional restrictions on which level of a building a child care centre can be located.



Cross-reference: Section 20 of the regulation does not apply to child care programs located in publicly-funded schools that only serve children kindergarten age and older; see **section 12** of the regulation

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.

Part 4.11 Indoor 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

Section 23 is in place to support the health and comfort of children and others in the child care centre by requiring that the child care centre is kept at a minimum temperature.

Clarifying guidance

The regulation does not speak to the maximum temperature of a child care centre. However, it is strongly recommended that licensees install central air conditioning in all new centres and retrofit existing centres that do not have central air conditioning with stand-alone air conditioning units installed by a professional.

If air conditioning is not an option during hot weather, licensees should think about how to include cooling activities into the daily program (for example, providing a sprinkler during outdoor play time under) and take steps to prevent children from overheating. If windows in the centre are being opened, precautions need to be in place to ensure children cannot climb into the window opening or otherwise hurt themselves due to a window being open.

Any air conditioning or heating units being used in a room/area of the centre where children may be present must be secured. The units' electrical cords should be tied/taped down or otherwise inaccessible to children so that they do not pose a tripping or strangulation risk to children.

 **Cross-reference:** the regulation requires child care centres to have a designated space for heating and other electrical equipment. See **subsection 15(1)(6)** of the regulation

Compliance indicators

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

Part 4.12 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, subsection 24(1) is in place to ensure that a centre's outdoor play space is big enough to accommodate all of the children in the centre.

Clarifying guidance

Full staff to child ratios as required by clause 8(1)(a) and Schedule 1 must be met during outdoor play periods at all times per paragraph 8(4)3. If outdoor play is scheduled during the centre's arrival and/or departure periods, that period of time is considered outdoor play time so reduced ratios are not allowed.

Rotation Plans



EXEMPTION: Director approval could be granted for a smaller outdoor space than required by subsection 24(1) in situations such as where a centre does not have enough outdoor play space to accommodate the centre's entire licensed capacity.



Guidelines for seeking director approval for smaller outdoor play space

When seeking this type of director approval, licensees must make a plan to rotate groups of children outdoors during different parts of the day (called [rotation plans](#)).

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. A licensee's outdoor play rotation plan must describe:

1. the **rotation schedule** for use of the outdoor space by the different groups of children in the centre
2. how the rotation schedule will **be adjusted during different parts of the year** (for example, scheduled rotations may be different during fall/winter when there are fewer daylight hours and colder temperatures; rotation schedules may need to be set up to avoid sending children outside in the middle of the day during summer months to reduce the risk of children overheating)
3. how the licensee will **check to make sure that the centre's rotation plan is working well**

As rotation plans result in children being outside at different times of the day, licensees need to ensure that there is enough light to adequately supervise children when they are outside.

- Where possible, children should play outdoors during daylight hours, which are reduced during the fall and winter months. This [Sunrise/Sunset Calculator](#) can help in figuring out the best times of day for children to be outside.
- If playground rotations run late into the afternoon in fall and winter, licensees must make sure that there is sufficient artificial lighting to adequately supervise all children.

When developing rotation plans, the times that children normally eat and sleep need to be considered and taken into account. For example, scheduling a group of children to go outside when lunch is being served to all children would not work well.



Cross-reference: There are program requirements around outdoor play in the regulation; see **subsection 47(1)** and **subsection 47(1.1)** of the regulation



Cross-reference: Subsection 24(1) of the regulation does not apply to child care programs located in publicly-funded schools that only serve children kindergarten age and older; see **section 12**



Cross-reference: The CCEYA does not require licensees to install fixed play structures (such as a slide, climbing equipment, etc.) in a centre's outdoor play space; **however**, if a licensee chooses to do so, these installed structures must meet the safety requirements set out in the regulation. See **subsection 24(4)** and **subsection 24(5)** of the regulation

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.

Part 4.13 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

Subsection 24(2) is in place to help prevent overcrowding in the outdoor play space and to allow staff to adequately supervise children in a manageable outdoor area.

Clarifying guidance



Cross-reference: some of the requirements – including section 24 – in the regulation do not apply to child care programs located in schools that only serve children kindergarten-age and older. See **section 12 of O.Reg. 137/15** and **section 75 of the CCEYA**

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.

Part 4.14 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

The requirements in subsection 24(3) are in place to protect children's safety and security.

Requiring playgrounds to be next to (in other words, **adjacent** to) the building where the child care centre is located helps to ensure that, in the case of an urgent situation, staff can access first-aid materials and children and others can quickly come inside the building if there is a turn in the weather. When playgrounds are next to child care centres, this also helps the licensees to set up the day so that there is flexible indoor-outdoor programming and allows quick access to washrooms for children.

Having fencing around the outdoor play space:

- supports effective supervision of children when they're in the outdoor space
- prevents young children from wandering into hazards, such as parking lots or roads
- prevents those who are not associated with the child care centre from coming into the play space

Clarifying guidance

Outdoor play space is only required for programs that operate for six hours or more in a day. However, a program that runs for less than six hours a day (such as a “half-day” program or before- and/or after-school program) may choose to have outdoor play space; in such instances, outdoor play spaces are required to meet all of the same licensing requirements for the outdoor space which apply to programs that operate for more than six hours a day.

Director approval for alternative arrangements

Outdoor play spaces at a centre for infant, toddler, preschool or family age groups must be fenced and have at least one gate which is closed at all times – there are no exceptions to these requirements.



EXEMPTION: For kindergarten age groups, there is some flexibility around the requirement to have a fenced outdoor space as long as a ministry director approves an alternative arrangement. If a licensee is seeking approval to use a non-fenced outdoor area, they must provide a detailed supervision plan describing what steps will be taken to ensure children do not leave an un-fenced area.

Alternate arrangements for outdoor play spaces could include the use of roof top playgrounds or outdoor play space that is not directly adjacent to the child care centre or, in the case of kindergarten groups, use of an outdoor play space without a fence.



Guidelines for seeking director approval for alternative outdoor play spaces

When asking for approval of an alternative arrangement for an outdoor play space, licensees should address the following considerations in their plans to support the ministry director’s consideration of the request:

Considerations for rooftop outdoor play spaces

- the age of the children that would use the rooftop play space
- where toys and other materials/equipment used for outdoor play will be stored
- type of fencing and how height of the fence (note: fences for rooftop play areas must be higher than what is required for on-the-ground outdoor play spaces which is 1.2 metres as required by rooftop playgrounds)

- whether there will be fixed play structures, including their distance from the fence
- confirmation of structural integrity of the roof/building if fixed play structures are planned – by whom?
- additional precautions that would be in place to address environmental factors that may be more severe at rooftop level, including wind, sun, shade, snow and air quality
- how the enhanced supervision plan is going to keep all children safe, including whether staff-child ratios need to be altered so that more staff are present
- would there be adequate air circulation and ventilation through the fencing material
- what would be the emergency procedures; plans should address:
 - how many primary and secondary exits would be on the rooftop
 - where detailed, evacuation procedures would be posted so that they adults would be able to see and follow them
 - what type of communication system (phones, intercom) would be in place on the rooftop
 - where first aid supplies would be placed
 - how close the rooftop playground would be to a washroom
- has the local fire department looked at the fire evacuation plans being proposed

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 how close the outdoor play area is 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

 **Cross-reference:** whether a child care centre must have an outdoor play space depends on how long the program runs in a day (more than or less than six hours). See **section 24** of the regulation

 **Cross-reference:** the regulation has program requirements around how long children must spend outside. See on how long the program runs in a day (more than or less than six hours). See **subclause 47(1)(c)** and **subsection 47(1.1)**



Cross-reference: some of the requirements – including section 24 – in the regulation do not apply to child care programs located in schools that only serve children kindergarten-age and older. See **section 12** in the regulation and **section 75** in the CCEYA

Compliance Indicators

1. The outdoor play space is at ground level, adjacent to the premises;

Or

Located elsewhere as 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.

Part 4.15 Outdoor Play Space Meets the Standards of the 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”, *“Children’s playspaces and equipment”*, as amended from time to time.

Intent

This requirement is in place to safeguard children and reduce the likelihood of injuries by requiring outdoor play spaces, fixed structures and surfacing to meet the standards of the Canadian Standards Association (the Standard).

Clarifying guidance

The ministry does not inspect playgrounds for how they are built and maintained because there are specialized professionals who do this. The ministry does however need to know whether a centre's outdoor play space meets the **Canadian Standards Association (CSA) standard** for outdoor play spaces, which is *CAN/CSAZ614-14 - Children's playspaces and equipment*.

When doing an inspection, ministry program advisors will look for evidence that the CAN/CSA-Z614-14 standard has been met.

The CSA standard has requirements for how outdoor play space are built and it also has requirements about what type of training a person doing inspections of outdoor play spaces must have.

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

As amended from time to time in subsection 24(4) addresses the fact that standards can change overtime and indicates that licensees must use the most current version of the standards.

There are professionals whose job it is to inspect outdoor play spaces; these people have very specific training and they use special equipment to do their inspections, both of which are outlined in the CSA standard.

Before the first time children are allowed to use the centre's outdoor play space, licensees must make arrangements for the space to be inspected by a person with the training requirements set out in the CSA standard CAN/CSA-Z614-14 to make sure the outdoor play space meets the standard's requirements.

It is the licensee's responsibility to ensure that the person inspecting the outdoor play space – who is usually called a **certified playground inspector** – has the necessary training and equipment as set out in the CSA standard which are that the person:

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](#).



Cross-reference: licensees must have and implement a playground safety policy and procedures. See **subsection 24(5)** and **section 6.1** of the regulation

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

outlines alternate outdoor play activities

And

indicates that the fixed play structure is not used by the children.

Part 4.16 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

Subsection 24(5) is in place to ensure that outdoor spaces for children are safe on a day-to-day basis and that problems are identified quickly and rectified.

Clarifying guidance

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 ministry-developed policy.

The **playground safety policy** must include:

- The requirements for the staff's supervision of children on playgrounds
- That staff to child ratios cannot be reduced on playground
- The names of the individual(s) 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)

Daily and monthly inspections

Licensees should develop a checklist for use when doing the daily and monthly general maintenance inspections that they are responsible for. Hazards or deficiencies should be identified on the checklist. Items that require repair or replacement must be noted in a playground repair log and every effort should be made to immediately address any defect or hazard. If the defect/hazard cannot be immediately addressed, all reasonable steps should be taken to restrict children's access to the defect/hazard.

Annual inspections

Licensees must ensure that an annual playground inspection is conducted for all outdoor play spaces. In general, if there are fixed playground structures, licensees contract a **certified playground inspector** to conduct the annual inspection. If the outdoor play space is simply a fenced-in yard, licensees will generally complete the inspections themselves. There must be evidence of this play space inspection provided at the time of a licensing inspection.

Defective areas/parts or hazards

If an inspection of the outdoor play space finds a defective space/part or hazard it must be addressed immediately. In situations where it will take time to get a required repair underway and completed, licensees must take all reasonable steps to prevent children from accessing the defective space/part or hazard.

If a defective space/part or hazard needs to be blocked off from the rest of the outdoor play space to prevent its use, the blocking of the space/part must be done in a safe manner – using only visual signs such as “do not enter” or “danger” is not acceptable because young children cannot read yet. Using rope or any other material that may pose a strangulation risk for children is also not acceptable. In some situations, removing the defective part, equipment, etc. may be the only option.

Approval required for repairs or renovations of outdoor play spaces

For the purposes of interpreting requirements under the CCEYA, note that a required outdoor space is considered to be part of a child care centre and therefore approval from a ministry director is required prior to making any renovations.



Guidelines for seeking director approval of repairs/renovations

Licensees must speak to their ministry program advisor when planning to repair or renovate their existing outdoor play space. This is because the regulation requires that any planned alterations or renovations must be approved by a ministry director.

When requesting approval from the ministry to do a repair or renovation (which is done through CCLS), licensees must provide a copy of the latest annual inspection report for the existing outdoor play space.



Cross-reference: any proposed alterations/renovations to a child care centre must be submitted to the ministry. See **subsection 14(1)** of the regulation



Cross-reference: child care centres that run for six or more hours a day must have a designated space for outdoor play. See **subparagraph 15(3)(7)** of the regulation

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.
3. There is written evidence that monthly inspections are conducted with the results and actions taken recorded.
4. There is a comprehensive annual written report that includes results of any protective surfacing testing.
5. A plan is developed on how issues or problems identified in a playground inspection will be addressed;

And

If deficiencies are identified, there is a written plan that demonstrates how issues or problems identified in a playground inspection will be addressed;

6. There is written evidence that a playground repair log is maintained.

Part 5 – Health and Medical Supervision

Part 5.1 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 or a premises where the licensee oversees the provision of home child care is carried out by the staff of the child care centre or home child care agency or by the child care provider at a home child care premises.
- (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,
- (a) a copy of the report is kept on the premises of the child care centre or home child care agency; and
 - (b) if the report includes any direction or order,
 - i. a copy of the direction or order is sent immediately to a program adviser, and
 - ii. a program adviser is immediately notified of any enforcement action taken against the licensee in relation to the direction or order.
- (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

Subsection 32(1) is in place to support the health, safety and well-being of children and others in the child care centre by requiring centres to follow the direction of a medical officer of health. Medical officers of health are public health experts in Ontario.

Subsections 32(2) and 32(3) are in place to make sure that ministry program advisors are aware of situations when local authorities are requiring centres to do something and to make sure that program advisors can look at any paperwork from local authorities if they need to.

Clarifying guidance

The term **medical officer of health** is the formal way to refer to a local public health unit.

While the ministry has a relationship with other ministries and other levels of government, on the ground, public health units and fire departments may not have a direct relationship with ministry directors and program advisors. Subsection 32(2) is in place to ensure that ministry staff have important information about the centre or its operations by requiring licensees of centres to share any significant and relevant information with the ministry.

Public health units and fire departments have the power to enforce the laws and standards that they are responsible for. If a licensee is given an **order** or **direction** from a public health unit and /or the local fire department has taken enforcement action against the licensee, the licensee must provide their program advisor with copies of all the paperwork (in other words, the **records**) related to the order, direction or enforcement action that happened.

Licensees are only required to provide formal orders and/or directions issued by the local public health unit or fire department which are made under the authority of the *Health Protection and Promotion Act* or the *Fire Prevention and Protection Act*. This **does not include regular inspection reports**, even if the inspection report includes a non-compliance that must be rectified.

This section also requires licensees to keep records of inspections done by staff of the Ministry of Education as well as inspections done by the medical officer of health or local fire department. Per subsection 32(3), all reports (**even those that are not provided to the program advisor**) must be kept on site and made available for inspection if a ministry official requests to see them.



Licensees are expected to provide anything required by subsection 32(2) to their program advisor within **1 business day** of getting an order and/or direction and/or some kind of enforcement action was taken.



Cross-reference: The regulation has requirements around record retention; see subsection **82(1)**

If there is a suspected outbreak of a communicable disease, the licensee, supervisor or staff should contact their local public health unit right away and await instructions.

If an unplanned closure of a child care centre happens because a local public health official requires a centre to shut down for a period of time because of an outbreak, licensees need to follow the requirements around reporting a serious occurrence for an unplanned disruption of the normal operations of a child care centre that poses a risk to the health, safety or well-being of children receiving child care at the child care centre.

Best practices

Contact information for local medical officers of health is available here: [Health Services in Your Community - Public Health Units](#).

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.

Or

Where there are no reports made by the local medical officer of health or the local fire department, the licensee verbally confirms that no reports have been made by the local medical officer of health or the local fire department.

4. Where a report includes any direction or order made by the local medical officer of health or the local fire department, a copy of the report was sent to the program advisor within 2 business days.

And

5. Where a report includes any enforcement action or order taken against the licensee made by the local medical officer of health or the local fire department, the program advisor was notified immediately (i.e., within one business day).

Part 5.2 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

Even with the training child care providers have and the requirements in the CCEYA that are there to prevent harm or injury, accidents and injuries can still happen. It is normal and expected that, while exploring the world around them and figuring out what things they can do physically, children sometimes get minor injuries as they engage in active exploration and play, learn about their environment, and work on their fine and gross motor skills.

Section 34 is in place because having a well-stocked and accessible first-aid kit means staff can quickly help an injured child to help improve the outcome of the injury (while waiting for emergency medical help, if required).

Best practices

When deciding where to put first-aid kits, licensees should think about the layout of the child care centre and how easily and quickly staff would be able to reach the first-aid kit when needed.

It is recommended that there be first-aid supplies in every room in the child care centre where children spend time, staff rooms, and kitchens and in or near the centre's outdoor play. When figuring out how many first-aid supplies should be in these areas of the centre, licensees should consider how many children are in the child care centre and how many staff, volunteers and students are typically there.

 **Cross-reference:** There are requirements and rules around first-aid kits for employers in a provincial law called the [Workplace Safety and Insurance Act, 1997](#). Licensees should check the [Workplace Safety and Insurance Board](#) website for information about this law.

Compliance Indicators

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

And

2. 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.

Part 5.3 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

Section 35(1) is in place to protect children and others at the child care centre from getting and spreading vaccine-preventable diseases. Some of these diseases spread the easiest in children and children are at high risk of getting very sick if they get infected with a vaccine-preventable disease.

Child care centres are places where it is very easy to pick up vaccine-preventable diseases because children are interacting with a lot of other people, toys and other objects are being shared, and there is a lot of close contact amongst everyone in the centre.

Clarifying guidance

Immunization is another way to say vaccination.

Local medical officer of health is the formal way to refer to a **local public health unit**.

Section 35 does not apply to children who are in school (either public or private) because they are already subject to immunization requirements set out in the [Immunization of School Pupils Act](#).

For children who are not yet in school, to attend a child care centre, they must be vaccinated as recommended by the local medical officer of health that serves the area of the province where the child care centre is located. The licensee must keep any direction provided by the local medical officer of health for the purposes of ss 35 (1) on file.

A child would not be subject to the health assessment and immunization requirements in either of these circumstances:

- there is a medical reason why the child cannot be immunized

OR

- the parent of the child objects to immunization of the child based on their religious beliefs or conscience

If either of these circumstances apply, the parent needs to give the licensee paperwork that documents this. The paperwork has to be done on one of two ministry-issued **standard forms**; each form has two versions – one for employees, volunteers and students and one for parents of children.

The forms are public and available in both English and French on the Government of Ontario's [Central Forms Repository](#).



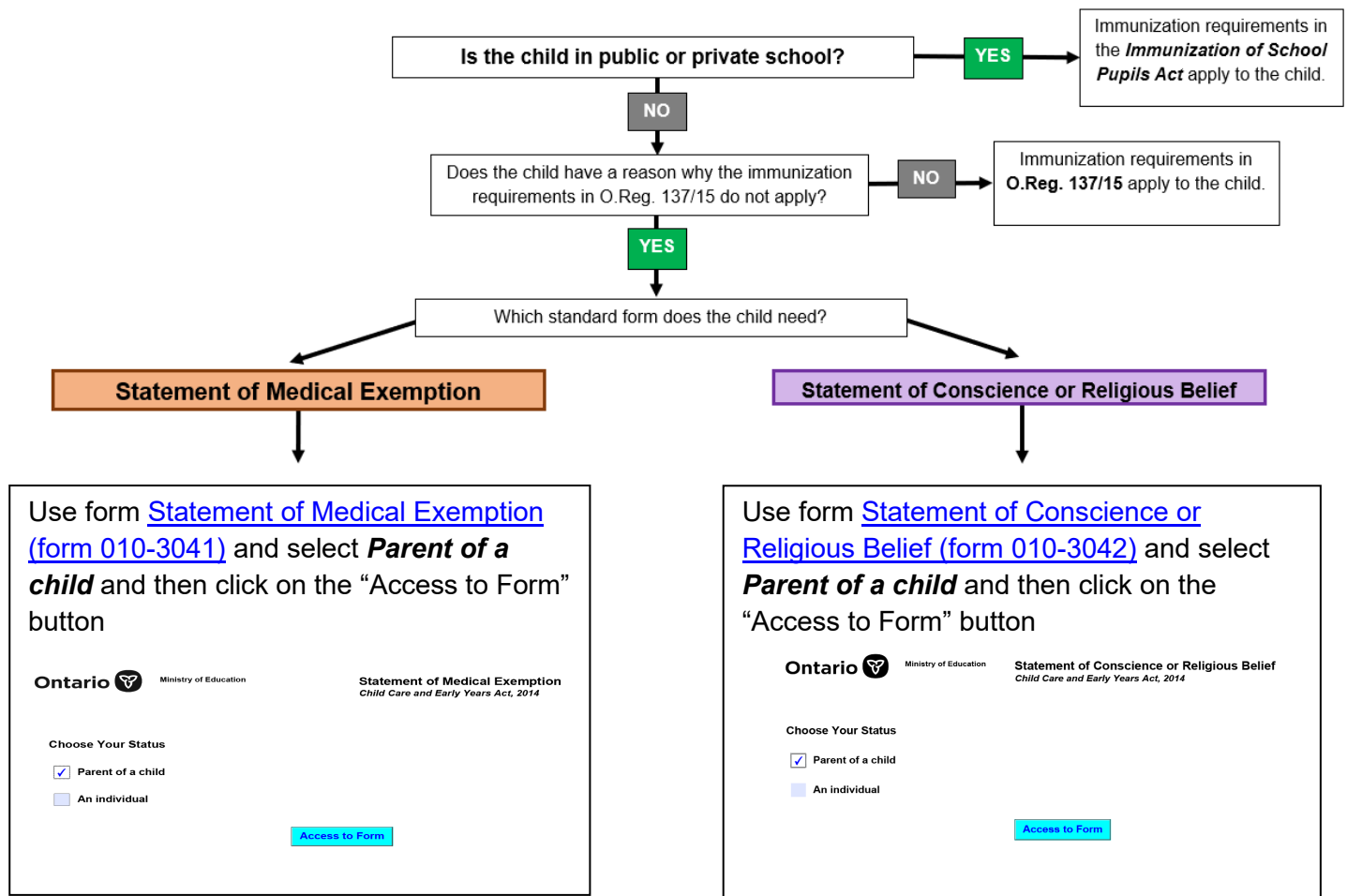
Parents need to use the **parent of a child version** of the form that they will be submitting to the child care centre. The chart on the following page shows how to make sure parents provide the right information.



The standard ministry-issued form for religious/conscience objections must be completed by a **commissioner for taking affidavits** (for example, a notary public). Commissioners for taking affidavits can be located by searching the internet or looking in a local business directory. Licensees should refer parents to Ontario's [Find a notary public or commissioner of oaths for taking affidavits](#) website.



Statement of medical exemption forms must be completed by a doctor or nurse practitioner.



Cross-reference: The regulation has requirements around children’s records and records retention; see **section 72** and **section 82**

Clarification about what is required in a children’s record that a licensee must keep

For **children who are not in school:**

- All paperwork around immunization – **either** proof of immunization **OR** one of the two completed standard forms – must be kept in a child’s record and ideally should be on file by the time the child begins attending the licensed program.

For **children who go to school:**

- The child’s record for the child care centre should not contain paperwork around immunization because the child’s school would already maintain this paperwork as required under the *Immunization of School Pupils Act, 1990*. Licensees should note in a child’s record that they go to school in order to explain why there is no immunization paperwork in the child’s record.



Cross-reference: a medical officer of health (or their designate), once they have shown their identification, is allowed to inspect and ask for copies of certain information in a child's record in a child care centre, including immunization paperwork for the child. See **subsection 72(6)** of the regulation.

This means that **both** Ministry of Education officials and the local public health unit can ask to see paperwork around immunization in a child's record in a children care centre.

Best practices

If a child's parents need to provide a completed standard form around reasons why the child cannot be immunized, licensees should make sure that the parents understand what is required and make sure the parents have access to the internet so they can get the form they need.

Licensees and their staff should not provide their own personal opinions about a child's vaccination status because this information is personal and private. Should a licensee wish to obtain further information in relation to human rights in Ontario, they may wish to seek independent legal advice.

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:

The Statement of Conscience or Religious Belief form

Or

The Statement of Medical Exemption form

Part 5.4 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.
- (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.

- (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

Subsection 36(1) is in place to help prevent or minimize the spread of illness/infection by requiring children coming into the child care centre to be observed for symptoms that indicate they are sick **before** they start playing with or being around other children.

Subsections 36(2) and 36(3) are in place to make sure children who appear to be sick are separated from other children and are picked up by a parent or that they receive medical attention if a parent cannot pick up the child immediately.

Clarifying guidance

Cross-reference: The regulation requires licensees to ensure that their staff follow the direction of a medical officer of health with respect to any health/well-being matter; see **subsection 32(1)**

 **Cross-reference:** The regulation requires licensees to 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 a copy of the report is kept on the premises of the child care centre or home child care agency; and if the report includes any direction or order, a copy of the direction or order is sent immediately to a program adviser, and a program adviser is immediately notified of any enforcement action taken against the licensee in relation to the direction or order; see **subsection 32(2)**

Best practices

Licensees should check with their local public health unit and/or go to [Public Health Ontario](#) to get information about different diseases/infections and their symptoms and post this information in the centre. Staff should be familiar with this information and pay close attention to any signs/symptoms of illness, changes in children's behaviour, daily routine or their personality.

Understanding different symptoms of being ill

It is important for those who interact with children in the child care program to know when a child has symptoms due to a chronic (in other words, long-standing and potentially permanent) condition versus symptoms due to a new, temporary condition. For instance, if a child is coughing, it may be due to an existing chronic condition such as asthma or it may be a symptom of an illness such as a cold. Licensees should discuss the importance of monitoring symptoms with parents when they are enrolling their child in the child care centre. If the licensee chooses to collect any health information from a parent about their child, they must follow all applicable legislation regarding personal health information and privacy.

Sudden changes in behaviour

In addition to looking for and documenting signs/symptoms of ill health such as fever, rash or symptoms related to digestion, throughout the day, child care centre staff should be aware of and look for any sudden or gradual changes in 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 themselves, stopped using language, etc.). Child care centre staff should talk to the parents of a child who has had a sudden and dramatic change in behaviour parents immediately, since this can be a sign of a change in the child's health status.

Licensees should encourage parents to share information about their child's restless night, lack of appetite or other atypical behaviour when they drop off their child at the centre for the day. 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 sickness.

Staff should pay extra attention to the following signs/symptoms in children:

- higher than normal body temperature, flushing, becoming "clammy" and/or slowing down of movement/activity
- a sudden appearance that may be related to a cold such as coughing and/or discharge coming from the nose
- vomiting or diarrhea
- red eyes or ears and/or discharge coming out of eyes or ears
- skin rashes or infections that have suddenly appeared
- unusual irritability, fussiness and restlessness

Staff should also pay extra attention to younger children whose language skills are not fully developed and to children with special needs as these children may have a harder time explaining to an adult that they are not feeling well.

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/symptoms of ill health as well as information on when parents will be asked to pick up their children.

Staff should communicate with parents as soon as it's obvious that the child has signs/symptoms of being sick, 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.

Communicable diseases

When a child has been exposed to a communicable disease in a centre such as measles (for instance, the child was in the child care centre when a person with a communicable disease was also there), licensees are to notify their local public health unit immediately and follow the direction provided by the local public health unit. Both staff and parents should observe all children who were exposed to the communicable disease for any signs and symptoms during the incubation period.

[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** (which is the formal way to refer to a local public health unit). Licensees should check with their local medical officer of health to determine when and how these diseases, or suspected occurrences of these diseases, should be reported.

Compliance Indicators

1. Staff are seen to observe children 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.

2. Symptoms of ill health identified during the daily observation are recorded in the child's records, including any information about symptoms provided by parents.
3. a) Children with symptoms of illness are observed to be separated from other children.

Or

b) Staff verbally confirm that children with symptoms of illness are separated from other children.

4. a) Where a child is observed to have symptoms of illness, the child is taken home.

Or

b) Staff verbally confirm that children with observed symptoms of illness are taken home by parents.

5. a) 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

b) 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.

Part 5.6 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

Subsection 36(4) is in place to ensure that when injuries happen, there is a record of what happened because this information may be important in the future and parents need to know what happened. For example, if a child falls when in the playground and bumps their head, if the child later has symptoms of a concussion, it is important that parents and doctors know about the circumstances of the fall.

Additionally, staff who were not present during the accident which led to the child being injured need to know about the accident so they can support the child or know to watch for additional symptoms.

The centre must make an **accident report** and let the child's parents know about the child's injury by providing the parent with a copy of the accident report.

Clarifying guidance

Any time an **accident report** is completed, it must be noted in the **daily written record**.

Licensees must be able to demonstrate that parents have been provided with either a hard copy or electronic copy of the accident report.

The CCEYA or its regulations do not define what is considered to be an “injury” that requires an accident report be completed. It is up to each licensee to determine what type of events would reasonably constitute an “injury” such that an accident report must be filled out and to ensure all of their staff are aware of the criteria for what needs to be reported in an accident report.

Licensees can consult with their insurance provider, lawyer and/or local health authorities to determine what constitutes an “injury” for this purpose.



Sometimes there are no signs/symptoms in the child that an accident happened. Situations where children have sustained a hard hit to their head or are struck by something hard/heavy on their head should be recorded as an accident even if there are no signs/symptoms present. Hits to a child’s head can sometimes result in a concussion, which is very serious.



Cross-reference: an accident report is a record. The regulation has requirements around record retention; see **subsection 82(1)** of the regulation.



Cross-reference: the regulation requires a daily written record be maintained; see **section 37**

Best practices



Tips for completing an accident report

Licensees should include, at a minimum, the following information in an accident report.

- The child's name
- Who filled-out the accident report
- Date and time of the accident
- Location of accident

- Description of accident
- Description of the injury that happened because of the accident and how bad the injury was
- What the staff did to respond to the accident and, if first aid was administered, what that first aid was
- How the copy of the accident report was provided to the parent (for example, the accident report should note that a copy of the report was given to the parent as a hard copy or a copy of the accident report was sent over an email)
- When the report was provided to the parent (this serves as confirmation that the report was given to the parent)

Compliance Indicators

1. There is an accident report on the premises for any child that was injured while receiving care;
And
2. The accident report describes the circumstances of injuries and any first aid administered, where applicable.
And
1. 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.

Part 5.7 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 unless a parent has already been notified of the incident pursuant to the requirements in section 36.

Intent

Section 37 is in place to support the health, safety and well-being of staff and children by requiring centres to maintain a daily written record and, as part of that **daily written record**, there must be a brief description of any incident that may have happened that affected the health, safety and well-being of someone in the child care centre.

Having a **summary of an incident** is important; staff who were not present during the incident that needs to be in the daily written records need to have access to information about the incident so they can support the child or know to watch for additional symptoms.

Clarifying guidance

The daily written record needs to be filled out every day, no exceptions, even if nothing unusual happened.

If a serious occurrence takes place or there is an accident report provided to a parent, this needs to be noted in the daily written record but the note in the daily written record does not need to go into a lot of detail. For example, if a serious occurrence took place, staff can note that this happened in the daily written record by writing down “a serious occurrence occurred involving X; see file for details”.

Anytime there is a fire drill, this is to be recorded in the daily written record.

Licensees can choose what their daily written record looks like and what is in it but, at a minimum, 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 simply say that the day was uneventful. If daily written records are kept in each room where the children are getting child care, licensees must ensure that each daily written record in each room is completed by the staff each day.

Subsection 37(2) requires staff to let the parent of a child know when any incident that affected the child’s health, safety or well-being has happened. If the parent already knows about the incident because they were given an accident report, the staff don’t need to tell them about the incident for a second time.

 **Cross-reference:** the regulation has requirements around accident reporting, including a requirement to give parents a copy of an accident report. See **subsection 36(4)**



An **accident** and **incident affecting the health, safety or well-being of a child** are not always the same thing

- An **accident** is a situation where a child is injured. For example, if a child falls and scrapes their knees and their knees are bleeding, this is an accident.
- An **incident affecting the health, safety or well-being of children** can be:
 - an accident or when something happens that could make a child sick in the future or the child has become sick (in other words, the child is unwell but it's not because of an accident). For example, if the child develops a fever and starts vomiting when at the centre, this is an incident affecting the health, safety or well-being of the child.
 - A situation that affects more than one child. For example, a gas leak resulting in an evacuation affects everyone and should be noted in the daily written record.

An incident is not always an accident but an accident is always an incident. That is why every time an accident happens, it needs to be documented with an accident report **and** noted in the daily written record.

Differences between an accident and an incident

	Accident	Incident
What	An accident report is required when a child is injured ; a copy of an accident report needs to be provided to the parent of the child who was injured	An incident is when something happens that affects the health, safety or well-being of a person at the centre. The something can be an accident or it can be about a child getting sick or otherwise hurt or harmed. If the incident is not an accident, parents need to be notified but an accident report wouldn't be filled out
Who	Only required for children	Required for an incident that affected a child AND/OR a staff person at the child care centre
When	As soon as possible after the accident happens	As soon as possible after the incident happens

	Accident	Incident
Is parent notification required?	Yes ; parent must be notified of an accident that resulted in their child being injured.	It depends ; if the parent has already been given an accident report, this is considered notifying the parents Otherwise, the parents must be notified
How must parent notification be done?	Parents must be notified by giving them a copy of the accident report	There is no rule about how to notify a parent about an incident that happened – it can be verbal, over email/text or parents can be given a copy of the notes about the incident that were included as part of the daily written record
Intersection with a daily written record	Accidents must be noted in the daily written record in addition to filling out an accident report. The note in the daily written record about an accident doesn't need to go into a lot of detail; staff can write "child X had an accident on the playground; see child's file for the accident report".	Incidents (including accidents) must be noted in the daily written record
Examples	- child fell and scraped their elbows - something hard/heavy fell on the child's head or the child hit their head hard on something - a child was accidentally scratched by another child	- there was a flood in the building and everyone had to evacuate - a child began coughing and developed a fever - a child chokes on food - a child broke out into hives after eating - a staff person cut themselves badly while preparing the lunch meal in the kitchen

Best practices

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 of children in each age category.

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. Where a parent has not been notified of an incident under section 36, 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

Where a parent has not been notified of an incident under section 36, 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.

Part 5.8 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

Section 38 is in place to make sure that child care centres report serious occurrences to ministry program advisors so they are aware of the situation and, if necessary, program advisors can help the centre address the serious occurrence in the best and most appropriate way possible.

Additionally, in some situations, information collected about serious occurrences can help to reduce the chance of a similar serious occurrence from happening again in the future.

Clarifying guidance

Licensees must have a serious occurrence policy and procedures to deal with **serious occurrences** (which are defined in Section 1 of the regulation), including how they are to be identified, responded to and reported to both third parties (for example, a Children's Aid Society) and the ministry.

The licensee can develop their own written policies and procedures with respect to serious occurrences or they can choose to adopt the standard policy developed by the ministry.

A licensee's serious occurrence policy and procedures document must, at a minimum, include:

- **what is considered a "serious occurrence"** (this is the list of categories under the definition of "serious occurrence" in section 1 of the regulation)
- the **step-by-step instructions** (in other words, the procedures) on how staff are to respond to a serious occurrence (for example, immediate medical attention must be provided) and who to notify (for example, call fire and police services, Children's Aid Society, etc.)
- **information on how to report a serious occurrence** (namely, the licensee's policy and procedures document must say that all serious occurrences must be reported to the ministry through CCLS within 24 hours of the licensee or supervisor becoming aware of the serious occurrence)

Required procedures should set out the specific steps that staff need to take when a serious occurrence happens.

Procedures for missing children

A child going missing is very dangerous and serious.

The procedures for what to do when a child has gone missing need to be very clear and speak to how parents will be contacted.

When developing protocols around missing children, licensees should take into consideration if any steps need to be modified based on the age of the missing child.

Procedures around missing children should include **who does what and when** including:

- **Alerting all staff, volunteers and students** at the centre that a child is missing
- Immediately **searching the entire child care premises**, including outdoor play areas such as playgrounds
- Telling a staff person who is not searching the premises to **immediately alert the child's parents** (in case parents have additional information about child's whereabouts)
- **Calling 911** (or local emergency services if the centre is in an area of the province which does not have 911)



Licensees or their designates or supervisors are required to report serious occurrences to their program advisor through CCLS within 24 hours. There may however be situations when CCLS is not accessible (for example, because of an internet outage). If after a serious occurrence a licensee, designate or supervisor cannot access CCLS for some reason, 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. Licensees, their designate and supervisors should make sure they know the contact information – including the phone number– for the ministry program advisor assigned to the centre.

Serious Occurrence Summary of the Report (in CCLS this is called the “Serious Occurrence Notification Form”)

In addition to the requirement that licensees must report to the ministry any serious occurrence within 24 hours of the licensee becoming aware of the occurrence, they must also post a **summary of the serious occurrence for a minimum of 10 business days in an obvious, visible place in the centre. Parents must be able to see the summary.** The summary must:

- describe what happened (essentially, a brief description of the serious occurrence) **without using any information that could identify any persons involved in the serious occurrence**

- explain what action was taken to address the serious occurrence



when counting “business days”, Saturdays and Sundays and a weekday that is a statutory holiday are not to be counted.

- be updated if any new information becomes available about the serious occurrence.



The serious occurrence categories in CCLS are more detailed than the definition in the regulation; See **Appendix A: Reportable Serious Occurrences** for more information.

In addition to needing to meet the requirements around serious occurrences under the CCEYA, any suspicion of **abuse** of a child or **neglect** of a child triggers requirements under the [Child, Youth and Family Services Act, 2017](#) (CYFSA).

If a licensee or their staff, volunteers or students suspects that a child is, or may be, in need of protection from **abuse** and/or **neglect**, they must report this suspicion to the local children’s aid society in accordance with section 125 of the CYFSA. Subsection 125(1) of the CYFSA lists all of the situations that must be reported to a Children’s Aid Society.

All licensees, staff, students and volunteers should read the following documents: [Reporting Child Abuse and Neglect: It’s Your Duty](#) and [Submit a complaint about child welfare services](#).



Under the CYFSA, certain people who work with or around children, including an operator or employee of a child care centre or provider of licensed child care, have a heightened responsibility to report suspicions of child neglect and/or abuse. If such a person does not report a suspicion and the information on which it was based was obtained in the course of the person’s professional or official duties, the failure to report the suspicion is considered an offence under the CYFSA and the individual may be fined up to \$5,000.

Professional misconduct - registered early childhood educators

Registered early childhood educators (RECEs) are subject to the College of Early Childhood Educators’ [Code of Ethics and Standards of Practice](#) as well as all applicable statutes, regulations, by-laws and legally binding policies that are relevant to their professional practice.

The [Early Childhood Educators Act, 2007](#) and its [Professional Misconduct Regulation](#) set out 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.”

Employer's mandatory reporting obligations

The *Early Childhood Educators Act, 2007* (ECEA) requires employers of early childhood educators to submit reports to the College of Early Childhood Educators (CECE) in certain circumstances. The ECEA sets out what kind of situations warrant such a report to be made to the College. In addition, the ECEA specifies the required timelines for such reporting and sets out information the College must provide to employers in response to any reports that are received. Licensees should familiarize themselves with the ECEA, especially the content around requirements for employers. For more information, please visit Ontario's e-Laws website to view the [ECEA](#) and visit the [College of Early Childhood Educators' website](#).



Contravention of clause 38(1)(b) of the regulation may lead to an administrative penalty of **\$2,000**; see **section 78** of O.Reg. 137/15 and **item 1 of Table 2** under that section.

The amount of the administrative penalty increases if the contravention of clause 38(1)(b) is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.



Cross-reference: 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. See **section 6.1**



Cross-reference: in addition to requirements around serious occurrences, the regulation has requirements around emergency management including a definition of what is an "emergency". See **section 68.1**



Most of the time, an **emergency as defined in section 68.1** which affects all children in a centre or the centre's operations (such as a flood) is also considered a serious occurrence.

Best practices

If appropriate given the nature of the serious occurrence, the licensee or supervisor of the centre should explain what happened to everyone in the centre, including explaining to children if they are old enough to understand.

If the serious occurrence was an **emergency** as defined in section 68.1, there are requirements about debriefing with those in the child care centre, including children.



Cross-reference: in addition to requirements around serious occurrences, the regulation has requirements around emergency management including a definition of what is an **emergency** and requirements about what needs to be done after the emergency is over; see **section 68.1**

Licensees and supervisors should also look at what led to the serious occurrence and figure out if there are any steps that can be taken to reduce the chance that something similar will happen again. If there were hazards or other risks that played a role in the serious occurrence, they should be identified and quickly addressed.

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. 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.

Part 5.9 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 has an anaphylactic policy that includes the following:

1. A strategy to reduce the risk of exposure to anaphylactic causative agents, including rules for parents who send food with their child to the centre or premises.

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.
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 that can be life-threatening.

Section 39 is in place to help support the needs of children with anaphylactic allergies and reduce the chances that a child will have an anaphylactic reaction while at the child care centre.

The requirements in section 39 of the regulation were made to align with similar requirements which apply to publicly-funded schools under a different law called [Sabrina's Law, 2005](#).

Clarifying guidance

There are no exceptions to the requirements in section 39. Licensees must develop policies and procedures with respect to anaphylactic allergies (or adopt the standard policy developed by the ministry) **even if**:

- there are currently no children in the centre that have an anaphylactic allergy
- the centre is in a school
- the centre only operates for a few hours a day



Cross-reference: Licensees must implement and ensure that all individualized plans, including those for children with anaphylaxis and including the emergency procedures in that individualized plan, are implemented by staff, volunteers and students and are monitored for compliance and contraventions. See **section 6.1**



Cross-reference: the regulation has requirements around drugs/medication including that drugs/medication must be inaccessible to children and they must be kept in a locked container. See **subclause 40(1)(b)(iii) and subclause 40(1)(b)(iv)**



Cross-reference: the regulation has a requirement that child care centres post a list of children with allergies (including anaphylactic ones) and what causes the allergy in a particular child in various parts of the centre. See **subsection 43(3)**



Cross-reference: the regulation requires child care centres to have a parent handbook and that the handbook must contain the centre's anaphylactic policy (as well as other things). See **clause 45(1)(a.1.1)**



Cross-reference: the regulation requires child care centres to maintain a “children’s record” for every child in the centre; as part of a child’s record, there must be written instructions signed by a parent of the child for any medical treatment or drug/medication that could be given to the child when at the centre. See **paragraph 72(1)(10)**

Asthma medication and emergency allergy medications containing epinephrine (such as “EpiPens”)

FOR CHILDREN WHO **CAN** GIVE THEMSELVES MEDICATION



There is an **exception** to the requirement for medication to be inaccessible to children and kept in a locked container. (See subsection 40 (2) of the Regulation.)

Licensees can allow children who have the skills and independence to give themselves medication (also called **self-administer**) to carry their own **emergency allergy medication for anaphylactic allergies** such as an “EpiPen”.

This exception is allowed as long as:

- Allowing children to carry emergency allergy medication is not in conflict with the child care centre's medication administration policy

AND

- The child's parents have given permission for the child to give themselves their own medication and that permission is included as required in the child's record at the centre

AND

- Staff make sure that when the child is going on a field trip or leaving to go to school, the child has their medication with them.

FOR CHILDREN WHO **CANNOT GIVE THEMSELVES EMERGENCY ALLERGY AND ASTHMA MEDICATION**

For children who are not old enough or don't have the skills to self-administer asthma or emergency allergy medication, staff must ensure it is always easy to grab but still 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).

Best practices

Child care centre staff may want to provide opportunities for children enrolled at the child care centre to learn about allergies and things that cause allergies and that are not permitted at the centre.

Additional information on anaphylaxis can be obtained through Health Canada's [Food allergies and gluten-related disorders website](#).

Compliance Indicators

1. The licensee has developed a written anaphylactic policy that includes the items listed in subsection 39 (1).

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.

Part 5.10 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.
- (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; 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

Section 39.1 is in place so there is a plan to support children with medical needs and to maximize their inclusion in all activities in the child care centre.

Clarifying guidance

A **child with medical needs** has a specific meaning in the regulation. The definition is a *child who has one or more chronic or acute medical conditions such that he or she requires additional supports, accommodation, or assistance*.

For example, a child with diabetes may require that an adult checks the child's blood sugar levels with a glucose monitor several times a day – this child is considered a child with medical needs.

Individualized plans for a child with medical needs must be in place when a child starts attending the child care centre; licensees should talk with parents about any needs a child may have related to a medical condition before the child starts attending the centre.

An individualized medical plan must be developed in consultation with the parent of the child and any regulated health professional – these are professionals such as doctors, speech-language pathologists, physiotherapists, etc. – involved in the child's health care if the parent or one of these types of professionals is to be consulted.

Licensees are required to maintain the confidentiality of a child's medical history including any diagnosis. Sensitive or confidential medical information and detailed reports from medical professionals should not be included in the individualized plan required by section 39.1 unless parents agree to this (provide **consent**) in writing.

Support persons hired by parents

Where a parent chooses to hire an individual to support their child while in care at the child care program, the child's individualized support plan must also include information pertaining to the support this individual will be providing the child, including whether the parent has provided consent for the individual to be left alone with the child.



If a child has an anaphylactic allergy and no other medical condition and an *individualized plan for the anaphylactic allergy* is already in place per section 39, licensees do **NOT** have to also develop an *individualized medical plan* as required by section 39.1.

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) a 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.

Best practices

It is best for the licensee to include information in the parent handbook about the requirement for individualized plans for children with medical needs and how frequently these plans will be reviewed and updated.



Tips for writing an individualized plan for a child with medical needs

The following examples may assist the licensee in developing the individualized medical plan.

Category	Example
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	• 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	• 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	• 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	• 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	• Ice packs for medication or items that require refrigeration • Carrying case for devices

Part 5.11 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).



(3) The following items do not constitute drugs or medication for the purposes of this section, except where the item is a drug, as defined in the *Drug and Pharmacies Regulation Act*, prescribed for a child by a health professional:

1. Sunscreen.
2. Moisturizing skin lotion.
3. Lip balm.
4. Insect repellent.
5. Hand sanitizer.
6. Diaper cream.



(4) In respect of an item described in subsection (3) that does not constitute a drug or medication of the purposes of this section, a licensee shall ensure that,

- (a) the item is administered to a child only if a parent of the child has given written authorization for the administration of the item;
- (b) the item is stored in accordance with the instructions for storage on the label and the container or package is clearly labelled with the child's name and the name of the item; and
- (c) the item is administered to a child only from the original container or package and in accordance with any instructions on the label and any instructions provided by the parent of the child.

Intent

Mistakes around storing and/or the giving (also called **administration**) of drugs/medication (which will be referred to as medicine in this part of the manual) can seriously hurt a child and/or can worsen the condition that requires the medicine.



Licensees are not required to administer medication to children; however, if a licensee determines that staff can administer medication to children, specific requirements must be met. If the licensee does not allow the administration of medication in the program, no one at the centre can give children medication.

Section 40 is in place to make sure that, if a licensee agrees to give medicine to a child, this is done in a safe and appropriate way to reduce the chance of the child, or other children, being harmed.

- So it works the way it's supposed to and to prevent children from eating medicine or otherwise hurting themselves with medicine, subclause 40 (1) (b) requires medicine to be stored properly and in a way that children cannot get to the medicine.
- To reduce the chance of making mistakes with the giving of medicine, subclause 40 (1) (c) requires that only one staff person or a designate be in charge of the giving of medicine to children.

- To make sure children are given the right amount of medicine at the right time, subclause 40 (1) (d) requires parents to give written permission before a child care centre can give medicine to children. The written permission must include detail on the amount of medicine (dose) to be given and when the dose is to be given.
- To make sure children get the right dose, to avoid mix-ups in situations where more than one child is getting the same medicine and to make sure medicine is still usable, subclause 40 (1) (e) requires that medicine be stored in original containers and labelled with the child's name, the name of the medicine, the dosage, the date of purchase and the date of expiration, if applicable, and instructions for storage and administration.



EXEMPTION: To prevent the need for parents to give written permission every time their child needs to be given over-the-counter sunscreen, moisturizing skin lotion, lip balm, insect repellent, hand sanitizer or diaper cream), subsection 40 (4) allows licensees to give these products to children as long as parents have given their written permission one time (this is called **blanket authorization**).

Clarifying guidance

Requirement	Guidance/detail
40(1)(a)(i) – requirement to have a written procedure about giving medicine	The licensee must develop written procedures for the administration of any drug or medication; the ministry has a template that licensees can use or licensee can write their own procedures. A “drug” or “medication” does not have to be prescribed by a doctor or other health professional. A “drug” or “medication” has a Drug Identification Number. • 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. The written procedures should note what to do if a child is given the wrong dose of their medicine or if a child takes/is given medicine that is not theirs (this can be referred to as accidental administration of medicine).  Cross-reference: the regulation requires child care centres to have policies and procedures about serious occurrences, which are defined in the regulation. See section 38 and subsection 1(1).

Requirement	Guidance/detail
40(1)(a)(ii) – requirement to have a written procedure about keeping records of medicine being given	A licensee’s procedure around record-keeping must always address: • how and where staff will note down in writing every time that a child was given medicine ○ the procedures must indicate that writing down when medicine/product is taken by a child must <u>always be completed</u>; this includes when ▪ staff give a child medicine that is not covered by blanket authorization ▪ staff give a child a product that is covered by a blanket authorization (these are over-the-counter [so not prescription] products listed in ss. 40(3): sunscreen, moisturizing skin lotion, lip balm, insect repellent, hand sanitizer and diaper cream) ▪ a child gives themselves asthma medication or emergency allergy information • how any accidental administration of medicine will be recorded • how the records around given medicine will be maintained  Cross-reference: the regulation requires child care centres to maintain a “children’s record” for every child in the centre; as part of a child’s record, there must be written instructions signed by a parent of the child for any medical treatment or drug/medication that could be given to the child when at the centre. See subparagraph 72(1)(10)  Cross-reference: paperwork needed because of subclause 40(1). The regulation has requirements around record retention and also clarifies that a record can be either a hard-copy (in other words, paper) or electronic. See section 82

Requirement	Guidance/detail
 Section 40 applies to all products containing a Drug Identification Number (DIN). A DIN is an eight digit number assigned by Health Canada to a drug product. 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. Many different types of products including vitamins, medicated ointments, prescription medication and over-the-counter products such as pain medicine have a DIN. If a parent is asking a licensee to give a child medicine or other product, licensees must ask to see what the medicine/product is to check to see if it has a DIN before deciding.	
40(1)(b) (i) and (iii), (iv) rules/requirements around storing medicine and making sure medicine is inaccessible to children	<i>Clarification on medicine that needs to be refrigerated</i> Drugs and medications that must be kept in a fridge must be inaccessible to children at all times and locked in a box and should be separate from food/beverages in the fridge if possible.
40(1)(b) (ii) – how to administer the medicine*	This requirement needs to be read together with 40(1)(d). Subsection 40(1)(b)(ii) requires medicine to be given to a child in agreement with the instructions on the label AND with the instructions about the when the medicine is to be given and how much is to be given in the parent's written authorization that they have to give the licensee because that's the requirement in 40(1)(d).
40(1)(c) – only one person in charge of giving medicine	The licensee's written procedures must document the person or position in charge of giving medicine. If another individual or person is responsible for giving medicine in certain circumstances, this must also be documented in the procedures.

Requirement	Guidance/detail
40(1)(d) – parents must give written authorization*	Medicine can only be given to children if the licensee agrees to do so AND the child's parent gives permission in writing (this is called written authorization). The parent's written authorization needs to include: • a schedule for when (for example, give the child medicine at lunch) and/or how frequently (for example, give the child the medicine every 2 hours) • how much a dose of medicine is If medicine needs to be taken on an “as needed” basis, the parent's written instructions must clearly explain what “as needed” means; for example, the parent's written instruction can say that when a child begins wheezing, the child must take two puffs from their asthma medication. If a parent's written instructions say “take as needed” this is not enough – the parent has to include information about the signs and symptoms that indicate that it's time for the child to take their medicine. Parent's written instructions are also needed for asthma medication or emergency allergy medication that children carry and can give themselves. Parents may also wish to provide specific written instructions for products that are listed in subsection 40(3). For example, a parent may wish diaper cream to only be applied after certain diaper changes instead of at every diaper change. This information should be provided in writing so that any staff working with that child is aware of the instructions.

Requirement	Guidance/detail
40(1) (e) – requirements around original containers and labelling	Licensees cannot accept medicine in anything other than the original container. For example, loose pills cannot be provided in a zip-lock bag or a generic pill box. All of the following must be labelled and stored in a way that is consistent with the instructions on the label. Instructions on the label and the parent's instructions must be followed: • medicine that is not covered by blanket authorization • products that are covered by a blanket authorization (these are over-the-counter [so not prescription] products listed in ss. 40(3): sunscreen, moisturizing skin lotion, lip balm, insect repellent, hand sanitizer and diaper cream) • asthma medication or emergency allergy medication that children carry and can give themselves Staff must check that the parent's written instructions match any instructions printed on the original container of medicine. Confirming that the two sets of instructions match will prevent any confusion as to which instructions should be followed and support staff to give the medication correctly. If parents of children in a centre have authorized use of a shared product, such as hand sanitizer, the ministry's program advisors will not require the product to include the names of children on it (unless necessary). Staff can only give a dosage of medicine to a child while at the child care centre that the staff themselves measured out at the centre from the original container the medicine was in. It is not acceptable for staff to give a dosage that a parent has brought in from home because the staff have no way of knowing whether the dosage is the right amount and the staff cannot be sure that the dosage came out of the original container the medicine came in. If staff notice that a child's medicine has expired, they must notify the child's parent as soon as possible.
40(3) and (4) – certain products can have blanket authorization	Most children, at one point or another while at the child care centre, will need to use one of the six products that are covered by a blanket authorization (these are the products listed in ss. 40(3): sunscreen, moisturizing skin lotion, lip balm, insect repellent, hand sanitizer and diaper cream) Licensees must ensure that staff are aware when a parent does not provide written authorization for the use of these items at the child care centre in order to avoid accidental administration of the product to the child. If the explanation is due to an allergy, the rules respecting allergies apply.

* Where there is misalignment or contradiction between the dosage on a medicine's label and the dosage on the medical authorization form provided by the parent (for example, the label indicates that the dosage is 12 ml but the medical authorization provided by the parent indicates that the dosage is 20 ml), the licensee is to confirm with the parent which dosage should be administered to the child.

If the dosage on the label is correct, the licensee must have the parent correct the information on the form. If the dosage on the medical authorization form is correct, the licensee must obtain a doctor's note from the parent that clearly indicates the child's name, the name of the drug or medication and the instructions to be followed by the licensee. In cases where the difference is clearly due to the amount of time the child spends at the centre vs. at home, the above documentation is not required. For example, if the label indicates that the child is to receive 4 doses of an antibiotic each day, but the medication authorization form indicates that the centre is to administer antibiotics once at 11am daily, compliance is met

Children with medical needs with an individualized plan that speaks to medication

If a child in the child care program is a child with medical needs and has a individualized plan in place per in the case of a child having an individualized plan per section 39.1, the written authorization from a parent to administer drugs and medication to a child, along with required details (such as the name of the medication, dosage, schedule, signs and symptoms and parent signature), may be set out in a **written authorization form** or in the individualized plan; in other words, the written authorization only needs to be documented once. Where licensees use an individualized plan for this purpose but use ministry templates that make reference to a medical authorization form, licensees must amend the applicable written policies and procedures to reflect this practice.

FOR CHILDREN WHO CAN GIVE THEMSELVES MEDICATION



There is an **exception** to the requirement for medication to be inaccessible to children and kept in a locked container.

Licensees can allow children who have the skills and independence to give themselves medication (also called **self-administer**) to carry their own:

1. **Asthma medication** (usually called a “puffer” or “inhaler”)
2. **Emergency allergy medication** such as an “EpiPen”

No other medication may be carried by a child.

This exception is allowed as long as licensees have written procedures about self-administration of medicine by children which includes the following:

- Allowing children to carry their own asthma or emergency allergy medication is not in conflict with the child care centre’s medication administration policy
AND
- The child’s parents have to give written permission for the child to give themselves their own medication and that permission is included as required in the child’s record at the centre
AND
- Staff make sure that when the child is going on a field trip or leaving to go to school, the child has their medication with them
AND
- Anytime a child self-administers medicine, staff need to note this in the daily written record



Contravention of subclause 40 (1) (b) (ii) and clause 40 (1) (d) of the regulation may lead to an administrative penalty of \$2,000; see **section 78** of O.Reg. 137/15 and **item 2 of Table 2** under that section.

The amount of the administrative penalty increases if the non-compliance is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

Best practices

Whenever possible, parents should be encouraged to give their children medicine at home if it makes sense and is safe to do so. For example, if a child needs to take medicine only once a day with food, parents should try to give the child the medicine when they are at home and having breakfast or dinner.

If a child must receive medicine while they are at the child care centre, it is best to take the child to a quiet, well-lit area. This approach can limit the chance of interruption/distraction and help staff ensure the appropriate dose is provided. It may also help the child stay calm..

Unused medicine

Any leftover or extra medicine should be returned in the original container to a parent of the child or safely thrown out with parental permission. In Canada, all drugstores accept unused and expired medicine for safe disposal. For more information see [Safe Disposal of Prescription Drugs](#).

Accidental administration of medicine

While the requirements in section 40 are in place to prevent any harm to children, accidents can still happen. If at any time medicine is given to the wrong child or a child has been given the wrong dose of their medicine, this should be reported to the supervisor, who should then notify a parent of the child right away. Licensees should follow any instructions on the label related to accidental administration, including calling 911 or going to the nearest emergency room if required.

If a child has any symptoms of ill health and/or says they are not feeling well after accidental administration of medicine, staff should call emergency services and follow the child care centre's serious occurrence policy. The incident should be recorded as required by the regulation.

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.

9. Where a licensee agrees to the administration of items listed under section 40(3), there is written authorization from a child's parent(s) for the administration of these items.
10. Where a licensee agrees to the administration of items listed under section 40(3), the items are stored in accordance with the instructions for storage on the label.

And

The container or package is clearly labelled with the child's name and the name of the item.

11. Where a licensee agrees to the administration of items listed under section 40(3), the items are only administered from the original container or package.

And

In accordance with any instructions provided by the parent of the child.

Part 5.12 Animals

Ontario Regulation 137/15

- 41 Every licensee shall ensure that every dog, cat or ferret 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

Section 41 is in place to protect the health of persons in a child care centre by aligning the rules for rabies vaccination of animals in child care centres with [Ontario Regulation 567 \(Rabies Immunization\)](#) made under the [Health Protection and Promotion Act](#).

Clarifying guidance

Inoculated is another way of saying **vaccinated**.

Being kept at means the animal lives at the centre or is visiting one time or is visiting over and over again.



There is no exemption to the requirement for all dogs, cats and ferrets kept at the premises to be inoculated against rabies. If a dog, cat or ferret is unable to receive the rabies vaccination, the animal cannot live at or visit the child care centre.



Cross-reference: The regulation requires licensees to ensure that their staff follow the direction of a medical officer of health with respect to any health/well-being matter; see **subsection 32(1)**



Cross-reference: the regulation requires that certain people (including people who are entertainers or animal handlers) be subject to staff screening measures before coming in to a child care centre; see **section 61.1**

Best practices



The Ministry of Health's [Recommendations for the Management of Animals in Child Care Settings, 2018](#) includes a list of animals not recommended in child care.

Compliance Indicators

1. Where applicable, there is a certificate on the premises that indicates that each dog, cat and/or ferret has been inoculated against rabies.

Part 5.13 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 who is in a licensed infant or toddler group, is in a licensed family age group and is younger than 24 months, or is at a home child care premises and is younger than 24 months, 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

Section 33.1 is in place to reduce the risk of very young children (under age 12 months) being hurt, or even dying, when they are sleeping. Major health and children's safety groups and Health Canada agree that placing infants on their back for sleep is best to reduce this risk.

In addition, monitoring sleeping children can reduce the risk of something bad happening because caregivers can look for any troubling signs in the child (such as a change in skin colour, change in breathing, signs of overheating, etc.) and react as needed.

Clarifying guidance

The licensee must review the recommendations in the most current version of the [Joint Statement on Safe Sleep: Reducing Sudden Infant Deaths in Canada](#) (the "Joint Statement").

The current recommendation 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).



The only exception to the requirement to place a child on their back for sleep is if a child's doctor writes a medical note that says that the child should not sleep on their back. This is what "unless the child's physician recommends otherwise in writing" in paragraph 33.1(1) means.



It is important to note that the [Joint Statement](#) says that once infants can roll from their backs to their stomachs or sides, those looking after them don't need to put them on their back even if they started off that nap/sleep time on their back (see page 3 of the *Joint Statement*).

The requirements in the regulation about how to supervise sleeping children in a child care centre (such as those around sleep position and the performance and documentation of direct visual checks) also apply to centres that provide overnight or extended hours care.

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.



Cross-reference: licensees must implement and ensure that the written policies and procedures relating to sleep supervision are implemented by staff, volunteers and students and are monitored for compliance and contravention; see section 6.1 of the regulation

Best practices

For children 0-12 months of age, the *Joint Statement* (page 4) 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.

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 in a licensed infant or toddler age group or is in a licensed family age group and is younger than 24 months by physically going over to the child while the child is sleeping.

Or

Staff verbally confirm that they perform periodically direct visual checks of each sleeping child in a licensed infant or toddler age group or is in a licensed family age group and is younger than 24 months 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 in a licensed infant or toddler age group or is in a licensed family age group and is younger than 24 months.

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.

Part 5.14 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

Subsection 33.1(5) is in place 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 properly and picking up the sounds and/or images of all sleeping children.

Clarifying guidance

Electronic monitoring devices must be checked each day to confirm that they are functioning properly.



Electronic monitoring devices **cannot be used instead of direct visual checks** of sleeping children. It does not matter if a centre does or does not use electronic monitoring devices; staff must conduct direct visual checks of all sleeping children as required by the regulation.

Best practices

The licensee should develop a procedure for the monitoring of electronic devices that addresses, at a minimum:

- Who will check the electronic monitors (will the staff or centre supervisor do the monitoring?)
- What steps staff will take if a monitoring device does not work, including reporting the malfunction to their supervisor

The procedures for monitoring electronic devices should be explained to all staff before they start working in the infant room of the centre.

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.

Part 6 – Nutrition

Part 6.1 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

Getting enough nutrition and the right kind of nutrition is needed so that children can grow and develop as expected. Child care providers play a very important role in meeting the nutrition needs of children.

What children under one year of age eat/drink, how much they eat/drink and when and how often they eat/drink varies from child to child, so a one-size fits all approach does not work. That is why subsection 42(1) is in place; it is there to make sure that children under one year of age are getting the nutrients they need by requiring that what they are given to eat/drink at the child care centre follow the parent's instructions.

Clarifying guidance

Children under one year old must be fed following the written instructions provided by their parents; there are no exceptions to this requirement.

 Unless parents give feeding instructions that are different, children under one year of age who are being given a bottle should be held in a **semi-upright position** when feeding, their heads should be supported and an adult should always hold the bottle until a child is able to do so by themselves.

Giving infants bottles when they are lying flat on their back is dangerous because this can cause choking and/or the child can breathe the breast milk/formula into their lungs.

Bottles should never be propped up against something or left in a child's mouth when they are falling asleep or asleep.



Cross-reference: the regulation prohibits people at the centre from depriving a child of basic needs, including food and drink. The regulation also prohibits the force-feeding (of either solids or liquids) of children. See **section 48**.

Contravening section 48(1) is very serious. Licensees can be issued an administrative penalty (which is commonly referred to as a fine) of up to \$100,000 if there are contraventions of anything in section 48. For more information about administrative penalties, see **section 78** and item **3 of Table 2 in section 78**. Contravention of/failure to comply with section 48 is an offence under the CCEYA.



Cross-reference: the regulation requires that when parents send any food or drink for the children to the child care centre, the container that holds the food or drink must be labelled with the child's name. Containers include bottles, sippy cups, formula mix packages, etc.; see **clause 42(1)b**



Cross-reference: the regulation requires child care centres to maintain a “*children’s record*” for every child in the centre. For any child under one year of age, their record must include written instructions from a parent about feeding the child and these instructions **must be signed by a parent**. See **paragraph 11 of subsection 72(1)**

Best practices

It makes the most sense and is easiest when bottles and foods can be stored and heated as needed within the infant room of the centre so that staff do not have to leave the room. If possible, centres should have a fridge and a way to heat up bottles located in the infant room, rather than in a separate kitchen, unless the local medical officer of health says otherwise.

Even though children under one year of age may not eat what older children eat at child care, staff should encourage parents to review the menu of food that older children will be eating. Parents may want to look out for food that is safe for their child under one year of age to consume (for examples, fruit being served to older children can be pureed or cut up into small pieces for a child who is starting to eat solid food).



Cross-reference: the regulation has requirements around the posting of menus around the centre; see **section 43**

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.

Part 6.2 Food Labelling

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.

Intent

Subsection 42(1) is in place so that children eat/drink what is intended for them when food/drink is brought into the centre by parents from home.

Labelling containers for food/drink is very important for several reasons:

- Children with a medical condition may be on a special diet (for example, a child may only be able to eat foods that have a certain consistency)
- Children have allergies to things in food/drink or other intolerances or restrictions related to food/drink
- Children can be part of a family that eats in a way that observes their religion, personal beliefs or personal preferences (for example, kosher food, halal food, vegetarian or vegan)
- Children should never share bottles or sippy cups with other children for health reasons and also because some bottles/sippy cups may be specially designed because the child needs a modification to these items

Clarifying guidance

 **Cross-reference:** the regulation requires child care centres that operate for six hours or more a day and prepare food on site, they must have a designated space for food preparation. See **paragraph 15(3)2** of the regulation



Cross-reference: licensees must follow any direction provided by the local medical officer of health around anything that has to do with the health and well-being of children in the centre; see **subsection 32(1)**



Cross-reference: the regulation requires that a centre's anaphylactic policy include rules for parents who send food with their child to the centre; see **paragraph 39(1)1**

The rules about food being sent from home must also be included in the centre's parent handbook; see **clause 45(1)(a.1.1)**

Best practices

Licensees may wish to review the requirements of [Ontario Regulation 493 \(Food Premises\)](#) made under the *Health Protection and Promotion Act*. If a licensee is unsure as to whether or not these rules apply to their centre, they may wish to contact their local medical officer of health.

Compliance Indicators

1. Food or drink supplied by a parent is observed to be in a container labelled with the child's name.

Part 6.3 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 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 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 most recent and relevant food guide published by Health Canada.

Intent

Subsection 42(2) is in place to make sure that, when children are in a child care centre, they are getting the right kinds of nutrition in the right amounts to facilitate healthy growth and development. Child care providers play a very important role in meeting the nutritional needs of children because they can set up the environment in the centre that encourages and supports good nutrition and eating habits.

Drinking water is important for children, particularly during hot summer months, and water suitable for drinking must be available at all times, including in between snacks and meal times.

Clarifying guidance



Quick reference

The licensee must provide		
A meal	Snacks	Drinking water
To a child who is: - Between 12 months – 44 months of age AND - is at the centre during a meal time (this means broadly breakfast, lunch, dinner) Children over 44 months of age can bring their own meal from home – licensees must label these	In addition to required meals: - In addition to supplying and providing required meals, 1 snack must be supplied and provided to children who are older than 1 year of age but younger than 44 months of age if they are in the centre for less than 6 hours - In addition to offering required meals, if children are there more than 6 hours, two snacks must be offered	Available at all times to all children over one year of age – there are no exceptions
⚠ Licensees may choose to serve hot meals; however, it is not a regulatory requirement		
All meals and snacks must meet recommendations in the latest Health Canada food guide		

The foundational resources required for menu planning are:

- [Canada's Food Guide](#)
- [Eating Well with Canada's Food Guide – First Nations, Inuit and Métis](#)

It is also important to remember that children's appetites vary from meal to meal and may change over time. Parents should be advised to consult with their child's doctor if the child has a pattern of refusing to eat.

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.

Licensees must ensure that meals and snacks that are brought from home for children who are 44 months and older are labelled and comply with the centre's anaphylactic policy.



EXCEPTION: Despite the requirements in subsection 42(2), a licensee can agree with a parent to provide special dietary and feeding arrangements for their child. These special arrangements must be provided in writing to the licensee and the licensee must ensure that they are carried out; see **section 44** of the regulation



Cross-reference: Any special dietary and feeding arrangements in place for a child must be included in the child's record. **See subclause 72(1)(11)**



Cross-reference: the regulation prohibits people at the centre from depriving a child of basic needs, including food and drink. The regulation also prohibits the force-feeding (of either solids or liquids) of children. See **section 48**.

Contravening section 48 is very serious and can cause a lot of damage to a child. Licensees can be issued an administrative penalty (which is commonly referred to as a fine) of up to \$100,000 if there are contraventions of anything in section 48. For more information about administrative penalties related to section 48, see **section 78** and **item 3 of Table 2 in section 78** of the regulation



Cross-reference: licensees must follow any direction provided by the local medical officer of health around anything that has to do with the health and well-being of children in the centre; see **subsection 32(1)**



Cross-reference: the regulation requires licensees to have an anaphylactic policy which includes, among other things, rules that parents have to follow when sending food into the child care centre from home; see **paragraph 39(1)(1)**

Best practices



Tips for ensuring proper nutrition

All centres should provide:

- opportunities for children to develop a positive attitude toward a wide variety of foods
- opportunities for children to prepare and serve food
- opportunities to develop and enhance socialization skills, self-regulation, and language skills
- models about hunger cues; for example, staff can model saying things like “I’m hungry” and “I’m full”

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.



Cross-reference: the regulation requires licensees to maintain a daily written record and note any incidents that affect the health, safety or well-being of children (as well as others); see **subsection 37(1)**

Promoting good eating habits

Enjoying food and meal times depends to a great extent on the way food is offered and the behaviour modelled by adults. Staff can have a positive influence on children 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 a 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
- eating with the children whenever possible and 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 (for example, staff can let a child take their plates to the counter and bring their dessert back to the table)
- encouraging children to practice important skills such as feeding themselves
- setting a good example by having a positive approach to trying new foods
- being prepared for spills and calmly cleaning up while telling the children that everything is ok and that accidents sometimes happen
- encouraging interesting conversation and modeling language related to food, drink and eating to support communication development

Snacks

- Snacks should be served at least 2 hours before a main meal is scheduled, otherwise children may not be hungry for the main meal. Afternoon snacks should take into consideration that many children may not eat dinner until 6:00 p.m. or later.
- Certain foods that are high in sugar or salt content (such as candy, dried fruit, cookies, chips, pretzels, etc.) are not consistent with Canada's food guide as they do not have a lot of nutrition and can cause cavities. Licensees should limit serving such foods to children.

For children 44 months and older who bring meals/snacks from home, centres should consider the following

When a centre has children over 44 months of age bringing in their own lunches and snacks, it is best practice to:

- establish guidelines for the content of bagged lunches and examples of bagged lunches so that parents know that what they are sending from home meets the recommendations in the Canada Food Guide requirements
 - program staff should monitor the content of bagged lunches. Staff need to talk to the child's parents if they have concerns that what is being sent from home is not nutritious

- consider how food/drink from a child's home will be properly stored so the food is maintained at a safe temperature (for example, need to plan for refrigeration or the use of cold packs)
- have a back-up plan if a child loses or forgets their lunch/snack or if what the child has brought in to the centre contravenes the centre's anaphylactic policy
- consider having extra food or snacks available if a child's food from lunch is not very nutritious and/or if the child is still hungry because there wasn't enough food sent from home



The federal government's [Canada's food guide website](#) has helpful information about nutrition. [Local public health units](#) may also have resources about nutrition that are tailored for child care centres.

In addition, the Ontario Dietitians in Public Health group has free, publicly available [child care resources](#) including guides, tools and online learning modules. These resources were developed with the requirements around food/drink in O.Reg. 137/15 in mind.

Compliance indicators

1. Menus show that meals are provided for each meal time that occurs during program hours for children under 44 months of age.

And

Children one year of age or older but younger than 44 months of age 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).

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).
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”.

Part 6.4 Menus

Ontario Regulation 137/14

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

Subsection 43(1) is in place to make sure that parents know what their children are going to be eating at the child care centre so they can plan what to serve and how much food to serve the child at home. Being able to see the **menu** will also tell the parent whether there is anything on the menu that will trigger a child’s allergy.

If the parent sees something that their child cannot eat, they can send an alternative from home. For these same reasons, substitutions need to be noted on the posted menu.

Subsection 43(2) is in place so licensees can keep track of what foods are being served. Menus must be kept for 30 days so the planning of the current week’s menu can take into account what was served during the previous week; this helps to make sure children are eating a variety of food from week-to-week.

Clarifying guidance

If there is more than one copy of the weekly menu posted throughout the centre (for example, there is one on the parent information board, one in the kitchen and one in each room), food substitutions being made to a menu must be noted on every posted copy of the menu.



Cross-reference: licensees must follow any direction provided by the local medical officer of health around anything that has to do with the health and well-being of children in the centre; see **subsection 32(1)**



In some areas of the province, local public health units require a dietitian to review a licensee's menus before the licensee can go ahead with offering that menu. Licensees and applicants for a licence should check with their local public health unit to see what requirements they have, if any, around reviewing menus.



To make sure children are getting the nutrition they need and are eating a variety of different foods, menu planning must be done carefully.

The federal government's [Canada's food guide website](#) has helpful information about nutrition. [Local public health units](#) may also have resources about nutrition that are tailored for child care centres.

In addition, the Ontario Dietitians in Public Health group has free, publicly available [child care resources](#) including guides, tools and online learning modules. These resources were developed with the requirements around food/drink in O. Reg. 137/15 in mind.

Best practices

Some child care centres may want 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") instead of specific food choices ("apples and pears" or "vegetarian lasagna").

It is best practice 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.

Licensees can note menu substitutions and specific food choices on standard posted menus using post-it notes, dry erase markers or anything else that will not leave a permanent note of the menu. However, licensees need to make sure that they have a version or copy of the menu with all of the substitutions noted because the menus that must be kept for 30 days per subsection 43(2) must contain the substitutions that were made. One way to make sure that there is a record of every week's menu, including substitutions, is to take a photo of the posted menu before it is taken down off the wall.

Compliance Indicators

1. Planned menus for the current and following week are posted in a conspicuous place accessible to parents.

And

2. Any substitutions are noted on the menus posted for parents' reference at time of substitution.

And

3. Meals and snacks correspond with the posted menu, including any posted substitutions.

Or

4. The staff responsible for serving food to the children confirm that menus accurately reflect food served to children.
5. Menus that were posted for parents' reference, including any substitutions, are kept on file for a minimum of 30 days.

Part 6.5 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

Subsection 43 (3) is in place to protect children's health and well-being; everyone who interacts with and/or prepares food for children needs to know about any allergies and what causes the allergies so these things can be avoided.

What children eat/drink may be limited for reasons other than allergies. To respect these restrictions and ensure children do not accidentally eat/drink something they are not supposed to, food restriction lists are also required and must be posted in certain areas of the centre.

Clarifying guidance

Things that trigger an allergic reaction are called **allergens**. Children can be allergic to things other than food such as a bee sting or latex, which may be serious or life-threatening in the case of anaphylactic allergies. This is why allergy lists need to be posted in areas other than kitchens and dining areas.

All **allergies**, including allergies to food, medication and other substances that can cause an allergic reaction must be included on the allergy list.

Food restrictions can refer to:

- food intolerances (for example, a child may not be allergic to a food but has a hard time digesting it)
- family dietary choices (such as a vegetarian diet)
- diet that are followed because of religious observance (for example, some families only eat foods that are kosher or halal)
- a combination of these things

Information about allergies and food restrictions must also be posted in the areas in the centre where food is made and where food is eaten, in all play areas or play rooms, and available and accessible in any other area in which children may be present (for example, in the gymnasium, library, etc.) to ensure that children receive the correct meals and snacks.

The information included on required allergy lists that are posted throughout the centre must match the information contained in an individualized plan for children with an anaphylactic allergy or the child's individualized plan for a child with medical needs (where the allergy is not anaphylactic).

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

 allergy lists posted throughout a centre must include all of the names of all of the children with allergies or food restrictions in the entire centre/program because there are times when children may be moving in and out of different rooms for short periods of time.

 licensees must meet the requirements in subsection 43(3) even if their menus already make a note or address an allergy a child has. For example, the posted menu always says “this is a peanut-free centre”; the licensee must still have the name of the child with the peanut allergy who attends the program listed on the allergy/food restriction list required under subsection 43(3).

EXAMPLE



XYZ Child Care Centre has a toddler group, a preschool group and a kindergarten group. Marco in the preschool room eats a vegetarian diet and three other children in the centre have allergies: Noah in the toddler room, Amira in the preschool room, and Sophia in the kindergarten room.

The allergy and food restriction list posted in each of the three rooms (“play area” or “play room”) and the other locations required by clauses 43(3)(a) and 43(3)(c) needs to **list all 4 children’s names and what their allergies and/or food restrictions are**. In this centre, the allergy list (using the template on CCLS) would look like:

Program Room	Name of Child	Anaphylaxis (✓)	Allergy-Causing Agents: Food	Allergy-Causing Agents: Other Allergens	Food Restrictions
Toddler room	Noah*	✓ Yes	Peanuts	None	N/A
Toddler room	Marco	Not applicable (N/A)	N/A	N/A	Vegetarian
Preschool room	Amira	N/A	Eggs	Pollen	N/A
Kindergarten room	Sophia	✓ Yes	N/A	Bee stings	N/A

* Even though the menus posted in XYZ Child Care Centre always say “this is a peanut-free child care centre”, **Noah’s name still needs to be on the posted allergy/food restriction list that is posted throughout the centre as required by subsection 43(3) of the regulation.**



Cross-reference: the regulation has a set of requirements to address anaphylactic allergies; see **section 39**



Cross-reference: the regulation has requirements around children's records, including a requirement that a child's record includes any individualized plan required under the regulation, such as those for children with anaphylactic allergies; see **paragraph 72(1)(9.1)**

Best practices

Licensees should:

- remind parents to provide them with updates on their child's allergies and restrictions
- let parents know as soon as possible if it looks like a child had an allergic reaction to something that the child is unknown to be allergic



Cross-reference: the regulation has requirements around licensees maintaining a daily written record that includes a summary of any incident affecting the health, safety or well-being of a child; any symptoms in a child that look like a possible allergic reaction need to be noted in the daily written record; see **section 37**

Compliance Indicators

1. Where applicable, a list is posted in each cooking and serving area 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.
2. Where applicable, a list is posted in each play area or play room 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.
3. Where applicable, a list is available and accessible in any other area in which children may be present (e.g., playground, gym, etc.) 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.

Part 6.6 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

Section 44 is in place to acknowledge that the requirements for nutrition in other parts of the regulation may not be appropriate for some children, including those with medical or special needs.

Clarifying guidance

Parents of a child who has a special dietary and feeding arrangement must provide written instructions about how the child needs to be fed and/or what they can/cannot eat and drink.



When children who are 44 months or older bring in a snack or a meal (such as a brown bag lunch) this is not considered a “special dietary and feeding arrangement” because it is the default for all children this age.

Best practices

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 explained in writing.



Tips for developing special dietary and feeding arrangements

When asking parents for the written instructions for the child’s special dietary and feeding arrangements, licensees should ask the parents to include the following information:

- what food and drinks the parent will provide: for some children, it may only be the main meal being sent from home so the child will eat the snacks that other children are eating. Anytime a parent does not plan to bring all meals, snacks and drinks, the instructions need to note this
- if the arrangement results in the child eating different food and/or at different times than other children, how to make sure the child can still participate in meal times and snack time (if safe to do so) with other children so the child with the arrangement feels included

- what the child can or cannot eat or drink at special activities/events that serve food (for example, cake served as part of a birthday celebration)
- what happens when children are on a field trip and there is no refrigeration available or nowhere to safely prepare food
- what should happen if the child is still hungry after eating a meal from home; and,
- what would be the back-up plan if food/drink from home was forgotten or lost.

Licensees may also want to ask parents for an ingredient list of food/drink being brought in from home to check to see if an ingredient could trigger an allergic reaction in another child in the centre

If the parents need to change the written instructions, they need to let the child care centre know right away.

Licensees should consider having policies that require the parent-provided lunch to meet the nutritional requirements set out in the Canada's Food Guides as well as the licensee's anaphylactic policy.

Licensees must ensure that meals and snacks that are brought from home for children who are 44 months and older are labelled and comply with the centre's anaphylactic policy.



Cross-reference: the regulation requires licensees to make sure that food or drink being sent to the centre from home is labelled. See **subparagraph 42(1)(b)** of the regulation



Cross-reference: Any special dietary and feeding arrangements in place for a child must be included in the child's record. See **subclause 72(1)(11)**



Cross-reference: the regulation requires licensees to have an anaphylactic policy which includes, amongst other things, rules that parents have to follow when sending food into the child care centre from home. See **subparagraph 39(1)(1)** of the regulation

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.

And

2. The child is observed to be fed according to the written instructions.

Or

Staff confirm that written instructions are followed.

Part 7– Program for Children

Part 7.1 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 base fee and any non-base fees that may be charged, and whether or not the licensee is enrolled in the Canada-Wide Early Learning and Child Care System,
 - (iii.1) 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.1.1) a copy of the rules set out in the anaphylactic policy described in section 39 for parents who send food with their child to the centre or premises;
- (a.2) a copy of the licensee's policies and procedures required under section 45.1 regarding how parents' issues and concerns will be addressed;
- (b) a copy of the program statement described in section 46;
- (c) a list of the prohibited practices set out in section 48;



- (c.1) a copy of the safe arrival and dismissal policy described in section 50

Effective January 1, 2024

- (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

(1.1) If a licensee was licensed in respect of the child care centre or home child care agency on or before the agreement date, subclause (1) (a) (iii) does not apply to the licensee until November 1, 2022 and instead the parent handbook must include information about the fee for services.

- (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

Section 45 is in place so that parents have important information about the operations of the child care centre, the rules that need to be followed by everyone and the various activities and programming that happen in the centre.

Information in parent handbooks should be detailed but also easy to understand so that parents who are considering whether to enrol their child(ren) at a specific centre have enough information to make the right choice for their child.

Clarifying guidance

The reference to **information about...holidays observed** in section subclause 45(1)(ii) refers to days that a child care centre will be closed outside of its typical schedule. For example, if a centre will be closed on some statutory holidays, the parent handbook must list every one of the statutory holidays when the centre will be closed. This information needs to be in the parent handbook so that the parents can plan ahead.

The parent handbook does not have to be provided in hard copy. An electronic version may be provided to current families as well as to parents considering enrolling their children.

If the child care centre has parents of children who are not fully comfortable communicating in English or French (as the case may be), licensees should consider how to make sure that these parents understand what is in the handbook. For example, the licensee could ask the parent to bring in a friend or family member to translate or the licensee can use applications or internet tools to translate written content.

Fee-related content in a parent handbook

Licensees must include their base fees and any non-base fees that may be charged in the parent handbook. This means that the actual dollar amount of the fee must be listed and parents must be able to determine which fees are mandatory or base fees and which fees are non-base fees.

The base fees specified in the handbook must reflect the actual fees that are charged to parents at that time. Therefore, if the licensee is enrolled in CWELCC, the base fees specified in the parent handbook must take into account the reductions to base fees that the licensee has been required to make.

In addition, all licensees must include in the parent handbook whether or not they are enrolled in CWELCC. If they are not enrolled, they may wish to include additional information about whether or not they intend to enrol in the future as this will likely be information that parents will want to know.

Updating parent handbooks

Parent handbooks must have current information. If something that needs to be in the parent handbook has changed, licensees must update the parent handbook immediately. For example, if the child care centre updates its program statement, it should also replace the old version in the parent handbook with the updated program statement. Licensees should also have a way to tell parents that something in the handbook has been changed; licensees must be able to demonstrate that parents are informed of any updates at the time they are made.

If the child care centre has a website, the licensee should have the most current version of its parent handbook online; this way it will be available to not only parents of children enrolled in the centre but also to parents who are thinking about enrolling the child in the centre.

How the licensee will let parents know that an update has been made to the parent handbook is up to them. Notifying parents of an update can be done over email, when talking to the parents at the end of the day and/or by posting a notice of the update somewhere in the centre where it would be seen by parents.

Best practices

While learning about statutory holidays (the ones where most places close for the day, including schools and banks) is common, families and staff may also hold other days/times of the year as ones that are special and important. Some child care programs may also close for holidays that are not recognized more broadly as statutory holidays in Ontario.

Staff in a child care centre can help and encourage children to learn about various special days and times of year for different cultures and different groups. When child care programs pause, engage with and learn about these important days and celebrations, it can help children, families and staff feel seen and respected, promoting a sense of belonging and community for everyone in the child care centre.

Supporting a feeling of belonging for everyone in the centre is one of the key foundations outlined in [How Does Learning Happen?: Ontario's Pedagogy for the Early Years](#). When HLDH speaks of belonging, it *"refers to a sense of connectedness to others, an individual's experiences of being valued, of forming relationships with others and making contributions as part of a group, a community, the natural world."*

Licensees can help to form deep relationships between children, families, staff and communities which in turn supports everyone's well-being. In addition to building and strengthening relationships, talking about and connecting with children and parents to learn about important days and events is a way to implement the centre's program statement in a meaningful way by creating opportunities for engaging and communicating with parents.



Cross-reference: The regulation requires that goals and approaches around parent engagement and communication be included in centre's program statement; see **clause 46(3)(h)**



Cross-reference: The regulation requires written policies and procedures that explain the expectations for how centre staff, volunteers or students must implement the approaches in the centre's program statement; see **section 49**

Which special days/times of year are honoured and celebrated varies from family to family. Licensees and staff need to take time to carefully think about how to incorporate these special days/times of year into their programming. Talking with families, community members, Elders and others about what would be appropriate to include in the centre's program can help programs incorporate new information in ways that honour the diversity within and history of a group or a community.



Both the [Government of Ontario](#) and [Government of Canada](#) have websites with information on important and commemorative days/months.

Other helpful information for families

The information set out in regulation that must be included in a centre's parent handbook is the minimum content that needs to be there. Licensees should consider including other important information that parents would want to know or would want to ask questions about such as:

- When the program has its arrival and departure periods and rest period (if applicable)
- Arrival and departure procedures (such as, how are children signed in/out of the centre or how a parent should notify the centre of their child's absence)
- How payment is made (for example, monthly cheques required in advance or payment through electronic funds transfer)
- Location of parking lots/spaces at or near the child care centre
- What happens when there is bad weather, such as a snowstorm
- Nutrition policies and/or sample menus
- Copies of the licensee's policies and procedures that are not required to be in the handbook but could be information that parents would want to know including those relating to medication, serious occurrences, police record checks, etc.
- Links to resources (such as [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#) or [Child Care Information for Families](#))

Compliance Indicators

1. There is a parent handbook that includes information about:
 - the services offered and the age category served,
 - the times when the services are offered and the holidays observed,
 - the base fee and any non-base fees that the licensee charges

And/or

whether or not the licensee is enrolled in the Canada-Wide Early Learning and Child Care System

- admission and discharge policy
- activities off the premises
- 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)

And

The parent handbook includes a copy of the rules set out in the anaphylactic policy described in section 39 for parents who send food with their child to the centre;

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

The parent handbook includes
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.

And

The parent handbook includes a copy of the licensee's policies and procedures required under ss. 75.1 regarding the licensee's waiting list.

2. Staff verbally confirm that the handbook is available to parents of all children receiving care;

And

Staff verbally confirm that parents are provided an updated version of the parent handbook when modifications are made.

Part 7.2 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

Section 45.1 is in place to ensure that parents know what they need to do to raise a concern about their child or the child care centre and what happens when a parent lets the child care centre know about their concern. This helps keep relationships transparent and respectful because parents have the information they need about a centre's operations.

Having policies and procedures in place around **parent concerns** also keeps things organized and predictable for the licensee and their staff.

Clarifying guidance



Cross-reference: the regulation requires child care centres to have a parent handbook and that the handbook contain the centre's policies and procedures about parent concerns (as well as other things); see clause **45(1)(a.2)** in the regulation



Cross-reference: Licensees must implement and ensure that the written policies and procedures relating parents' issues and concerns are implemented by staff, volunteers and students and are monitored for compliance and contraventions. See section **6.1** in the regulation

Best practices



Tips for writing policies and procedures about parent concerns

When writing policies and procedures about parent concerns, it is best practice for the licensee to include very clear step-by-step instructions for both parents and those at the centre to follow when there is a concern. The policies and procedures should include, at a minimum, the following information that parents should know:

- **Who** to talk to in the centre about a concern: for most centres, it makes sense for parents to talk to different people in the centre depending on the type of concern it is:

What is the concern about	Who to talk to about the concern
- the physical space of the room the child receives child care in - another parent's or child's behaviour - meals, snacks and drinks - outdoor play areas	Program staff If a parent's concern is serious, the program staff should let their supervisor know about the concern
a staff member	Supervisor for the child care centre
the supervisor for the centre	Whoever holds the licence for the centre (this can be a person or it can be a board of directors for a child care centre)

- **What** will happen when the concern is communicated (for example, the staff, supervisor or licensee notes the concern in the daily written record, staff will let the parents know that the concern has been noted and will be addressed)
- **When** the parent can expect a response from the child care centre (within one business day is usually a good time frame)
- **How** the parent will be responded to about the concern (by email, in-person, etc.)
- The policies and procedures around parent concerns should include a statement about what parents should do if they have a concern regarding potential abuse or neglect (namely, the parent needs to contact a Children's Aid Society)

When developing their policies and procedures, licensees should ensure that they are in accordance with the [Ontario Human Rights Code](#) and may wish to seek input from legal counsel.

Compliance Indicators

1. The licensee has developed a written policy and procedure that sets out how parental issues and concerns will be addressed.

Or

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

And

3. 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;

And

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.

Part 7.3 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

Under the CCEYA, the Minister of Education has the power to issue a policy statement about programming and pedagogy.

The [current minister's policy statement](#) requires licensees to use [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#) (HDLH in this manual) to guide the programming in their child care centres. There are no exceptions to the requirement to follow the minister's policy statement.

While the terms **pedagogy** and **curriculum** are sometimes used interchangeably, they are not the same thing:

- Curriculum is about **what** is being taught
- Pedagogy is about **how** educators support learning and interact with children

HDLH is not a curriculum – it does not tell licensees the types of activities/experiences that should be offered to children. HDLH is a pedagogy because it is about **how** staff in a child care centre nurture, form relationships with and support children so they thrive, learn and develop. That is why pedagogy is so important – it has a big impact on children.

Because HDLH is about the **how** and not the what, all child care centres are able to use HDLH, even if they follow a standard curriculum.

As a whole, section 46 is in place to make sure everyone in the centre and parents know:

- **how** the centre delivers its programming and activities so that they are consistent with HDLH
- **how** staff will do things, interact with and speak to children and families so that the staff's actions are consistent with the centre's program statement and HDLH

A lot of research shows that high quality child care has significant, positive effects on children. Section 46 (and the implementation requirements in section 49) in combination with HDLH are in place to make sure that children are getting high quality programming in the centres they attend.

The part of subsection 46(1) that requires an annual review of the program statement is in place to make sure there is an ongoing check that the program statement is consistent with HDLH and the approaches/practices in the child care centre. The annual review gives licensees a chance to reflect on the program statement and to think about whether the program statement needs to be updated to address feedback from staff and/or parents and/or to add information about new research and best practices.

Clarifying guidance

The licensee must develop a program statement that is consistent with HDLH and they must review the program statement at least once a year.

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

- A statement that the programming in the centre and the behaviour of staff is consistent with HDLH
- A statement that the centre's view of children is consistent with HDLH, which is that all children are capable, competent, curious and full of potential
- A **minimum of one written goal** for each of clause 46 (3) (a) through (k)
 - The goal is about how each action in 46 (3) (a) through (k) will be achieved
- A **minimum of one written approach** that will be used to achieve each goal identified in clauses 46(3) (a) through (k)
 - The approach is the **how**; how are the goals related to the list in 46(3) (a) through (k) going to be met
 - Everything in the list in 46(3) (a) through (k) is an action or something that staff *do* (each item starts with a verb) – this is intentional because the doing is the **how**. The approaches that are described in the program statement will most likely be about:
 - **how** staff will act, behave around and interact with children to meet a certain goal
 - **how** staff need to talk with and around children to meet a certain goal
 - **how** the learning environment needs to be set up to meet a certain goal
 - **how** programming needs to be delivered to meet a certain goal



There are 11 actions listed in clauses 46(3) (a) through (k) so a centre's program statement must have at least **11 goals and 11 approaches** (one for each goal).

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.



Cross-reference: the regulation requires that the licensee makes sure that the approaches described in the licensee's program statement are implemented at the child care centre by staff, volunteers and students; see **subsection 49(a)**



Cross-reference: the regulation requires child care centres to have a parent handbook and that the handbook must contain the centre's program statement (as well as other things). Any updates to an existing program statement should be added to the parent handbook when the update is made and staff should let all parents know that an update was made; see clause **45(1)(b)** of the regulation

Best practices

How Does Learning Happen? is for everyone who is involved in providing child care and programming in the centre. High quality programs use the key ideas in HDLH every day with every age group in the centre. The key ideas in HDLH are:

- Staff's **view of children** is one where children are competent and capable of complex thinking and curious and rich in potential.
- Staff's **way of being, way of doing things** and **way of saying things** (the **pedagogical approach**):
 - Make all children feel and believe that they are welcome, appreciated and that they **belong** in the group of people that is made up of the children and staff of the child care centre
 - Protect and helps to improve children's mental and physical health and overall **well-being**
 - Make children feel and believe that it is always safe to talk about their feelings, questions and thoughts (or do other forms of **expression**) when they are around staff in the centre
 - Always make children feel and believe that they can freely play, explore and do inquiry to get the most possible **engagement** which is when children feel fully involved in what is happening in the centre and with the people in the centre
- Pedagogical approaches in high-quality programs are ones where:
 - Children are able and supported to **explore** the world around them, to **play**, and to ask questions or look for more information when exploring or playing (this is called doing **inquiry**)
 - Adults and children have **responsive relationships**. This means that adults notice when children are talking or doing something and respond appropriately, warmly and in a way that allows the child to trust the adult, feel heard and continue to feel capable and competent
 - Staff in child care centre learn along with children (this is called **co-learning**)

- The environment is carefully and intentionally set up to be the **third teacher** (with staff and children being the other two “teachers”) which means that the **context / environment where learning happens** is made so that children can actively explore, play and inquire.
 - The environment is not just about where the furniture and walls are in a child care program; it includes the materials and toys in the room, the scheduling and pace of activities and how a room and its activity stations are set up and organized. The learning environment, when planned carefully, sparks joy and wonder, makes it easy for children to play and encourages children to talk to each other, be creative, share things, and help each other out.



Because the learning environment has such a big effect on children, it can have positive OR negative impacts. For instance, a poorly designed learning environment or one which does not have materials that spark curiosity will take away from how well children are learning through play, exploration and inquiry.

Staff do **pedagogical documentation**. Pedagogical documentation is a process – it is not simply a wall display of children’s drawings or photos of what they made at the centre that day – these are the end-products of a process.

Pedagogical documentation is a process that records (or **documents**) how a child’s learning progressed or how their knowledge grew while the child was doing a particular activity or task. Pedagogical documentation shows – through photos, videos, notes, etc. – what happened during the activity/task that led the child to:

- learn something
- figure something out
- solve a problem
- work with other people to build something
- use their creativity

Pedagogical documentation is a mirror of the staff’s way of being, their way of doing things, and their way of saying things with a child because how a child’s learning progresses is very much impacted by staff’s pedagogical approach.

- Staff are encouraged to do and regularly undertake:
 - **reflective practice**: reflective practice simply means that a person takes the time to carefully think about an experience or activity that happened earlier, including thinking about what they did with and said to the children. Part of

reflecting on an experience or activity is thinking about what went well and what could have gone better or differently. Information about what worked well and what did not work well can be used to make adjustments the next time the same or similar experience or activity happens. Reflecting can also give staff good ideas of how to build on or make an experience or activity more challenging the next time and how to include more things that children were curious about and enjoyed.

- **collaborative inquiry**: collaborative inquiry is a lot like reflective practice but it involves a group of people as opposed to an individual. Staff are doing collaborative inquiry when they talk to one another about their own individual reflective practices, discuss ideas, test theories, and share learning.

Developing a Program Statement

Licensees have the flexibility to write their program statement so it makes sense for the programming and philosophy that is unique to their child care centre.

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 centre's view of the child, goals for children, expectations for programs and questions for reflection can also help to feed into what is in the program statement.

Licensees should work with their staff and parents to come up with the program statement. Working/collaborating with staff and parents is a good way to make sure that the program statement includes different ideas and views. When staff and parents feel like what is important to them has been included in a centre's program statement, this creates a shared vision of how the child care program will be of the highest quality. Having a **shared vision** also helps ensure that everyone feels involved and are committed to putting the program statement into action.

Developing Program Statement Goals

A goal is a desired outcome the licensee is going to work towards achieving. A goal 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 different ways for licensees to state what their goals are. Licensees can:

- choose to use the wording of the 11 actions that are listed in subsection 46(3)(a) through (k) when creating goals; or
- choose the goal to be one of the four foundations (belonging, well-being, engagement or expression) from HDLH; or
- establish their goals using their own unique wording.

When establishing goals for subsection 46(3)(a) through (k) the licensee should consider the following questions:

- Who is the audience for the program statement? Will those people understand the language used?
- Are the goals age appropriate for the age groupings/capacity of the centre?
- Are the program goals easy to find in the program statement?
- Will the program be able to meet the program goals?
- Did the views of staff and parents get included in the goals?

Developing Program Statement Approaches

An approach is the action(s) the licensee puts into practice to achieve the goal. The approaches in the licensee's program statement will make it very obvious to parents and program advisors that staff are taking actions to meet goals.

Approaches to reach program goals should be written in a way that tells staff and parents that:

- the approach matches the things that make the centre unique
- the approach will support reaching the goal
- staff, students and volunteers will be able to understand how to implement the approach
- the approaches are observable so licensees can see when they are being put into action

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 (put into action) all of the 11 approaches outlined in the centre's program statement.

It is known that staff may not be doing all 11 approaches every day for every child because which program goal staff are working on can change from activity to activity and from day to day. **However**, any time a staff person is interacting with a child staff must use the approaches outlined in the program statement for the goal of supporting positive and responsive interactions (see subparagraph 46(3)(b)).

The licensee can use pedagogical documentation to demonstrate how the approaches to reaching program goals are being implemented.

Additional Considerations

- Middle childhood is an important time of growth and change. Children in this period, often defined as the years between 9 and 12, are in their last years of participating in child care programs. Staff, students and volunteers in program 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 contributing to what is happening in the centre
 - high-quality child care programs for children in the middle childhood stage are ones that build confidence, improve leadership skills, promote social relationships, and keep stress levels low.
 - children who are in the middle years stage can be included in setting program goals program and approaches (as required by subsection 46(3))

For more information on developing, reviewing and implementing a program statement, please refer to the following resources:

[Ontario.ca Minister's Policy Statement on Programming and Pedagogy](#)
[How Does Learning Happen? Ontario's Pedagogy for the Early Years](#)
[Think, Feel, Act: Lessons from Research About Young Children](#)
[Think, Feel, Act: Empowering Children in the Middle Years](#)

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, and staff
 - (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 or others who interact with the children at a child care centre 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.

And

- 4. Staff, students and volunteers verbally confirm that they reviewed the program statement prior to interacting with children and whenever it has been modified.
- 5. 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.

Part 7.4 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-taking in a safe, supervised environment. Subsection 47(1) is in place to support this age appropriate risk-taking by ensuring that younger children who may not be walking yet or who are still mastering how their bodies work, are able to engage in active play without older, bigger children present who could accidentally hurt the younger children.

Best practices

As described in [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#), research tells us that it is important to allow children to actively explore and investigate what they are naturally curious about, to test their limits and take age-appropriate risks.

During active play, the environment is also the **third teacher**. Staff at the centre should think about how to set up the outdoor space and activities being done outdoors so they provide a lot of opportunities for physical activity as well as opportunities for children to investigate, problem-solve and use their creativity.

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.

Part 7.5 Program Requirements for 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

Outdoor play provides opportunities for discovery and learning and is also important for children's overall health and well-being. When programs encourage active play and exploration outdoors, children can strengthen physical skills, engage in creative problem-solving and gain a stronger connection to the natural world.

Subsection 47(1) is in place to make sure all children get the known benefits of playing and exploring outdoors by requiring that they spend a good part of their day outdoors.

Clarifying guidance

Weather permitting means the **absence of severe weather conditions**. Severe weather conditions include the following:

- Extreme heat/humidity alert
- Extreme cold – temperatures of -15° C or colder or a windchill of -20° C or colder
- Poor air quality – air quality advisory has been issued
- Thunderstorm warning
- Tornado warning
- Winter and ice storms (heavy snow fall, hail, ice pellets, etc.)

Supervisors or other staff should regularly check weather reports (including information about wind chill factors, winter storm warnings and heat/humidex warnings) to determine whether it is appropriate to play outdoors on any given day. Children can play outdoors in different types of weather if they are dressed appropriately and necessary modifications are made. For example, water can be offered more frequently when the weather is hot or the schedule for outdoor play can be modified to avoid the hottest parts of the day.

Local public health units may have guidelines relating to all areas of children's healthy development, including criteria on weather guidelines for safe outdoor play. Licensees should check with their local public health unit to see if they have guidelines or otherwise provide direction.



The Government of Canada provides a [website with weather information](#).

As described in [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#), research suggests 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 skills.

During active play, the environment is also the “third teacher” (see more about this in the manual where it talks about a centre's program statement). Staff at the centre should think about how to set up the outdoor space and activities being done outdoors so they provide a lot of opportunities for children for physical activity as well as opportunities for children to investigate, problem-solve and use their creativity.



Cross-reference: the regulation requires children to be supervised by an adult at all times; see **section 11**

Best practices

There are many benefits to being and playing outdoors. In addition to being important for growing their physical abilities, research shows that connecting to the outside world and nature helps to support children's mental, physical, emotional and spiritual health. Being active outdoors can help children to:

- stay healthy
- improve movement skills, including balance and coordination
- have fun and feel happy
- develop self-confidence
- improve learning and attention
- learn and use social skills and language
- problem solve and cooperate with each other

Children should be provided opportunities to engage with nature regardless of where the child care centre is located in Ontario. 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.

Because the environment is the children's "third teacher", staff should think about how to set up outdoor games and activities that give children opportunities to:

- actively explore and investigate what they are naturally curious about
- test their limits physically
- take manageable risks appropriate for their age and abilities
- engage in creative problem-solving

If children cannot go outside because of bad weather, supervisors/staff should find opportunities for children to safely engage in active play indoors, where possible – this could include going on a "walk" in the halls of the centre or having a dance party in the program room.

Compliance indicators

For children receiving care for six hours or more,

1.a) Children are observed to spend at least two hours outdoors, weather permitting;

Or

b) Staff verbally confirm that children spend at least two hours outdoors, weather permitting;

And

2. Where a child is kept indoors during outdoor play, there is written instruction from a physician or parent on file.

Part 7.6 Program Requirements for Outdoor Play (before- and/or 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

Outdoor play provides opportunities for discovery and learning and is also important for children's overall health and well-being. When programs encourage active play and exploration outdoors, children can strengthen physical skills, engage in creative problem-solving and gain a stronger connection to the natural world.

Subsection 47(1.1) is in place to make sure all children get the known benefits from playing and exploring outdoors by requiring that a portion of their before- and/or after-school program takes place outdoors.

Clarifying guidance



Whenever a before- and/or after-school program switches temporarily to being a full-day program (6 or more hours), they must provide at least 2 hours of outdoor time (weather permitting). For example, if a before- and after-school program that operates during the school year switches to providing child care all day during March Break and other non-instructional school days, there must be 2 hours outdoor time provided.



Cross-reference: when a child care program is running for 6 or more hours a day, children need to be outside for at least 2 hours (weather permitting). See **subsection 47(1)**



EXEMPTION: children in before- and/or after-school programs do not need to go outside for 30 minutes if they have a doctor's note saying that the child should stay indoors. If there are children who are exempted from the outdoor play time requirements, staff at the centre need to come up with a way to make sure required staff to child ratios are maintained at all times and the child who stays indoors is supervised by an adult at all times while the other children are outside.



Cross-reference: the regulation requires children to be supervised by an adult at all times; see **section 11**

Water/swimming safety

There is nothing in the CCEYA that prohibits licensees from choosing to take children to a community swimming pool or other bodies of water such as a lake. As with other field trips, licensees should provide details of the field trip to all parents in advance and get parents' permission for their child to go on a field trip. The ministry recommends that children only attend regulated public pools and beaches etc., where there are qualified life-guards on duty at all times.

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, 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, there is a director approval on file.

Best practices

There are many benefits to being and playing outdoors. In addition to being important for growing their physical abilities, research shows that connecting to the outside world and nature helps to support children's mental, physical, emotional and spiritual health. Being active outdoors can help children to:

- stay healthy
- improve movement skills
- have fun and feel happy
- develop self-confidence
- improve learning and attention

Children should be provided opportunities to engage with nature regardless of where the child care centre is located in Ontario. 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.

Because the environment is the children's "third teacher", staff should think about how to set up outdoor games and activities that give children opportunities to:

- actively explore and investigate what they are naturally curious about
- test their limits physically
- take manageable risks appropriate for their age and abilities
- engage in creative problem-solving

Licensees that provide care before and after school may choose to have one outdoor play period (either before or after school) 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. For example, children who attend both the before- and after-school parts of the program can go outside for 10 minutes before school starts and then 20 minutes after school ends

Part 7.7 Program Requirements for Rest

Ontario Regulation 137/15

(for Schedule 1 programs)

- 47(2) Every licensee shall ensure that the program in each 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) each 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.

(for family age groups)

- 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

Subsections 47(2) and 47(2.2) are in place to make sure that a portion of children's day at a child care centre is reserved for rest and relaxation to balance all of the activity and play that children do during the rest of the day.

Clarifying guidance

While the need for rest and sleep varies greatly at different ages, and even among children of the same age, rest is an important part of the day for all children.

While not all children need a mid-day nap, young children benefit from periods of quiet rest and relaxation to balance all of the active play they do at the centre. Some children who are tired may need quite a bit of 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. While children should be provided the opportunity to rest and sleep if needed, they should never be forced to remain on their cots for a specific length of time.

Programs should take into consideration instructions given by parents regarding their child's sleep and rest period. These instructions should be followed as closely as possible but the licensee also needs to take into consideration the needs of the individual child.

Where a parent indicates that the child does not need to sleep, the staff should respect these directions, but may wish to remind the parent that the program is required to allow the child to sleep rest or have quiet time according to the child's needs.

Infants have their own sleep schedules so licensees are not to implement one specific rest period for infants; this is why only infant rooms and family groups with children who require a crib or cradle must have a separate sleeping area.



Cross-reference: for Schedule 1 infant rooms, the regulation has requirements around having a sleeping area that is separate from the play activity room for the group; see clause 17(1)(a)



Cross-reference: for family groups, the regulation has requirements around having a sleeping area that is separate from the play activity room for the group if the group includes children who need a crib or cradle; **see clause 17(1)(e)**



Cross-reference: the regulation has requirements around sleep supervision; see **section 33.1**



Cross-reference: the regulation has requirements around furniture for sleep; see **subsection 19.2**



Cross-reference: the regulation has requirements around having and implementing a program statement, see **section 46** and **section 49**

Best practices

As discussed in [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#), children's well-being is supported when adults respect and find ways to support each child's different bodily cues and biological rhythms as well as their needs for active play, rest and quiet time.

When licensees arrange rest time based on each child's needs, they are helping the children to understand their own needs and support the development of self-regulation.

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

Compliance Indicators

for Schedule 1 programs

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.

for family age groups

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.

Part 7.8 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

Section 48 is in place to protect the safety and security of children by **prohibiting** dangerous, threatening and hurtful behaviours and practices which can cause serious physical or psychological harm to children.

Clarifying guidance

Corporal punishment is another way to describe punishment that causes physical pain, discomfort, or harm to a person's body (for example, spanking is corporal punishment).

In addition to making children eat or drink against their will, **bodily harm** may include forcibly pulling children by their arms/legs or otherwise forcibly moving a child or forcibly making children sit or lie down.

Section 48 applies to all persons in the child care centre at all times whether the children are on or off-the premises (like on a bus or on a field trip).

Committing a prohibited practice can be very dangerous to children and has serious consequences under the CCEYA. For example, a person can be prosecuted under the CCEYA for such an offence and a conviction would result in the person being prohibited from providing child care or operating a child care premises in Ontario at any time in the future.

While 48(2) applies to persons at the centre other than the licensee, the ministry may take additional progressive enforcement action against the licensee if there are repeated occurrences or other patterns associated with persons contravening subsection 48(2); namely, the ministry could take the position that the licensee permitted the commission of the practice, which could be cited as a contravention of subsection 48(1). The ministry looks at a number of factors when determining what progressive enforcement action to take including considering whether contraventions of 48(2) are associated with complaints and/or serious occurrences and what types of corrective action, if any, the licensee has taken to reduce the likelihood of contraventions of subsection 48(2) in their centre (for example, the ministry may consider whether/how the licensee has started to support and train staff, students and volunteers). Ministry staff may also provide additional oversight and monitoring in centres with patterns of non-compliances that are not improving in a meaningful and timely manner.



It is an **offence** under the CCEYA to contravene or fail to comply with section 48 of the regulation per subsection 88.1(5) of the regulation.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of subsection 48(1) of the CCEYA may lead to an administrative penalty of **\$2,000**; see **section 78** of O.Reg. 137/15 and **item 3 of Table 2** under that section.

The amount of the administrative penalty increases if the prohibited practice is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

Best practices

Children's behaviours and emotions occur within the context of and are affected by the relationships they have with the people around them. The relationships that a child has with child care staff may not be the same as a child's relationship with their parents, but these relationships are still very important and have a real impact on children.

Children who attend programs where they experience nurturing and supportive relationships with the people in the centre are happier, less anxious and more motivated to learn than those who do not have such warm relationships.

Supportive and nurturing practices



There are many ways that licensees, staff, students and volunteers can help all children to have positive interactions and experiences each time they are in the child care program, including by:

- making sure children's physical needs are being met
 - sometimes children have a hard time coping or get frustrated when they are tired, hungry, uncomfortable or over-stimulated
- being consistent and predictable
 - staff do things in mostly the same way in daily routines (these are the activities that all children do everyday like eating, getting dressed, lining up to go outside, etc.) so the children know what to expect and what is expected of them
 - staff follow-through on what they say they were going to do
 - staff say what they mean and mean what they say so children can trust that what they expect is going to happen is what actually happens

- setting up rooms that are organized and calm with minimal clutter and making sure that the environment will not overstimulate children
 - if music is kept on during indoor activities, the volume should be kept below speaking level so it does not overwhelm children (unless it's a dedicated music activity). Minimizing extra noise is important because children need to hear the language being spoken around them to learn language. Also, when children can't hear one another, this can cause misunderstandings and frustration
- using language that children can understand and making sure to do a lot of labelling and commenting on what children are doing and what is going on. Labelling and commenting don't put pressure on children like what can sometimes happen when children are being asked a lot of questions
 - instead of saying "what are you doing, Keely?", staff can say "you're putting your toys away" and "you're cleaning up".
- using language that is simple and clear when explaining the rules and boundaries about a game or activity and prioritizing the rules to keep the number of rules low; children cannot remember things as well as adults
- modelling how to share things and take turns; for example:
 - staff can set up a puzzle so that two children have to take turns putting the pieces into the puzzle
 - staff can say things like "it's Isobel's turn...now it's Evelyn's turn...now it's my turn"
- avoiding saying "no" when there's a good alternative and no one is in immediate danger; for example:
 - instead of saying "no climbing" staff can say "feet stay down"
 - instead of saying "no more crackers" staff can say "snack is all done"
- giving children choices whenever possible. Providing a choice when it's safe and appropriate to do so gives children a sense that they have some control (**autonomy**) over themselves and the world around them. Staff can say things like:
 - "Michelle, do you want juice or milk"? (for very young children saying "juice or milk" while holding the two things up works well)
 - "do you want me to help you or do you want to do it by yourself?"
 - "we have apples and bananas – which one do you want?"

- telling the children when a change or transition is about to happen; for example, staff can say:
 - “after we finish our snack, we’re going to have circle time”
 - “five more minutes and then playtime is finished”
- not making sarcastic remarks – young children do not understand sarcasm so they take what adults say at face-value
- helping children to recognize, talk about and manage their feelings and helping children to learn to control their behaviours (**self-regulate**)
- staff modelling self-regulation for children by controlling their own behaviours, labelling their feelings, not raising their voice, staying calm and speaking and acting kindly with one another; children pick up a lot by copying what adults are doing and saying
- noticing and praising the positive things children do and not paying much attention to the negative things
- accepting that accidents are part of typical development; for instance, a toddler spilling a cup of water is expected and normal

Licensees and their staff need to remember that sometimes the way that things are done at the centre differs from the way things are done at a child’s own home, which can be frustrating or confusing for children. It is important to recognize as well that how parents manage their children’s feeding, crying, sleep and behaviour varies and this variation may be due to a variety of factors, including cultural norms.

[How Does Learning Happen? Ontario’s Pedagogy for the Early Years](#) 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.



While not all staff in a child care centre are early childhood educators, everyone can access the College of Early Childhood Educators’ [Practice guideline: supporting positive interactions with children](#).



Cross-reference: the regulation requires licensees to have and implement policies and procedures about staff training and development for all staff in a centre; see **subsection 58(1)** and **section 6.1**

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.

Part 7.9 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

Section 49 is in place to ensure that everyone in a child care centre knows what they need to do to implement the approaches to meeting the goals related to the 11 actions in 46(3)(a) through (k) and what they are never allowed to do (prohibited practices).

Clarifying guidance

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

Licensees must also document what action they will take if a staff, volunteer or student does not follow (contravenes) the policies and procedures or does not act in a way that aligns with the program statement. This includes what actions the licensee will take if an individual commits a prohibited practice.

Best practices

Program Statement Implementation Policy

A program statement implementation policy requires that all staff, students and volunteers 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 different ways that licensees can talk about how the approaches in program statement will be implemented. The description of how approaches will be implemented can be:

- **Very detailed:** The licensee's policy speaks to how each of the 11 approaches for the 11 goals in 46(3) (a-k) will be implemented.
- **Less detailed:** The licensee's policy doesn't speak to implementing all 11 approaches but instead there's a broader, more general description of the implementation expectations across all 11 approaches.

The licensee should consider how staff, students and volunteers will be engaged and supported in putting these goals and approaches into practice (in other words, implementing them). Making sure everyone in the centre understands what they need to do and do well requires taking the time to talk about the program statement approaches. This type of training can take different forms including:

- discussing the expectations at team meetings so staff can ask questions
- peer coaching and mentoring
- regular professional learning sessions
- a staff pedagogical leader who provides ongoing professional support and training for all individuals
- inviting guest speakers to talk to the staff, volunteers and students
- orientation materials for new employees, students and volunteers include easy-to-understand descriptions and instructions about the centre's program statement and how approaches to meeting the 11 goals in the program statement need to be carried out

The licensee may choose to also identify unacceptable actions or practices that may contravene the program statement (for example, a centre can prohibit the use of "time out"). If the licensee's policy talks about what is an unacceptable action or practice, it must also talk about what happens if someone if the centre does something that is unacceptable (in other words, the person contravenes the centre's policy).

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.



If a prohibited practice is observed, the individual who has observed the incident should consider whether they are required to make the report 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. Any allegation of neglect/abuse is a serious occurrence so the regulatory requirements around serious occurrences need to be met.](#)

It is also important to note that registered early childhood educators (RECEs) are subject to 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

Spelling out the measures (these are the ways to deal with a contravention that has happened) that a licensee will take if someone in the centre does something that contravenes the centre's program statement or does something listed in section 48 makes it clear to everyone in the centre that contraventions are very serious and that they have consequences.

There are various ways the licensee can choose to deal with a contravention of the program statement and/or if someone committed a prohibited practice. Consideration should first be given to identify the reason for the contravention:

- Does the individual fully understand the requirements?
- Was orientation provided for new staff, volunteer or student enough for them to fully understand the requirements?

In developing the measures, the licensee should consider the severity of an incident and whether it was a repeated behaviour. In cases where staff are not immediately dismissed from their employment with the child care program, licensees are to think about what can be done to make sure the individual doesn't commit a contravention again. For example, the licensee could require the person to:

- be mentored by a peer
- do a direct review of the policies and procedures with the centre's supervisor
- complete additional training

With respect to a person committing a prohibited practice, the policy should set out a series of progressively stronger measures which take into account and are proportionate to things like the severity of the contravention and whether the person has done contraventions previously.

Licensees are subject to employment laws and may wish to consult with a lawyer in relation to dealing with a staff member who has committed a prohibited practice.

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.

Part 7.10 Safe Arrival and Dismissal Policy

(effective January 1, 2024)

Ontario Regulation 137/15

Safe arrival and dismissal policy



50. Every licensee shall ensure that each child care centre it operates and each premises where it oversees the provision of home child care has a policy respecting the safe arrival and dismissal of children that,

- (a) provides that a child may only be released from the child care centre or home child care premises,
 - (i) to individuals specified by a child's parent, or
 - (ii) in accordance with written permission from a child's parent to release the child from the program at a specified time without supervision; and
- (b) sets out the steps that must be taken if,
 - (i) a child does not arrive as expected at the child care centre or home child care premises, or
 - (ii) a child is not picked up as expected from the child care centre or home child care premises.

Intent

Section 50 is in place to safeguard children by ensuring licensees are prepared to effectively respond to unexpected situations where children fail to arrive at their child care program or are not picked up.

Clarifying guidance

The requirements in section 50 apply to all licensed child care programs, both centre and home-based (not including in-home services), regardless of how long the program runs each day. The requirements also apply to all children, regardless of age.



Cross-reference: licensees' policies related to safe arrival and dismissal must be implemented and monitored for compliance and contraventions; see **section 6.1** of the regulation



Cross-reference: safe arrival and dismissal policies are not required when children are receiving in-home services child care; see **section 6.0.1 effective January 1, 2024**



Cross-reference: licensees must include their safe arrival and dismissal policies in their parent handbook; see **clause c.1 of subsection 45(1) effective January 1, 2024**



Cross-reference: if a parent has provided written permission to release their child from their child care program at a specified time without supervision, this written permission must be included in the child's record; see **paragraph 5 of subsection 72(1) effective January 1, 2024**

Compliance Indicators

1. The licensee has a policy respecting safe arrival and dismissal of children that includes the information listed in s. 50 (a) and (b).

And

2. It is observed or the licensee verbally confirms that the safe arrival and dismissal policy is implemented at the child care centre or each home child care premises.

And

3. A copy of the safe arrival and dismissal policy is included in the parent handbook.
4. Where it is observed, or the licensee verbally confirms that there are no children who have written permission signed by their parents to be released from the program on their own without supervision, the licensee has kept the names of persons to whom the child may be released in the children's records.
5. Where it is observed, or the licensee verbally confirms that there are children who have written permission signed by their parents to be released from the program on their own without supervision, there is written evidence of compliance (i.e., written permission signed by parents) in addition to the names of persons to whom the child may be released in the children's files.

Part 7.11 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

Section 39.1 is in place so there is a clear plan to support children with special needs when they are at the centre, including maximizing their inclusion in all activities in the child care centre.

Clarifying guidance

The regulation includes a definition of a **child with special needs** (see subsection 1(1)). A child with special needs means *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.*

When developing an individualized support plan for a child with special needs, the licensee needs to talk about the plan with:

- the parent of the child
- the child (if the child is old enough to understand what is being talked about and can express their own thoughts)
- any regulated health professional (such as an occupational therapist, speech-language pathologist, etc.)
- other people who provide supports to the child as part of their job and who can help to make sure the plan for the child is one that will work well. These professionals could be resource consultants, service coordinators, etc.



Licensees should ask parents if their child has any support needs **before** the child starts attending the child care centre and discuss the benefits of having an individualized plan with the parents. Individualized plans for children with special needs can only be made and implemented if a parent(s) agrees to this, preferably in writing.

Resource consultants who are not employees of the licensee can only provide services/supports directly to the child in the centre or in respect of the child (so indirectly, like telling staff how to modify a toy for a child) if the parents agree to this, preferably in writing.

Staff in child care centres are not to call in or make referrals to any specialized or health services or supports for a child, unless the parents have agreed to this, preferably in writing.

Licensees are required to maintain the confidentiality of a child's medical history including any diagnoses. Sensitive or confidential personal health information and detailed reports from doctors or other health professionals should only be included in the individualized plan for the child if the information is necessary to implement the child's individualized plan and the parents agree (consent) to this in writing.

Support persons hired by parents

Where a parent chooses to hire an individual to support their child while receiving child care at the child care centre/program, the child's individualized support plan must also include information pertaining to the support this individual will be providing to the child, including whether the parent has provided consent for the individual to be left alone with the child.

Best practices

Inclusion means all children can participate in an active and meaningful way when at the child care centre. When a centre's programming is carefully planned to support the diverse needs of every child, all children can participate (sometimes with modifications or adaptations).

In high-quality, inclusive child care programs, all children and their families are welcomed and honoured by the programs. Inclusive programs are ones that support the development of all children by reducing barriers and focus on making caring and responsive relationships in safe, nurturing environments.

All children benefit from participating in inclusive programs where they can learn from one another and experience a sense of belonging.

Inclusion as a concept and a process involves:

- Inclusive beliefs, values, and attitudes
- Inclusive practices and behaviours
- Inclusive, enabling environments designed for all children
- Inclusive policies

The goals and approaches in HLDH can help programs as they plan activities and plan the learning environment so that all children can participate in a meaningful way. HDLH sets out a view of the child as competent and capable, curious and rich in potential. With this view in mind, programs can easily focus on the strengths of a child and use these strengths to help the child work on other skills that may be behind.



Cross-reference: The regulation requires centres to have a program statement and that the program statement reflects a view of children as being competent, capable, curious and rich in potential. **Subsection 49(1)** and **subsection 49(2)**



Cross-reference: The regulation requires centres to have a program statement which includes goals and approaches around how the centre “*plans for and creates 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*”. See **clause 46(3)(f)**



Cross-reference: The regulation requires written policies and procedures that explain the expectations for how centre staff, volunteers or students must implement the approaches in the centre’s program statement. See **section 49**

A child being physically present in the child care centre is not inclusion. Just being there in the room is not enough to help the child learn, make friends and develop their skills. Inclusion is about a child with special needs really participating, connecting with others, building relationships and contributing to what is going on in the centre. To make sure this happens well and happens consistently, licensees and staff need to carefully plan what programming and activities will look like every day. Staff may have to figure out how they can do things differently or communicate things in a different way so that a child with special needs can join the other children in whatever is going on.

Pedagogical documentation can help staff 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. Pedagogical documentation can also provide information that can help programs to create environments and experiences that best support the learning and development of each child.

[How Does Learning Happen? Ontario’s Pedagogy for the Early Years](#) provides information on ways adults can include all children, including those with special needs, into the program’s activities and daily routines.

Compliance Indicators

1. The licensee has developed an up-to-date individualized support plan for each child with special needs 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) of subsection 52(1), where applicable; and
- (c) instructions relating to the child's use of the supports or aids referred to in clause (b) of subsection 52(1) 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. There is written evidence that confirms that the plan referred to in subsection (1) has been developed in consultation with a parent of the child, the child (if appropriate) and any regulated health professional or other person who works with the child.

Or

The licensee verbally confirms that the plan referred to in subsection 52 (1) has been developed in consultation with a parent of the child, the child (if appropriate) and any regulated health professional or other person who works with the child.

Part 8 – Staff Qualifications

Part 8.1 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

Section 53 is in place because the skills, experience and educational background of people working in a child care centre greatly affect the quality of what is happening in the centre.

Supervisors need to have extra skills and work experience compared to other staff because the supervisor's job responsibilities (which are explained in and required by subsection 6(4)) is different than other staff. Supervisors must:

- plan and direct the program of the child care centre
- be in charge of children
- oversee the staff
- be responsible to the license

Clarifying guidance

 **Cross-reference:** the regulation requires every licensee of a child care centre to employ a supervisor and the regulation describes what the job of a supervisor includes. See **section 6(1)**

When someone is a member in good standing of the College of Early Childhood Educators (CECE) they are a **registered early childhood educator** (RECE). No one can call themselves an early childhood educator if they are not a member of the CECE.

Licensees can check to see if someone is a RECE because the College maintains a [public register](#) (in other words, a list of names and other information) of all of its members.



All supervisors must be approved by a ministry director, whether they are an RECE or not.

Licensees must apply for director approval of either a registered early childhood educator (per 53(a)) or for someone who is otherwise approved by a ministry director to be a supervisor (per 53(b)) through CCLS.

When a ministry director approves a centre's supervisor, the licensee will receive a "director approval letter" that documents the approval and any conditions imposed on the approval (such as additional training requirements).

The person who the ministry director approves as a centre's supervisor will also appear on the licensing letter that accompanies the licence.

Licensed child care programs across the province operate under a variety of program philosophies and there are people who get very specific training for some of these philosophical approaches. For example, a ministry director may approve a person with Montessori training if they:

- have the required work experience (in other words, per 53(b), "is capable of planning and directing the program of a child care centre")

AND

- have Montessori training from:
 - Association Montessori Internationale (AMI)

OR

- a Montessori teacher training institution accredited by the Montessori Accreditation Council for Teacher Education (MACTE)



Cross-reference: the regulation has rules about when a supervisor can be counted in required staff to child ratios; see **subsection 8(5)**

To learn more about the requirements for RECEs and general information about the profession of early childhood education, visit 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).

Part 8.2 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.

As of **July 1, 2024**, subsection 54(2) is replaced with the following:



(2) With respect to a licensed junior school age group or a licensed primary/junior school age group, 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.

Intent

Subsection 54(1) is in place to identify the credentials required to be considered a qualified staff in child care centres. It also sets out that a ministry director can approve an individual to take the place of a qualified staff.

Subsection 54(2) is in place to acknowledge that there are other professionals whose education, training and work experiences can be a good fit for older children and can match up well with the licensee's program goals.

Clarifying guidance

The quality of the child care being provided is very important to children's development, including the development of their language and thinking skills. The higher the quality of care, the better it is for children's learning and well-being.

Requiring specific credentials for staff acknowledges that the quality of a child care program is very much affected by the skills and education of the people who work in the centre.

When people have studied child development, how to support children's development and how to build warm and nurturing relationships, they are often better able to provide the high quality programming children need to thrive. Combined, implementing approaches in a planned pedagogy (in the case of Ontario, that is HDLH) **and** being emotionally supportive and responsive to children's needs, results in high quality programs.

When someone is a member of the College of Early Childhood Educators (CECE) they are a *registered early childhood educator* (RECE). By definition, RECEs plan and deliver inclusive play-based learning and care programs for children to promote their well-being and overall development. These professionals also understand how to talk to parents so everyone is working together to help the child develop.

Unlike supervisors, licensees do **NOT** need to apply for director approval from the ministry if they hire RECE staff. An individual who is a member in good standing with the CECE, in other words, an RECE, is considered a qualified staff without requiring any additional approvals.

However, it is not possible in all situations to hire RECEs. Paragraph 54(1)(2) allows a licensee to ask for director approval for an individual to take the place of an RECE in their program.

Licensed child care programs across the province operate under a variety of program philosophies and there are people who get very specific training for some of these philosophical approaches. For example, a ministry director may approve a person with Montessori training if they have Montessori training from:

- Association Montessori Internationale (AMI)

OR

- a Montessori teacher training institution accredited by the Montessori Accreditation Council for Teacher Education (MACTE)

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.

Qualified staff for programs which serve older children

Currently, the following individuals are considered to be qualified staff for licensed groups that only have children who are 9 – 12 years of age (so junior school age per the name of the age category for these children in Schedule 1)

1. people with diplomas or degrees in child and youth care
2. people with diplomas or degrees in recreation and leisure services,
3. members in good standing with the Ontario College of Teachers

These persons are considered qualified staff so licensee can go ahead and hire these persons (as long as other requirements in the regulation for staff have been met) without needing to submit a request for director approval.

Effective July 1, 2024, the individuals listed above can also be considered the qualified staff in **both** primary/junior school age groups and junior school age groups, regardless of the age of the children in the group. Licensees will no longer need to request director approval from the ministry to allow these professionals to work as the qualified staff in a primary/junior school age group that includes children aged six to nine years.

Licensees must apply for director approval for an individual who does not meet the definition of qualified staff in section 54. If a person is approved by the ministry director, their name will appear on the licensing letter and the director approval letter provided to the licensee along with any conditions imposed on the approval, such as additional training requirements



Director approvals for a person to be considered qualified staff are not transferable and can only apply to the specific licensed age group specified in the approval.

If a person who was otherwise approved by a director is going to work in a different child care centre or will be switching to care for children in a different age category in the same centre, **the licensee must first obtain approval from the ministry director.**

Checking whether someone is a member in good standing of the College of Early Childhood Educators

No one can call themselves an early childhood educator (ECE) or a registered early childhood educator (RECE) if they are not a member of the CECE.

Licensees can check to see if someone is an RECE in good standing because the College of Early Childhood Educators must maintain a [public register](#) (which is a list of names and other information) of all of its members.

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

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.

Part 8.3 Resource Consultant Qualifications

Ontario Regulation 137/15

55. A resource consultant 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 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.

Intent

High-quality **inclusive child care settings** benefit **all** children – those with and without special needs. For some children with special needs, modifications and supports tailored to their needs are needed for them to have high quality, inclusive experiences in their child care program.

Resource consultants are professionals who provide support related to children with special needs in a child care centre, usually by working with the staff to give them suggestions on how to plan programming and shape their interactions with the child with special needs so that the child is participating and interacting with other children in the centre.

Subsection 55(1) is in place to require resource consultants to have the knowledge base needed to provide guidance about the right kind of care, supervision and supports when they are at the centre.

Clarifying guidance

Most resource consultants are employees of an agency such as a community centre or they are employees of a municipality. These employers typically establish requirements regarding qualifications for their staff.



Resource consultants cannot be counted towards required staff to child ratios; see **section 10** of the regulation

If child care staff are concerned about a child's development and are thinking about requesting the services of a resource consultant, they must obtain consent from the child's parent to go ahead with making a request for or referral to the services of a resource consultant (and/or any other community-based services or supports).

Best practices

Whenever possible, it is recommended that resource consultants have at least one year of work experience in a position that includes support for and care of children with special needs.

Compliance indicators

1. Any resource consultants 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 that is both theoretical and practical and that relates to the needs of children with special needs.

Or

there is written evidence that they have been otherwise approved by a director

Part 8.4 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, every person employed in a child care centre it operates and every volunteer or student who is on an educational placement with the licensee has a health assessment and immunization as directed by the local medical officer of health.

(2) Every licensee of a home child care agency shall ensure that, before any child is provided with child care at a premises at which the licensee oversees the provision of home child care, every home child care provider providing care at the premises, every person who is ordinarily a resident of the premises or regularly at the premises and every volunteer or student who is on an educational placement at the premises has a health assessment and immunization as directed by the local medical officer of health.

(3) Subsections (1) and (2) do not apply where the person objects to the immunization on the ground that the immunization conflicts with the sincerely held convictions of the person based on the person'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

Section 57(1) is in place to protect those at the child care centre from getting and spreading vaccine-preventable diseases.

Child care centres are places where it is very easy to pick up a vaccine-preventable disease because children and adults are spending a lot of time together and have a lot of interaction and contact with each other.

Clarifying guidance

The **medical officer of health** (which is the formal way to say **local public health unit**) determines what is needed for a staff, volunteer or student in respect of health assessments and immunizations, and it is the licensee's responsibility to ensure that staff, volunteers and students have received such health assessments and immunizations.

For contact information for all public health units, licensees should visit the Ontario [webpage listing all public health units](#).

A person would not be subject to the health assessment and immunization requirements in either of these circumstances:

- there is a medical reason why the person cannot be immunized

OR

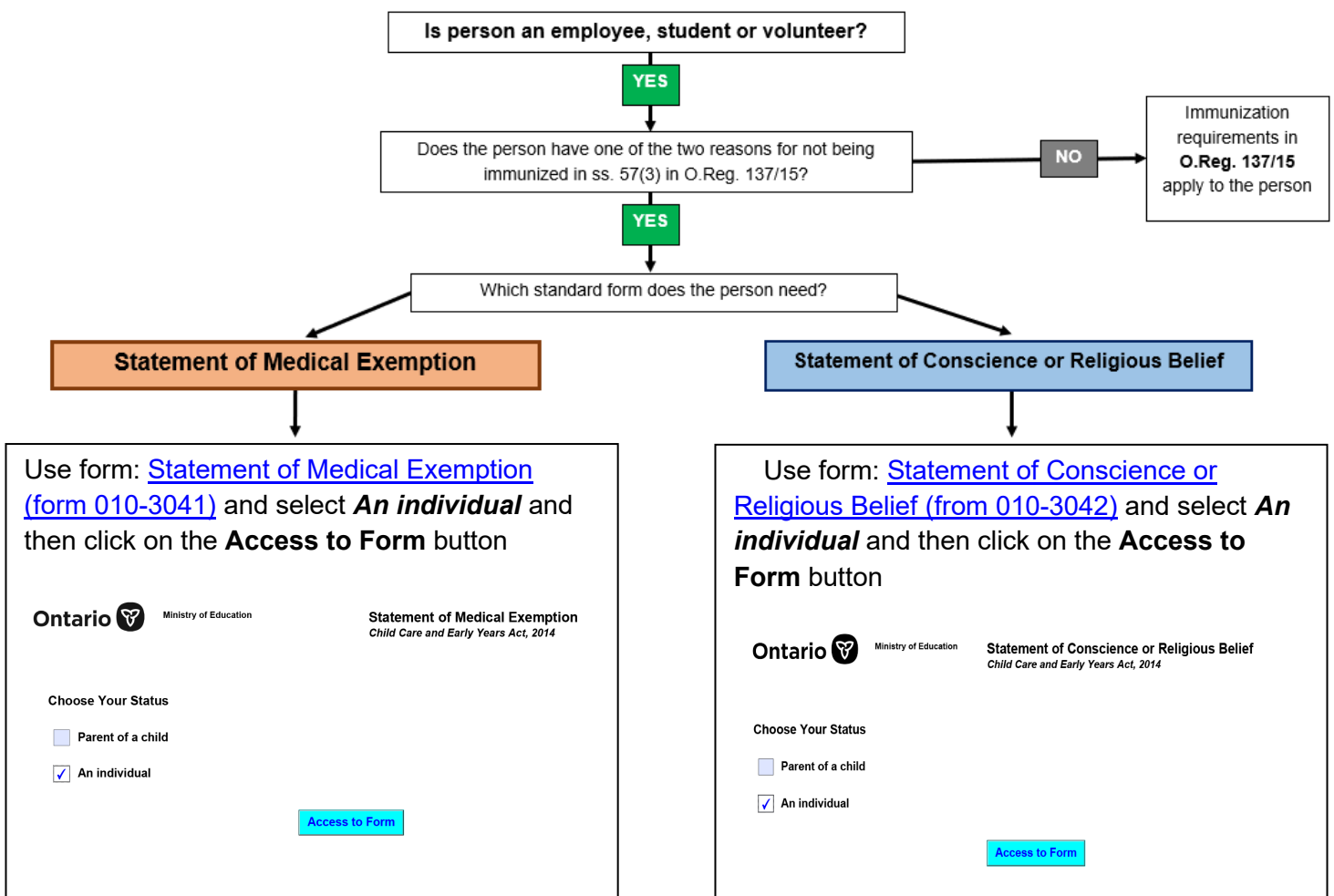
- the person objects to immunization based on their religion beliefs or conscience grounds

If either of these circumstances apply, the person needs to give the licensee paperwork that documents this. The paperwork has to be done on one of two ministry-issued **standard forms**; each form has two versions – one for employees, volunteers and students, and one for parents of children.

The forms are public and available in both English and French on the Government of Ontario's [Central Forms Repository](#).



The following shows how to determine which form should be used by staff, students and volunteers in relation immunization requirements:



Compliance Indicators

1. Files for staff, volunteers and students who are on educational placement include health assessments.

And

2. Files for staff, volunteers and students who are on educational placement include immunization records.

Or

Where a staff, volunteers and/or student on educational placement does not have an immunization record on file, staff, volunteer and/or student on education placement have objected to the immunization as set out in subsection 57(3). The required approved form by the Minister has been completed and kept in the person's file for objections and medical reasons for no immunization record in the staff file.

Part 8.5 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

Research shows that a key contributing factor to the quality of a child care program is how skilled and knowledgeable staff are.

Because staff enter into their jobs with varying levels of knowledge, skills and experience, those working in child care settings need to continue to get training and learn more about things that are important to their functions and responsibilities in the centre.

Similar to requirements for other professions, subsection 58(1) is in place to ensure that licensees provide opportunities for staff to learn new information and support staff to upgrade and continue to improve their skills, knowledge and practices.

Clarifying guidance

When developing staff training and development policies, licensees need to consider the unique professional learning needs of staff at time of hiring, as well how their learning needs change over time.

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 or soon after they beginning work?
 - What do new staff need to know about requirements in the CCEYA that apply to the program, staff and how the staff interact with children (for example, supervision requirements, prohibited practices, etc.)?
 - How can the licensee make sure that new staff are familiar with and understand the duty to report requirements that apply to them set out in the [*Child, Youth and Family Services Act, 2017*](#)?
- Regular training schedule – what training needs to be upgraded or offered on a regular basis to ensure currency?
- 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 can the licensee create for staff to be able to do **reflective practice** about pedagogy and **collaborative inquiry** among staff teams and maybe even with others in the community?
- External tools and resources – what courses are available in the community? Are there online learning opportunities? Is there a leadership course for early childhood educators 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? (for example, with the licensee provide training as part of paid time, will the licensee provide resource materials, etc.)

While not all staff in child care centres are early childhood educators, the College of Early Childhood Educators has a lot of resources that everyone can access. Such resources are available in both English and French on the [College's resources webpage](#).

[How Does Learning Happen? Ontario's Pedagogy for the Early Years](#) 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 by [Ontario Regulation 359/15: Continuous Professional Learning](#) made under the *Early Childhood Educators Act, 2007*.

Best practices

When bringing in volunteers or students to the centre, it is best practice for these individuals to get an orientation, including about the rules under the CCEYA and reporting obligations under the *Child and Family Services Act, 2017*.

Compliance Indicators

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

Part 8.6 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 or 8.1.
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.



(4) Despite paragraphs 2 and 3 of subsection (2), a licensee of a child care centre may employ a person who does not have a valid certification in standard first aid for up to three months if,

- (a) the licensee requires the person to obtain the certification as soon as reasonably possible;
- (b) the length of time required to obtain the certification justifies it; and
- (c) at any time during which the person is supervising children, another person who is certified as required by subsection (2) is available and in such proximity to the children that the certified person would be able to respond to an emergency.

Intent

Subsection 58(2) is in place to ensure the health and safety of children by requiring those who are responsible for caring and supervising them – the staff who are counted in ratios – to be first aid certified. Being able to give first aid quickly when a child gets injured or when a child's airway is blocked can reduce the potential for a bad outcome.

Clarifying guidance

Staff in child care centres are expected to have their **standard first aid**, including **infant and child CPR**, before they begin supervising children. However, licensees can allow staff three months to obtain their certification as long as there is always at least one first aid certified employee in the centre and close enough to the children that they can respond to an emergency. The person who is not yet certified has to obtain their first aid certification as soon as reasonably possible.

To ensure training covers certain topics and meets certain standards, first aid training courses must be offered by providers that are approved by the Workplace Safety and Insurance Board (WSIB).

The list of WSIB approved providers can be found here: [WSIB Approved First Aid Training Providers](#).



Some training providers claim to be “approved in Canada” or “approved in all Canadian provinces,” but are not approved by the WSIB. It is the responsibility of the licensee to make sure their staff are going to WSIB-approved training.

Duty parents in a cooperative child care program who are counted towards required staff to child ratios must meet all requirements applicable to employees, including standard first aid training that includes infant and 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.

The requirements around first aid certification apply even if employees only come in to work at the centre from time to time; it doesn't matter if they only work part-time or in a supply staff capacity. If a person is counted in required staff to child ratios, they must be first aid certified.



Workplace Safety and Insurance Board (WSIB)-approved first aid training 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** and it is the responsibility of the licensee and staff to ensure they obtain the required certification. Licensees may find more information about first aid training here: [Link to WSIB First Aid Program](#).



EXAMPLE

A child care centre's cook sometimes helps out the other staff by being counted towards staff to child ratios in the preschool room when reduced ratios are allowed – in this case, this employee (the cook) is required to be first aid certified.

The centre's administrative support staff person who works in the office is never counted in staff to child ratios – in this case, this employee is not required to be first aid certified.

Any licensee who is registered with the WSIB must ensure that they meet 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.

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.

3. Where a standard first aid certification, including infant and child CPR has not yet been obtained and a person has already started interacting with children, the individual's file contains documentation individual to obtain a certification in standard first aid as soon as reasonably possible.

Or

The licensee verbally confirms that they required the individual to obtain the certification in standard first aid including infant and child CPR as soon as reasonably possible.

4. Where a standard first aid certification, including infant and child CPR has not yet been obtained and a person has already started interacting with children, the licensee is able to explain, or there is documentation indicating, why the length of time required to obtain certification in standard first aid, including infant and child CPR justifies permitting the individual to begin employment or otherwise interacting with children.

5. Where a valid certification in standard first aid has not yet been obtained and a person has already started interacting with children, staff or licensee can confirm that another person who is certified in standard first aid including infant and child CPR is available and in proximity to the children they can respond to the children in the event of an emergency.

Part 9 – Staff Screening Measures and Police Record Checks

Overview

Prohibition based on past conduct

The CCEYA sets out that if a person is convicted of an offence under the CCEYA or convicted of certain offences under the federal *Criminal Code* (in other words, crimes), they are prohibited from providing child care or operating a premises where child care is provided.

- Offences under the CCEYA are listed in [subsections 78\(1\) and 78\(2\) of the Act](#) and [section 88.1 of O.Reg. 137/15](#)
- The offences under the *Criminal Code* (Canada) which are grounds for not being able to provide child care in Ontario are listed in [subparagraph 1\(ii\) of subsection 9\(1\)](#) and are as follows:
 - Section 151 (sexual interference)
 - Section 163.1 (child pornography)
 - Section 215 (duty of persons to provide necessities)
 - Section 229 (murder)
 - Section 233 (infanticide)

Additionally, per [paragraph 2 of subsection 9\(1\) of the CCEYA](#), anyone who has been found guilty of professional misconduct under the *Early Childhood Educators Act, 2007*, the *Ontario College of Teachers Act, 1996*, or the *Social Work and Social Service Work Act, 1998*, and as a result cannot practice their profession, is also prohibited from providing child care in the province. These three Acts established regulatory Colleges to oversee the specified profession.

Each of these professional Colleges have a **public register** of their current and past members. When reviewing someone's application for a licence, the ministry will check to see if the person applying is on one of these registries and, if they are, they will look at the registry to see if there are any notes about professional misconduct. Similarly, when looking to hire new staff, licensees need to look up a person on these registries to see if they have been found guilty of professional misconduct.

The registries for these Colleges are available at these websites:

- [College of Early Childhood Educators Public Register](#)
- [Ontario College of Teachers Public Register \("find a teacher"\)](#)
- [The Ontario College of Social Workers and Social Service Workers Online Register](#)



It is an offence under the CCEYA to contravene or fail to comply with subsection 9 (1) or clause 9(3)(a) of the CCEYA, per paragraph 78(1)(4) of the CCEYA.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year, or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 9 of the CCEYA may lead to an administrative penalty of **\$2,000**; see **section 78** of O.Reg. 137/15 and **item 8 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.

Police record checks

A **police record check (PRC)**, which is commonly referred to as a “background check”, is a search of police record-keeping systems on a person. These checks are often used as part of a screening process for people who want to work or volunteer somewhere or before an individual is planning to do an educational placement (for example, to fulfill a requirement of a college/university academic program).

In Canada, a PRC is a search conducted of the **Canadian Police Information Centre** databases or another police database maintained by a police service in Canada to determine whether the databases contain entries relating to an individual in order to screen the individual for criminal history.

A person needs to request a PRC from the police service that serves the community the person lives in; there are three types of police services:

1. a municipal police service or
2. a First Nations police service; or
3. the Ontario Provincial Police (OPP) for people who live in an OPP-policed community – visit the [Ontario Provincial Police - Police Record Checks \(opp.ca\)](https://www.opp.ca/en/Police-Record-Checks/Pages/default.aspx) website to determine whether a person lives in an area of the province where they would need a PRC conducted by the OPP.

In addition to federal laws that govern police records, the provincial [Police Record Checks Reform Act, 2015](#) (PRCRA) sets the standards that govern how PRCs are conducted in Ontario and what is included in the check.

Types of PRCs

The term “police record check” is an umbrella term which refers to different types of searches of police record-keeping systems; in Ontario, the PRCRA authorizes three different types of police record checks to be used for screening purposes:

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 persons¹. A criminal record check includes:
 - applicable convictions under the *Criminal Code* (Canada)
 - findings of guilt under the federal *Youth Criminal Justice Act* (Canada)
2. **Criminal Record and Judicial Matters Check (CRJMC)**: A type of police record check that includes:
 - applicable convictions under the *Criminal Code* (Canada)
 - findings of guilt under the federal *Youth Criminal Justice Act* (Canada)
 - absolute and conditional discharges
 - outstanding charges, arrest warrants and certain judicial orders
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 or persons who have vulnerable people depending on them.

A vulnerable sector check includes the same type of information that is disclosed in a criminal record and judicial matters check AND applicable findings of:

- not criminally responsible due to mental disorder
- record suspensions (pardons) related to sexually-based offences
- in certain circumstances, non-conviction charges related information, when a strict test is met

Note that, in addition to the provincial PRCRA, VSCs are governed by section 6.3(3) of the [Criminal Records Act \(Canada\)](#).

For more information about PRCs, visit [this Government of Ontario website](#).

¹ Under the PRCRA, a vulnerable person means a person who, because of their age, a disability or other circumstances, whether temporary or permanent, is in a position of dependency on others or is otherwise at a greater risk than the general population of being harmed by a person in a position of trust or authority towards them



It is the police service that ultimately determines what type of PRC they will conduct on a person.

Requirements around PRCs for licensed child care settings

Requirements related to screening/PRCs for licensed child care in Ontario are set out in **both** the CCEYA and O.Reg. 137/15 and address:

- which requirements apply to various persons (for example, requirements for licensees are different than requirements for volunteers); requirements may also be different depending on whether a person is going to be interacting with children
- requirements about re-submitting certain information to the ministry and to licensees at certain time intervals
- in addition to requirements around PRCs, requirements around **offence declarations** and **attestations**
- limited exemptions from PRC requirements; the screening requirements under the CCEYA do not apply to the professionals listed in subsection 61.1(3)



Requirements under the CCEYA around PRCs do not apply to Ministry of Education officials, staff of Children's Aid Societies or government inspectors with a statutory right to enter a child care centre to carry out their duties (for example, inspectors looking at things related to the Building Code).

To whom a PRC is submitted

- Any PRC or other screening information required under the CCEYA for an applicant for a child care licence or an existing licensee needs to be submitted **to the ministry via CCLS**.
- Any PRC or other screening information required under the CCEYA about **a person other than a licensee or an applicant** required under the CCEYA needs to be provided **to the licensee**

Content of PRCs

All PRCs in respect of licensed child care settings must be:

- conducted by a municipal or First Nations police service or the OPP;
- legible (in other words, can be read);
- complete (in other words, no information is missing or cut off);
- unaltered;
- provided in English or French
- inclusive of all required information about *Criminal Code* (Canada) convictions to verify compliance with paragraph 1 of subsection 9 (1) of the CCEYA.

Persons who are 18 and 19 years old

The screening requirements under the CCEYA do not apply to people who are under 18 years of age, but it is important to note that there are requirements that apply when someone turns 18 years of age and a different set of requirements when someone turns 19 years of age.

Confidentiality and privacy

Information contained in an individual's PRC is confidential. Licensees should take all appropriate steps to protect a person's privacy when they are collecting, storing and accessing this information.



Cross-reference: licensees must have written policies and procedures that address screening of employees, students, and volunteers which must address, among other things, how the confidentiality of information contained in a VSC, offence declaration or attestation will be protected; see **section 65**



Mandatory employer reporting obligations under sections 49.1 and 49.2 of the *College of Early Childhood Educators Act, 2007*

Per [section 49.1](#) of the *Early Childhood Educators Act, 2007*, an employer of a member of the College who terminates the member's employment, suspends the member or imposes restrictions on the member's duties for reasons of professional misconduct must file with the Registrar within 30 days after the termination, suspension or restriction a written report setting out the reasons.

Per [section 49.2](#) of the *Early Childhood Educators Act, 2007*, employers are required to report to the Registrar of the College of Early Childhood Educators when they become aware that a member of the College who is or has been employed by the employer has:

- been charged with or convicted of an offence under the *Criminal Code* (Canada) involving sexual conduct and minors
- been charged with or convicted of an offence under the *Criminal Code* (Canada) that, in the opinion of the employer, indicates that a child may be at risk of harm or injury;
- engaged in conduct or taken action that, in the opinion of the employer, should be reviewed by a committee of the College

For more information about employer reports, including information about timelines for reporting, refer directly to the [Early Childhood Educators Act, 2007](#).

Definitions

Employees: Any individual who is paid by the licensee to perform a duty or job in the child care program.

The following are examples of employees:

- program staff and program support staff (whether or not they are counted towards child to staff ratios)
- supervisors
- human resources, finance and administrative support staff
- kitchen staff, cooks, bus or other drivers directly employed by the licensee, cleaners/custodians
- “resource consultants” directly employed by the licensee



Parents taking the place of staff in a licensed child care program (for example, duty parents) are considered employees with respect to requirements around screening/police record checks under the CCEYA.

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

- School employees (such as custodians and teachers), where the child care program is offered in a publicly-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 (for example, a resource consultant who comes into a licensed child care program once in a while to support children with special needs); these individuals are considered to be an “other person providing...other services to children at the child care centre” (see below for definition)
- persons brought in on a temporary basis to work in the child care program who do not work directly for the licensee (for example, supply staff through a temporary employment agency); these individuals are considered to be an “other person providing...other services to children at the child care centre” (see below for definition)

Licensee: A person (which can be an individual, corporation, First Nation) who holds a licence issued under the *Child Care and Early Years Act, 2014*. Once a licence is issued, a licensee may operate a licensed child care program according to the terms set out in their licence and the requirements/rules set out in the CCEYA and its regulations.

Other Person Providing Child Care or Other Services to Children at the Child Care

Centre: 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**. For example, this would include bus drivers contracted by the licensee through a third party, resource consultants employed by an entity other than the licensee, entertainers, sport/activity instructors, etc.).

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.

There are situations where an individual may not have the original copy of their PRC because it was already provided to another person such as a previous employer. If this happens, a licensee has the option of creating and retaining a **true copy** of the individual's original PRC to demonstrate compliance with the requirements set out under the CCEYA.

In the situation where an employee has obtained their VSC from a digital portal, the employee may download the file to provide their VSC to the licensee (for example, an email from employee sent to the licensee with the PRC attached or employee prints out a hard copy of the VSC and gives it to the licensee).

Volunteer: 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 service professionals)
- Parents attending a child care or school event and are not assisting with the care for or supervision of children

Part 9.1 Duty to Provide a Police Record Check – Applicants & Licensees



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.

Ontario Regulation 137/15

Police record check

87. For the purposes of subsection 35 (3) of the Act, a police record check,

- (a) must have been prepared no earlier than six months before the day it is provided to the director or inspector; and

- (b) where the person will interact with children, must be a vulnerable sector check that is,
 - (i) conducted by a police force, and
 - (ii) prepared no earlier than six months before the day it is provided to the director or inspector.

Intent

In a different section of the CCEYA ([paragraph 1 of subsection 9\(1\)](#)) there are rules that say if someone is found guilty of an offence under the CCEYA or certain crimes, they are not allowed to provide child care or operate a premises where child care is provided.

Subsection 35(1) is in place to give ministry officials the power to ask applicants, licensees and employees of a licensee or applicant to produce a police record check (PRC) so that the ministry can check to see whether the person has been convicted of one of the crimes listed in [paragraph 9\(1\)\(1\)](#) under the CCEYA. This section is also in place to help the ministry determine whether a person is suitable to be a person who holds a child care licence.

Clarifying guidance

First time applicants for a child care licence

Child care licences can be issued to an individual, a corporation or a First Nation.

The CCEYA requires a police record check **from all first time applicants** for a child care licence.

The type of PRC required for an applicant is determined based on whether a specific person will be interacting with children.

Type of Applicant	Who is required to submit a police record check?	Type of PRC required if the applicant will be interacting with children	Type of PRC required if the applicant will <u>NOT</u> be interacting with children
Individual	Individual	VSC that is no older than 6 months in original version or “true copy” *needs to be redone before the 5 year anniversary of the initial VSC and submitted to the ministry	CRC that is no older than 6 months in original version or “true copy” and written confirmation* of non-interaction with children *needs to be redone before the 5 year anniversary of the initial VSC and submitted to the ministry
Corporation	All directors and officers of the corporation, or, in the case of a multi-service agency (for example, a governing council or hospital), all of the persons responsible for the delivery and oversight of child care programs		
First Nation	The individual(s) responsible for the oversight of child care in their community. This can be either Members of the Band OR a person the Band designates to manage child care for the First Nation community (these persons are referred to as “Child Care Managers” in CCLS but may have other titles in the job descriptions such as administrators, supervisors, etc.).		

* The written confirmation of non-interaction with children must include:

- Name(s) and signature(s) of the applicant, including, in the case of a corporation, all directors/officers of the corporation where applicable
- A clear statement that the applicant will not be interacting with the children in the program
- Date the written confirmation was signed by the person the written confirmation is about

A template for this written confirmation is available in CCLS.



EXEMPTION: The requirements to submit a PRC to the ministry do not apply to applicants for a child care licence that are school boards (as defined under the *Education Act*) or Consolidated Municipal Service Managers or District Social Services Administration Boards.

Existing licensees

New PRCs are required for licensees every five years and must be Uploaded to CCLS prior to the five year anniversary of the current PRC on file.

If an existing licensee is a corporation and its directors/officers change

If the licensee is a corporation and the directors/officers change, PRCs must be proactively provided to the ministry (by uploading to CCLS) and made available for inspection for all new directors/ officers.

If an existing licensee is a First Nation and its Members change

New PRCs are required for licensees every five years and must be made available for inspection by a ministry official.

- If the licensee is a First Nation and the Members change, police record checks must be made available for inspection for all new Members of the First Nation.
- If there is a person the Band designates to manage child care for the First Nation community and that person is replaced by someone else, the new person needs to submit a PRC.



It is an offence under the CCEYA to contravene or fail to comply with section 35 of the CCEYA (see paragraph 88.1[8] of O.Reg. 137/15).

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year, or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 35 of the CCEYA may lead to an administrative penalty of **\$2,000**; see **section 78** of O.Reg. 137/15 and **item 15 of Table 1** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.



Police record checks must never be mailed, faxed or emailed to the ministry as they contain sensitive and confidential information. There is only one acceptable way to provide the ministry with required screening information for licensees and applicants: through CCLS. Ministry officials have access to the CCLS and will review the information on CCLS.



Cross-reference: where the licensee is a corporation, the CCEYA requires the licensee to notify a ministry director in writing within 15 calendar days of any change in the officers or directors of the corporation; see **subsection 20(6)** of the Act



Cross-reference: Under the CCEYA, if someone is found guilty of certain offences or has been found guilty of professional misconduct under select laws that oversee professions, they are not permitted to provide child care in the province in any capacity; see **section 9** of the Act

Part 9.2 Definitions and Duty to Obtain a VSC from employees, volunteers and students

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.

(2) excluded – rules for home child care

- (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

Sections 59 and 60 are in place because doing a background check about any criminal activity committed by someone who wants to work, volunteer or do an educational placement in a child care centre helps to protect children from possible abuse and/or neglect. These kinds of screening requirements are in place for many different job settings and many professions. When a licensee has information about any criminal history of a person, it helps licensees determine if the person is suitable to work with children.

Clarifying guidance

Licensees must review VSCs provided by people who they are thinking of hiring, as well as potential volunteers and students to ensure that individuals have not been convicted of any of the offences listed in subsection 9(1)(1) of the CCEYA. If an individual has been convicted of these offences, they are not permitted to provide child care for children in either a paid or volunteer capacity in Ontario.

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 the registration of an early childhood educator, teacher or social worker/social services worker is available to the public at no cost at:

- [College of Early Childhood Educators Public Register](#)
- [Ontario College of Teachers Public Register \("find a teacher"\)](#)
- [The Ontario College of Social Workers and Social Service Workers Online Register](#)



If a VSC comes back with a positive result that is something **other than convictions for the offences listed in paragraph 9(1)(1)** of the CCEYA, it is up to the licensee as to how to proceed. Licensees may want to assess whether the type and number of convictions that show up on the person's VSC would make them unsuitable for working in the licensee's child care program.

Employees

All potential employees of the licensee must submit a VSC to the licensee that is no older than 6 months prior to the person starting their job.

Volunteers and students

All volunteers and students who would be interacting with children if brought into a child care centre to volunteer or do an educational placement respectively must submit a VSC to the licensee before they start interacting with children at the child care centre.

VSC older than 6 months but less than 5 years old

If a prospective volunteer or student can only provide a VSC that is older than 6 months but less than 5 years old, the person must also provide an **offence declaration** to the licensee for the period of time that happened after the 6 month anniversary of the VSC being done up to the time it will be submitted to the licensee.

VSC older than 5 years old

Licensees cannot accept a VSC from a volunteer or student that is more than 5 years old. If this is the case, the person needs to get a new VSC from a police service and provide it to the licensee.

EXAMPLE



Leena is a 27 year-old student who will be doing an educational placement with the licensee beginning July 1, 2023. Leena has a VSC that was completed in March of 2019 from when she volunteered at a youth justice program.

As Leena's VSC is older than 6 months but is less than 5 years old, Leena needs to provide an **offence declaration** to the licensee for the period of time between March 2019 and July 1, 2023, **in addition to** the VSC that was completed in March 2019.



It is an offence under the CCEYA to contravene or fail to comply with section 60 of the regulation, per paragraph 88.1[6] of O.Reg. 137/15.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year, or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 60 of the regulation may lead to an administrative penalty of **\$1,000**; see **section 78** of O.Reg. 137/15 and **item 3.1 of Table 2** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

Required documentation

Licensees must use one of the following as documentation to meet vulnerable sector check requirements under section 60:

For employees, volunteers and students:

- Original vulnerable sector check (VSC);
- True copy of a vulnerable sector check (in hard copy or digital format)

For volunteers and students ONLY:

- A copy of a vulnerable sector check for a volunteer or student (in hard copy such as a photocopy or digital format such as a scan or photograph); or

VCS by type of position

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 service on requirements pertaining to role-based VSCs and whether these can be accepted. Licensees are encouraged to obtain written documentation from the local police service and keep it on file for licensing purposes (in other words, for review by a ministry official).

Compliance Indicators

For Employees: See Manual subsection 9.2 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.
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

1. All volunteer and student 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 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.

3. 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.

Part 9.3 Prohibited disclosure of information in a VSC

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

Section 64 is in place because there are other laws that affect VSCs. This section addresses a situation where release of information contained in an individual's vulnerable sector checks is prohibited under a law other than the CCEYA. Section 64 makes it so it is acceptable for the requirements of a vulnerable sector check under the CCEYA to be met with a different kind of PRC (namely a criminal record check or criminal record and judicial matters check) in these situations.

Clarifying guidance

Where a law prohibits the release (or **disclosure**) of the information in a VSC, the police service may issue a different kind of PRC instead. For these cases, the licensee **must provide written evidence** (such as an email, fax, etc.) to support they have tried to get confirmation from the police service that conducted the PRC that they will not issue a VSC 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 or a criminal record and judicial matters check; or
- True copy of a criminal record check or a criminal record and judicial matters check (in hard copy or digital format); or
- A copy of a criminal record check or a criminal record and judicial matters check for a volunteer or student (in hard copy or digital format).

There are also situations where a police service will not issue a VSC. Where a police service will not issue a vulnerable sector check (in other words, the police service will only issue a

criminal record check or a criminal record and judicial matters check for a person), the licensee must provide written evidence that a VSC is not being done (in other words, anything that proves that the police are declining to do a VSC; this can be an email, fax, etc. from the police service) to show that the police service that conducted the check said that they will not issue a vulnerable sector check for that individual.

Compliance Indicators

Compliance with section 64 of the regulation is assessed as part of the licensee's duty to obtain a police record check (see 9.2 of the manual).

Part 9.4 Requirements when a VSC is not yet available

Ontario Regulation 137/15

- 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.
- 62.1 Despite subsection 61 (4), section 62 and subsection 63 (2), a licensee may permit a person who has not provided a vulnerable sector check as required under those provisions to continue their employment or volunteer position, or to continue providing home child care or otherwise interacting with children at a child care centre or home child care premises, if,
- (a) the person has applied for a vulnerable sector check; and
 - (b) the employer puts additional measures in place to protect children who interact with the person until the vulnerable sector check is obtained

Intent

Subsection 61(1) and section 62.1 are in place to acknowledge that it may take time for a VSC to be completed by giving the licensee the flexibility to make decisions related to staffing and the ability to meet required staff: child ratios while, at the same time, ensuring that a VSC is being obtained. For example, a licensee may have an immediate staffing need to maintain operations but the licensee 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 or the continuation of their employment or volunteer position and obtaining their vulnerable sector check.

Clarifying guidance

If it is taking some time to obtain a VSC for a person, licensees need to clearly set out what additional measures will be put in place in respect of the person waiting on their VSC if they are going to be coming into the child care program **before** the VSC has been provided.

 **Cross-reference:** licensees must have written policies and procedures that address screening of employees, students and volunteers which must address, among other things, 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 VSC is obtained; see **section 65**

 **Cross-reference:** licensees must implement and ensure that the written policies and procedures relating to screening of employees, volunteers and students required under section 65 are implemented for everyone at the centre/program and are monitored for compliance and contraventions; see **section 6.1** of the regulation

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:

- never leaving the employee waiting on a VSC to be completed alone or unsupervised with children
- Obtaining an offence declaration from the individual (see manual part 8.7 for information on offence declarations).

 **Cross-reference:** licensees must ensure that every volunteer or student at their child care program is supervised by an employee **at all times** and is **not permitted to be alone with any child** who receives child care at the child care centre; see section 6.1 of the regulation

International Students

A Canadian police service may not issue a police record check for an international student if they have not resided in Canada long enough. In these cases, a police record check (original or copy) conducted by a police service in the home country of the international student may be used to meet the requirement. Where the document from the home country 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 international 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.

Some examples of documentation that the licensee may use to demonstrate that the international 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



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

Best practices

Licensees are encouraged to document the rationale for permitting an individual to begin or continue employment, or otherwise interacting with children, prior to obtaining a VSC.

Compliance Indicators

See Manual part 9.2 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.

Where a vulnerable sector check has not yet been obtained and an individual over the age of 19 years continues their employment or volunteer position, then:

1. The individual's file contains documentation that the person has applied for a vulnerable sector check.

And

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 or volunteer alone/unsupervised with children) have been implemented.

Or

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

Part 9.5 Exceptions, individuals under 19 years of age

Ontario Regulation 137/15

- 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

The federal [Youth Criminal Justice Act](#) (YCJA) has privacy requirements in relation to accessing criminal records of youth. Subsections 61(2), (3) and (4) in O.Reg. 137/15 are in place to address situations where the 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 to the licensee 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.

Clarifying guidance

For 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:

- discloses every previous finding of guilt of the person under the *Youth Criminal Justice Act* (Canada), if the person received an adult sentence, or
- indicates that there were no such findings of guilt.

For 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 VSC (for example, application to a police service requesting a check, etc.) within one month (31 days) after the individual turns 19 years.

For individuals who get a position in which they interact with children (in other words, an employee, student or volunteer) who are over 18 years of age but have not yet turned 19 years of age

Where a person is over 18 years 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 9.2 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.

Part 9.6 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) or subsection (3) of this section,

(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.



(3) The requirement in subsection (1) does not apply in respect of the following individuals acting in the course of their profession:

1. Police officers.
2. Firefighters.
3. Ambulance attendants, paramedics or other emergency personnel.
4. Regulated health professionals.
5. Individuals whose profession is regulated under the *Social Work and Social Service Work Act, 1998*.

Intent

In addition to regular child care staff, students and volunteers, other people also visit/attend child care centres.

Subsections 61.1(2) and (3) are in place for the same reasons sections 59 and 60 are in place: doing a background check about any criminal activity committed by those coming into a child care centre helps to protect children from possible abuse and/or neglect.

Subsection 61.1(3) is in place to acknowledge that certain professionals are already subject to screening requirements by their employers and/or the professional colleges that regulate them; as such, there is no need for child care licensees to do a second screening of the people listed in subsection 61.1(3).

Clarifying guidance



Contravention of section 61.1 of the regulation may lead to an administrative penalty of **\$1,000**; see **section 78** of O.Reg. 137/15 and **item 3.1 of Table 2** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

Licensees must verify that persons who are employed by or contracted with outside organizations (such as, special needs resource consultant, bus drivers, etc.) or other individuals (for example, someone hired to bring an animal to visit the children; music performers, etc.) have undergone a 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
- supply staff not employed by the licensee such as people who are sent to the child care centre by a temporary employment agency
- persons attending the centre to deliver a presentation to children
- persons attending the centre to offer lessons to children

Under subsections 61.1(2) and (3), people need to provide **EITHER** an offence declaration or attestation; they **do not** need to also provide a VSC.

Where there is no attestation, the licensee must obtain an offence declaration from the person.

Support persons hired by parents

Where a parent chooses to hire an individual to support their child while in care at the child care program, the licensee must consider this individual as “other persons at the child care centre”. The licensee would be required to obtain and keep the records required under ss.61.1 (1) and ss. 61.1 (2) of O. Reg 137/15 unless those provisions do not apply pursuant to ss 61.1 (3) (i.e., the person is a first responder, regulated health professional or regulated under the *Social Work and Social Service Work Act, 1998*)

The child’s individualized support plan (as required pursuant to section 39.1 or section 52, as the case may be) must also include information pertaining to the support this individual will be providing the child, including whether the parent has provided consent for the individual to be left alone with the child.

Written attestation

The written attestation from an individual 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
- Name and signature of the licensee/designate



There are forms on the Central Forms Repository for attestations and offence declarations. Visit the [Central Forms Repository](#) to get these forms.

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.

Part 9.7 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

Section 62 is in place to 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.

Additional guidance

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 VSC 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 VSC or new offence declaration is on leave (for example, for parental leave, leave of absence for medical reasons), the licensee must work with the individual to ensure the new VSC or offence declaration is obtained as per the required timeline.

If there has been a break in employment, see Manual part 8.8 for requirements related to new offence declarations and vulnerable sector checks.

Best practices



There are forms on the Central Forms Repository for attestations and offence declarations. Visit the [Central Forms Repository](#) to get these forms.

Aligning Offence Declaration Schedules

To be in compliance with the regulation, the licensee must ensure that everyone who needs to provide a VSC provides a new VSC before the 5th anniversary of VSC) **AND** an offence declaration (OD) in every calendar year where the person **does not** provide a VSC. 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, 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 (for example, on a day which is a statutory 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.



EXAMPLE

Mary was hired by XYZ Child Care Centre in November 2022 and provided a VSC at time of hiring. To be in compliance with the regulation, the licensee must ensure that Mary provides a new VSC by the fifth anniversary of the VSC (before November 2027) and an offence declaration (OD) in every calendar year where she does not provide a VSC (one each year for 2023, 2024, 2025, 2026).

XYZ Child Care's policy indicates that ODs or new VSCs are required on January 15th of each year. This means that Mary was asked to provide an OD in January 2023 that covers the 2 month period between when she started working in November 2022 and January 15, 2023. Mary's next offence declaration will be due on January 15, 2024 and will cover the period from January, 2023 to January 15, 2024. Mary will continue to provide offence declarations until 2027, at which time she will need to provide a new VSC because the VSC will be five years old by that time.

Compliance Indicators

See Manual subsection 9.2 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).

Part 9.8 Break in Employment

Ontario Regulation 137/15

- 63 (1) 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.
- (2) If a person in respect of whom a licensee has obtained a vulnerable sector check takes a leave of absence from their position and then subsequently returns to their position, and if the person would have provided a vulnerable sector check or offence declaration during the period of their leave, the licensee shall obtain a new vulnerable sector check or offence declaration upon the person's return.

Intent

Section 63 is in place to address situations where a person's employment or other relationship with the licensee may end at one point in time but then later on resumes. The intent in this section is the same as for other requirements around screening – to protect children.

Clarifying guidance



Contravention of section 63 of the regulation may lead to an administrative penalty of **\$1,000**; see **section 78** of O.Reg. 137/15 and **item 3.1 of Table 2** under that section.

The amount of the administrative penalty increases if the contravention is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

! Leaves and absences (such as 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 licensee who has multiple sites and the staff works at several of the sites. If this staff stops working at one of these sites for a while but remains employed by the licensee to work at the other sites, this **is not** considered a break in employment.
- If a person used to be a student on an educational placement with a licensee and then later on gets 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 9.2 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.

If a person in respect of whom a licensee has obtained a vulnerable sector check takes a leave of absence from their position and then subsequently returns to their position, and if the person would have provided a vulnerable sector check or offence declaration during the period of their leave, the licensee shall obtain a new vulnerable sector check or offence declaration upon the person's return.

1. Where the individual would have provided a new vulnerable sector check during the leave of absence, the individual's file contains documentation indicating that a new vulnerable sector check was obtained upon the individual's return.
2. Where the individual would have provided a new offence declaration during the leave of absence, the individual's file contains a new offence declaration that was obtained upon the individual's return.

Part 9.9 Police Record Check 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

Section 65 is in place so that everyone knows what the licensee's approach is for doing screenings of staff, volunteers and students. This helps to keep things organized and makes sure that everyone knows what screening they will be expected to take part in.

Clarifying guidance

The licensee must develop written policies and procedures with respect to police record checks or adopt the standard policy developed by the ministry.



Cross-reference: licensees must implement and ensure that the written policies and procedures relating to the screening measures are implemented and are monitored for compliance and contraventions; see **section 6.1** of the regulation

Best practices

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.

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.

Part 10 – Emergency Preparedness

Part 10.1 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.

Intent

Section 67 is in place to ensure that licensees/staff can quickly call for emergency assistance and to make sure there is a way to communicate with parents and other resources.

Clarifying guidance

Where no land-line telephone service is available in a child care centre, an alternative means of obtaining emergency assistance (for example, a wireless/mobile cellphone) is necessary to ensure prompt aid can be requested in the event of an emergency.

If children are going off the-premises (for example, on a field trip), staff should have a means of contacting the licensee/centre, parents and emergency services while they are away from the child care premises (for example, a working cell phone).

 **Cross-reference:** the regulation has requirements about having available certain contact information; see **section 69** of the regulation

Compliance Indicators

1. There is a working telephone service or an alternative means that is accessible to staff at all times that can be used to obtain emergency assistance.

Note: Telephone service includes cell phone service.

Part 10.2 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.

Intent

Section 68 is in place to ensure that staff know who is going to do what in the event there is a fire at or near the child care centre. Doing mock evacuations (**drills**) helps staff to get familiar with what needs to happen. This practice helps increase staff's ability to evacuate quickly and builds their confidence that they can respond appropriately when necessary.

Doing fire drills also helps make sure children know what they need to do during an evacuation.

A designated place of shelter provides a place off-site where children and staff can be accounted for and temporary care and supervision can be provided, until it is safe to go back to the child care centre or until children can be picked up.

Clarifying guidance

The licensee must develop written procedures with respect to fire safety/evacuation. Procedures that assign specific duties to every staff member, student and volunteer in the case of a fire must be prepared; each room occupied by children in a child care centre requires its own procedure applicable to any time of the day.

Licensees must contact their local fire service for advice in establishing fire drill procedures acceptable to their local fire chiefs. Fire service staff can also suggest an acceptable time limit for evacuation of the building.

Each First Nation or municipality may impose further requirements related to fire safety. Licensees should check with their local fire service for additional information.



Cross-reference: Licensees must implement and ensure that the written policies and procedures relating to fire safety/evacuation are implemented and are monitored for compliance and contraventions; see **section 6.1** of the regulation

Child care centres and licensees must also comply with the [Ontario Regulation 213/07 \(Fire Code\)](#) (referred to as the “Fire Code”), made under the *Fire Protection and Prevention Act, 1997*.



Under the Fire Code, child care centres are called “day nurseries”.



Cross-reference: **section 12** of the regulation sets out that licensed child care programs in publicly-funded schools which only serve kindergarten students and older school children who attend that school, do not need to meet the same Fire Code requirements that apply to other child care centres. Instead, the rules in the Fire Code that apply to schools ALSO apply to the child care program in the school; in other words, child care centres in schools have to do their own drills as often as schools are required to do them.

Licensed Child Care Before- and/or - After School Programs in Publicly-Funded Schools

Frequency and timing of fire drills

The rules for fire drills for before and after programs located in schools are slightly different than those for child care centres located in the community. These differences account for the fact that

children who attend the before and after school program also attend the school during the day as a student and are subject to fire drills during the school day. It is still necessary for before and after programs to conduct fire drills during their program hours, as children may be cared for in different classrooms, or use different exits and entrances in the before and after program.

The following rules only apply to before and after school child care programs that are located in schools and that care for children who are also students at the school:

- During the fall term, hold **at least three fire drills**
- During the spring term, **hold at least three fire drills**
- During the summer term, **hold at least three fire drills OR hold one fire drill a month (whichever is less)**

School boards are responsible for determining the start and end dates for fall, spring and summer terms. This information is usually available as part of the school year calendar available on the board's website.

Flammable materials on walls and waste receptacles

The Fire Code has rules about how much of a centre's wall can be covered in **combustible materials** and centres must have non-flammable **waste receptacles** (in other words, garbage cans); these rules are different depending on whether a centre is in a school or not:

- For centres in schools that only serve children who are students/pupils of the school, the Fire Code rules for schools apply
- For centres not in schools or centres in schools that serve children who are not students/pupils of the school, the Fire Code rules for "day nurseries" apply.

Electric heating or air conditioning (A/C) units

Licensees and their staff are not to use any heating or A/C unit which would permit a child to insert a finger, toy or other object in it and contact the wiring. Clothing or paper should not be hung close to heating or A/C units to reduce the chance that they will catch fire.

Any heating or A/C units being used in a room/area of the centre where children may be present must be secured. The units' electrical cords should be tied/taped down or otherwise inaccessible to children so that they do not pose a strangulation or tripping risk to children.

 **Cross-reference:** there are requirements about where heating and other electrical equipment is stored; see **paragraph 15(1)(6)** of the regulation

 **Cross-reference:** The regulation has requirements around record retention; see **section 82**

Best practices

Fire Drills

Practising fire drills once a week until children and staff are familiar with the procedures helps to make sure everyone knows what to do; once there's been enough practice that everyone is familiar, the drills can happen 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.

In advance of a fire emergency, it is recommended that the following occur:

- When choosing a designated place of shelter, licensees should try to find one that would be appropriate to use year-round during the child care centre's hours of operation and the number of children who attend the program. Examples of appropriate emergency locations include places of worship, community centres, libraries, shopping plazas, schools and other child care centres.
- The centre's evacuation procedures identify the emergency shelter location.
- 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, volunteers and students on an educational placement with the licensee of the designated place of shelter.
- Establish a system to notify parents if an emergency occurs.
- Select a fire alarm signal (one that makes sounds and lights up, as these are best for people who are deaf or hard of hearing and people who are blind/low vision) 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 (for example, stand up and face the staff) 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 (for centres in areas of the province not served by 911, the phone number should be clearly posted beside the telephone).

Other staff members should immediately undertake their responsibilities as outlined in the centre's required written procedure. Different staff can have different responsibilities such as:

- Directing children to safety outside, with one adult leading, other adults placed throughout the group 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 at the evacuation site 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.

Holidays, birthdays, commemorative days, etc.

Staff are to plan for potential emergency evacuation on occasions when large groups are present for parties and other special occasions. Staff are encouraged to also consider using the following when planning celebrations or special events:

- Use flameproof paper decorations and artificial decorative foliage, trees, etc.
- 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 or that may pose a tripping hazard. Real open flames such as candles cannot be used; LED "flameless" candles are a good alternative.
- Make certain that any flammable material, such as paper wrappings and paper napkins, are removed promptly.

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 kindergarten age or older 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.

Part 10.3 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.

(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.

- (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).

Intent

Similar to why section 68 is in place, section 68.1 is in place to ensure that staff know who is going to do what in the event of an emergency (other than a fire) and to make sure that there are plans in place to address things that may come up during an emergency.

A designated place of shelter provides a place off-site where children and staff can be accounted for and temporary care and supervision can be given if the child care centre can't be used for some time.

Clause 68.1(2)(g) is in place so that, following an emergency, licensees have a plan to quickly get back to normal operations and to make sure the well-being and mental health of those who were present during the emergency are supported.

Clarifying guidance



Cross-reference: Licensees must implement and ensure that the written policies and procedures relating to fire safety/evacuation are implemented and are monitored for compliance and contraventions; see **section 6.1** of the regulation



Cross-reference: the regulation requires that licensees have a parent handbook and that certain things must be in the parent handbook, including the licensee's written policies and procedures about emergency management; see **clause 45(1)(d)** of the regulation

Best practices

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 (for example, different things may need to happen depending on whether there is a flood, intruder, lockdown, snowstorm forcing individuals to stay onsite, etc.).

Addressing the following questions can help licensees to think about what should be included in their emergency management policies and procedures,

Around staff responsibilities:

- What would be the roles and responsibilities of the staff?
- Who would be responsible for:
 - taking the children's attendance?
 - taking the children's emergency contact information?
 - conducting a walk-through of the centre to ensure everyone has evacuated?
 - taking the children's medication when exiting the premises?
 - communicating information to parents? Will the communication with parents be done by telephone, email or text? What information will be included when communication to parents goes out and when will parents be informed?
 - contacting local emergency response?
 - debriefing staff, children and parents after an emergency?

Additional questions to consider:

- What additional supports would be required for those with special medical needs? How would 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 would be taken to ensure there is appropriate supervision of children?

- What situations would be deemed as requiring contact be made with emergency response personnel?
- What would the required debriefing look like?
- Who would determine how and when to resume operations?
- How would information regarding the resuming of operations be provided to staff and families?
- What supports would be brought in to assist individuals experiencing distress during and emergency?

For child care centres in schools

For centres located in schools, where the licensee has chosen to adopt the school's emergency policies and procedures (as allowed by subsection 68.1(3)), it is best practice that a copy of the school's current policies and procedures around emergency management be kept at the child care centre on-site and/or emailed to all staff, volunteers and students, so that they can familiarize themselves with what is supposed to happen in the event of an emergency. In cases where the child care program operates outside of regular school hours, licensees should ensure they are aware of any adaptations that may be required to emergency response procedures when school staff are not present on the premises.

Licensees of centres in schools should speak with the principal to make arrangements to have child care centre staff included in training and drills (other than those related to fires), where possible and appropriate.

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.

Part 10.4 Emergency Contact Information



Ontario Regulation 137/15



- 69 Every licensee shall ensure that, in each child care centre it operates and in each premises where the licensee oversees the provision of home child care, an up-to-date list of the contact information and telephone numbers of the following is accessible in the event of an emergency:
1. The home child care agency, in the case of a premises where the licensee oversees the provision of home child care.
 2. If the child care centre or premises does not have access to a 9-1-1 call centre, the contact information and telephone numbers of the following:
 - i. Emergency services.
 - ii. The nearest poison control centre.

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

Section 69 and subsection 70(1) are in place as part of emergency planning/management; having important contact information readily available allows for quick contact with parents and emergency services.

Subsection 70(2) is in place to address situations where an evacuation or other emergency would prevent staff from taking children's records with them; basic information about a child who needs extra support because of something like a medical condition must be available and accessible in an emergency situation. Special medical and additional information includes allergies and any other information that would be necessary to provide care and supervision at the designated place of shelter, if required.

Clarifying guidance

The requirements in section 69 and 70 can be met by having the required information in a digital format; if a licensee chooses to only have the required information in electronic form, they must make sure that the information is accessible to staff and to ministry officials. If documents are password protected, licensees should have a system for making sure people know what the current password is.



Cross-reference: the regulation says, “unless otherwise specified in this Regulation, any record, report or other document required under this Regulation, or any other regulation made under the Act, may be made or kept in either a hard copy or electronic format”. See **subsection 82(2)**



Cross-reference: the regulation has requirements around having somewhere to store hard copies of records (if required i.e., the licensee's records are not electronic); see **paragraph 15(1)(4)**

If a licensee chooses to only have electronic documents of the records that the regulation requires, it does not need to have something like a filing cabinet to store physical records. If a licensee has a mix of both electronic and paper records, then a dedicated space such as a filing cabinet is required. Filing cabinets should be locked if they store personal information or personal health information.

Best practices

If there is an emergency in the child care centre that requires emergency responders to come to the centre, whoever is making the call to the emergency services needs to know the **physical address** of the child care centre.

At their orientation, new staff, volunteers and students should be given the full physical address of the centre and licensees may consider **posting their centre's physical address somewhere in the centre** where everyone can see it.

Compliance Indicators

1. Where the child care centre does not have access to a 9-1-1 call centre, the emergency contact list includes phone numbers for emergency services and the nearest poison control;
And
Where applicable, 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.

Part 11 – Administrative Matters

Part 11.1 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

Section 71 is in place to make sure licensees are protected against liability action. Requiring insurance also reduces risks because the licensee needs to meet certain requirements to get/maintain insurance; as such, insurance is important for both licensees and all others in the centre.

Clarifying guidance

Given how important having insurance is, if a licensee cannot prove they have general liability coverage and personal injury coverage (and insurance for a vehicle, if the licensee owns a vehicle), the ministry may take enforcement action against the licensee which may include immediately suspending the licence.

For licensees with a purchase of service agreement with a service system manager, they should also check to make sure they meet specific requirements around insurance, if there are any. For example, there may a minimum dollar amount of insurance coverage required under the purchase of service agreement.

It is important that licensees make their insurance brokers aware of every aspect of their program, including, where applicable, transportation of children, field trips, coverage for volunteers, contract liability and liability of board members/officers.

Best practices

Co-operative programs should check with their local co-op councils about group insurance plan coverage that may be available.

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.

Part 11.2 Children's Records

Ontario Regulation 137/15

72(1) Every licensee shall ensure that up-to-date records 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* Revoked~~
5. The names of persons to whom the child may be released.



5. The names of persons to whom the child may be released and, if applicable, a copy of any written permission signed by a parent of the child permitting the child to be released from the program at a specified time on their own, without supervision.

Effective January 1, 2024

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 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) 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.



- (4) Every licensee shall ensure that a record is kept of the daily attendance of each child in a licensed age group, including each child who was in the group each day and the hours during which they were in the group.
- (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 subsections (3) and (4); and
 - (b) copies of those records are provided to him or her on request.

Intent

Subsections 72(1) and 72(2) are in place to make sure that licensees collect and maintain information that is needed to provide appropriate and responsive child care services for children and to make sure that the licensees, their supervisors and staff can easily and quickly access such information.

Subsection 72(5) is in place to make it clear that the period of record retention (3 years in this case), is to be counted from the day the child is no longer attending the centre (as opposed to starting the counting of the 3 years from the day the child started getting child care at the centre).

Subsection 72(6) is in place to allow the medical officer of health (which is the formal way to say local public health unit) to access some (not all) information in a child's record; the information that the local medical officer of health can look at has to do with public health matters (such as immunization).

Clarifying guidance



Contravention of subsections 72 (1) and/or 72(2) may lead to an administrative penalty of **\$750**; see **section 78** and **item 4 of Table 2** under this section

The amount of the administrative penalty increases if the contravention is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

If information required under subsection 72(1) is not available, either because a certain section is not applicable to a given child or the child's 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.



Cross-reference: the regulation has requirements around documentation related to immunization for children who do not attend school; see **section 35**. If there is a medical reason why a child cannot be immunized or the parents object to immunization on the basis of their religious beliefs or conscience grounds, the children's record must include a completed version of one of the two standard ministry forms, which are available on the government's Central Forms Repository: [Statement of Medical Exemption \(form 010-3041\)](#) and the [Statement of Conscience or Religious Belief \(form 010-3042\)](#)



Cross-reference: the regulation has requirements around individualized plans for: children with anaphylactic allergies (see **paragraph 39(1)(3)** and **subsection 39(2)**); children with medical needs (see **section 39.1**); and children with special needs (see **section 52**);

 **Cross-reference:** the regulation requires that children under 1 year of age be placed for sleep in a certain position, unless the child's doctor writes a note saying otherwise; see **subsection 33.1(1)**

 **Cross-reference:** the regulation requires that all infants under 1 year of age be fed in accordance with the parent's written instructions; see **clause 42(1)(a)**

 **Cross-reference:** the regulation requires that, where special dietary and feeding arrangements have been made between the licensee and a parent, these arrangements need carried out so they meet the parent's written instructions; see **section 44**

 **Cross-reference:** the regulation has requirements around how long children need to go outside for outdoor play for the period of time specified in the regulation unless a doctor or a child's parent says in writing that the child shouldn't go outside for the required period of time; for programs over 6 hours/day, see **clause 47(1)(c)** and for programs which operate only before and after school, see **subsection 47(1.1)**

 **Cross-reference:** the regulation provides that licensees need to arrange their daily program so that it meets any written instructions from a child's parent; see **subsection 47(5)**

The information required by subsection 72(1) may be kept in either a hard copy or digital/electronic format and stored electronically. If a licensee chooses to only have the required information in electronic form, they must make sure that the information is accessible to staff and to ministry officials. If documents are password protected, licensees should have a system for making sure people know what the current password is.

 **Cross-reference:** the regulation says, "unless otherwise specified in this Regulation, any record, report or other document required under this Regulation, or any other regulation made under the Act, may be made or kept in either a hard copy or electronic format"; see **subsection 82(2)**

 **Cross-reference:** the regulation has requirements around having somewhere to store hard copies of records (if required because the licensee chooses to maintain hard copy records); see **paragraph 15(1)(4)**

If a licensee chooses to only have electronic documents of the records that the regulation requires, it does not need to have something like a filing cabinet to store physical records. If a licensee has a mix of both electronic and paper records, then a dedicated space such as a filing cabinet is required. Filing cabinets should be locked if they store personal information or personal health information.



Cross-reference: the regulation has requirements around the keeping records; see **subsection 82(1)**

Privacy

Some of the information held by a licensee under the CCEYA may be subject to privacy legislation.

There are different laws that address privacy which may be applicable to licensees (for example, the federal [*Personal Information Protection and Electronic Documents Act*](#) and the provincial [*Municipal Freedom of Information and Protection of Privacy Act*](#)).

Licensees need to seek their own legal advice about their privacy obligations and to create a policy describing:

- **How much/what type of information will be collected and how/in what format:** Information collected should be the minimum needed to serve the purpose of the service provided.
- **Right to privacy:** The right of every child and family to privacy should be recognized and protected to the greatest extent possible.
- **Parental access:** Parents are to have access to their child's records and should be informed of who at the child care centre or others working in some capacity for the licensee (for example, an accountant or lawyer) may have access to information in children's records.
- **Informed consent:** If the licensee wants to provide children's information (including photos) to a third party, such as a researcher, or post children's information on social media (for example, on the child care centre's Facebook page), the licensee lets parents know about such plans, providing as much detail as possible about the plan so the parent has all the information they need to make a decision whether to agree to the release of the child's information.

Best practices

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 they should set out rules about not removing records from the premises (unless there's an evacuation).

Dated, time-limited, specific consent forms are recommended for field trips, special events and parental instructions.

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 relevant records.

And

The licensee confirms that copies of relevant records are provided to the medical officer of health on request.

Part 11.3 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.
- (4) Every licensee shall ensure that a record is kept of the daily attendance of each child in a licensed age group, including each child who was in the group each day and the hours during which they were in the group.

Intent

Subsections 72(3) and 72(4) are in place to:

- ensure all children are accounted for at any given moment
- enable the licensee to prove that the licensed capacity is not exceeded
- help local public health units to do contact tracing if there is an outbreak of a contagious disease

Daily attendance records are especially important if a child care centre must be evacuated or if a child goes missing.

Clarifying guidance



Contravention of subsection 72 (3) may lead to an administrative penalty of **\$750**; see **section 78** and **item 4 of Table 2** under this section

The amount of the administrative penalty increases if the contravention is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

Attendance records are necessary during evacuation because when arriving at the designated place of shelter/offsite meeting place, staff must do a headcount and cross-reference this with the attendance record for that day to ensure all children present for the day were evacuated. Program staff must ensure that the attendance record for each licensed age group in the centre is easily accessible at all times, including during an evacuation.

Attendance records must accurately reflect when children are in the care of the child care centre, including the day and hours during which each child is in a licensed age group. This is important 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/supervisions of the child care centre (for example, if the child has left to go to school).

Where a is licensed for more than one of the same licensed age group (for example, they are licensed for two kindergarten groups) the licensee may choose to maintain one attendance record but the record must meet all of the requirements in subsections 72(3) and (4) of the regulation which includes:

- daily attendance of each child in the licensed age group;
- who was in the licensed age group each day;
- the hours during which they were in the licensed age group; and,
- time of arrival and the time of departure of each child or if a child is absent.

If a licensee is licensed to care for two licensed kindergarten groups, the record must identify the required information for each licensed group (the group of up to 26 children). This does not mean that there must be two separate documents, as long as the one document meets all of the requirements set out above.

If a licensee chooses to keep daily attendance records in electronic form, they must make sure that the information is accessible to staff and to ministry officials at all times. If documents are password protected, licensees should have a system for making sure people in the centre who need to access the electronic documents know what the current password is. Licensees are to make sure that any mobile phone being used for inputting attendance and confirming/checking attendance will continue to be “online” if it is offsite (such as during an evacuation or out on a field trip.)

 **Cross-reference:** the regulation says, “unless otherwise specified in this Regulation, any record, report or other document required under this Regulation, or any other regulation made under the Act, may be made or kept in either a hard copy or electronic format”. See **subsection 82(2)**

 **Cross-reference:** the regulation has requirements around having somewhere to store hard copies of records (if required because the licensee chooses to maintain hard copy records); see **paragraph 15(1)(4)**

 **Cross-reference:** the regulation has requirements around the secure storage of records – daily attendance records must be kept for 3 years; see **subsection 82(1)**

 **Cross-reference:** the regulation requires licensee to allow the medical officer of health or their designate (in other words, someone from the local public health unit) to look at some of the information in a child’s records, including what is there because of the requirements in 72(3) and 72(4); see **clause 72(6)(a)**. The regulation also requires the licensee to provide the person from the local public health unit with copies of the information in the child’s records that is required by subsections 72(3) and 72(4); see **clause 72(6)(b)**.

Best practices

Format/method of recording of attendance

When deciding on a method for recording daily attendance, licensees should develop a format and procedure that is appropriate for their program. 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 room) 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 attending the centre/program on a part-time or full-time basis.

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.

2. The licensee has daily attendance records of each licensed age group which include each child who was in the group each day and the hours that each child was in the group.

Part 11.4 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

Section 73 is in place to provide 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.

Part 11.5 Copies of Agreement with a Service System Manager 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

Subsection 75(2) is in place to ensure that the licensee and their staff are aware of the agreement in place between the licensee and a service system manager or First Nation; this helps everyone at the centre understand various roles and responsibilities.

Clarifying guidance



Contravention of subsection 75 (2) may lead to an administrative penalty of **\$750**; see **section 78** and **item 6 of Table 2** under this section

The amount of the administrative penalty increases if the contravention is repeated in the next three years.

An administrative penalty can be up to **\$100,000**.

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.

Part 11.6 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

Section 75.1 is in place to ensure parents don't spend money to get onto a waiting list for a child care centre and to ensure that parents know how a licensee deals with and manages their waitlist.

Clarifying guidance



Waiting list fees are not the same as enrolment or registration fees. Waiting lists contain the names of parents who want their child to attend a centre but there isn't a spot for them yet. Enrolment fees can only be charged once the licensee offers the parent a secure spot in the child care centre for their child. O.Reg. 137/15 does not address enrolment fees; this means that a licensee can choose whether to charge enrolment fees.



EXEMPTION: If a licensee does not use/have a waiting list for their centre/program, then they are not required to have written policies and procedures about waiting lists. For example, if the local service system manager establishes and maintains a single, centralized waiting list that would capture children who would attend the licensee's program, the licensee is not required to develop their own waiting list policy.



Cross-reference: the regulation requires licensees to have a parent handbook and it requires the licensee's parent handbook to include written policies and procedures about their waiting list (among other things); see **clause 45(1)(e)**



Cross-reference: the regulation requires licensees to make available their parent handbook to any parent considering whether to enrol their child for child care with the licensee; see **clause 45(2)(a)**

While the waiting list policy must be included in the parent handbook, if a parent specifically asks the licensee for their waiting list policy, the licensee may provide that information in a different form, such as a photocopied page.



Cross-reference: Licensees must ensure that the written policies and procedures about waiting lists are implemented by staff, volunteers and students and the licensee must monitor for compliance and contraventions; see **section 6.1** of the regulation

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.

Part 11.7 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

Subsection 70(1) in the CCEYA and section 77 in O.Reg. 137/15 are in place to authorize the ministry to require licensees to provide certain information, including personal information, when requested for specific purposes.

Clarifying guidance

The Ministry of Education does research and analysis and gathers important statistical information about child care in Ontario; these types of activities help the ministry to develop policies and plan for the child care system in Ontario.

Child Care Operations Survey

The Ministry of Education does an annual collection of statistical information about licensed child care operations through the Child Care and Licensing System (CCLS) – this annual collection is done through the [Child Care Operations Survey](#). Licensees are required to complete the **Child Care Operations Survey** module in CCLS for each centre/program it operates every year. The survey gathers information about hours of operation, enrolment, fees, service agreements, and the type of building that a centre/program is located in.



When completing the annual **Child Care Operations Survey**, the licensee must provide information reflective of operations on December 31st of that year.

Licensees are to complete the survey module in CCLS, 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 with completing the **Child Care Operations Survey**, licensees should refer to the **Licensed Child Care Operations Survey Reference Guide**, which is available in CCLS under “tools and resources”.

Compliance Indicators

1. The operations survey was completed in CCLS by the required due date.

And

All information requested has been provided to the Ministry.

Part 11.8 Record Retention

Ontario Regulation 137/15

Record retention

82. (1) 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, and shall ensure that the record, report or document is made available for inspection by an inspector or program adviser at all times.



(2) Unless otherwise specified in this Regulation, any record, report or other document required under this Regulation, or any other regulation made under the Act, may be made or kept in either a hard copy or electronic format.

Intent

Subsection 82(1) is in place to ensure that records are stored in a way that doesn't allow them to be modified or damaged and that they be kept for a good amount of time.

Preserving records is a way to have access to a lot of history about a child care centre and the children who were in attendance.

Having and holding on to information in records is important because ministry officials need to look at them when they are doing licensing and enforcement activities.

Subsection 82(2) is in place to clarify records can be made and kept as hardcopies (printed out on paper) or digital/electronic documents (in other words, both formats are acceptable).

Clarifying guidance

All records (whether hard copy or digital) must be made available to ministry staff when requested and various records may be used to assess compliance with licensing requirements during a licensing visit.

Off-site records storage (e.g., at a head office) is permitted **unless otherwise specified in the regulation** (for example, subsection 72(1) states that children's records for each child receiving child care must be "kept...at a child care centre operated by the licensee...").

The compliance indicators found in each section of this manual identify which records may be used to assess compliance with the related requirement (for example, attendance records will be reviewed to meet the requirements around keeping this information).

If a licensee cannot produce a record when asked to by a program advisor, or within a requested time period, this may result in the licensee being cited for non-compliance, which would be noted on the licence inspection summary for the centre.



Cross-reference: in addition to requirements in Ontario Regulation 137/15 that address record storage, [Ontario Regulation 138/15](#) also has a requirement that licensees should be aware of:

Financial records

27.1 (1) Every licensee shall keep financial records for each child care centre or home child care agency it operates and shall keep such financial records for at least six years from the time of their making.

(2) The financial records referred to in subsection (1) shall show at least the assets, liabilities, income, expenses and accumulated surplus and deficit of the child care centre or home child care agency.

Best practices

Licensees can securely store or archive certain records off-site (for example, at the head office); if a licensee chooses to do this, they are to have a system that would enable them to quickly retrieve records.



If a licensee keeps electronic records and all or some of these are password-protected, the licensee should have a system in place to ensure that whoever could be present during a visit from a ministry official will know what the current passwords are.

Compliance Indicators

1. The licensee verbally confirms that all records, reports, and documents required to be made or kept under the Act/Regulation are kept for at least three years from the date they were made in a secure location, unless otherwise specified.

And / Or

Where the program advisor has requested a record, report, or document that is required to be made or kept under the Act/Regulation, it has been made available to the inspector or program advisor for inspection.

Part 11.9 Posting of Licence and Decal (Signage)

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 regulations.
- ...
- (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.
- (6) If a licence or any other signage has been provided to a person for the purposes of this Act, the person shall return the licence or signage to a director in the circumstances prescribed by and in accordance with 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

Subsection 14(1) of the CCEYA is in place so that parents can easily figure out that the centre they are in/visiting is licensed by the Ministry of Education and so people can see important details about the child care centre (such as the licensed capacity, any conditions on the licence, etc.).

Subsection 14(5) of the CCEYA is in place because only a licensee can possess its own licence and signage so copies cannot be made.

Subsection 14(6) is in place because licences and other signage issued by the ministry are the property of the ministry so they must be returned.

Subsection 84(1) of O.Reg. 137/15 is in place to provide more detail about what is meant by the word “signage” in subsection 14(1) of the CCEYA (subsection 14(2) is about home child care agencies so it doesn’t apply to licensees of child care centres).

Subsections 85(1) and 85(2) are in place because child care licences and signage issued to a licensee belong to the Ministry of Education so when a licensee is no longer licensed, the licence and signage must be returned to the ministry within a certain amount of time. These subsections also ensure that licences and signage are not misused or transferred to another person/entity.

See **Appendix C** for information about the sales of shares and assets of a corporation.

Clarifying guidance

The word **signage** in the CCEYA and O. Reg. 137/15 refers to licences and **decals** (which are like a sticker) that only child care licensees get from the ministry. The decal has the Ontario logo on it and belongs to the Ministry of Education.

The word **conspicuous** means very noticeable or easy to see. A conspicuous place in a child care centre is one where all parents can see what is posted. This means that licences and signage should not be posted in locations in the child centres where parents don’t normally go into, such as kitchens and staff rooms.

Regular licences

Regular child care licences are generated through the Child Care Licensing System; licensees must print their own licence. If the licence is longer than one page when printed, licensees must ensure that all pages of the licence are posted and visible to parents.

Licensee must also post any other information that is specified as a condition of their licence, if any.

Provisional licences

When the ministry issues a provisional licence, the ministry will mail the licence to the licensee so there is no need for the licensee to print anything.



For any child care centre/program where there are multiple entrances to the premises (including for programs located in schools), the licensee’s hard copy of their licence only needs to be **posted in one place** – most commonly, this location is the main entrance used by most parents of children in the child care program.

Decals

When a licence is first issued, the ministry also sends the licensee a **decal** (which is like a sticker).

The licensed child care decal for child care centres is designed to be attached to a smooth glass surface, such as a window, and should be posted at the main entrance used by most parents.

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 (both regular and provisional licences) when returning their decal.

When returning a licensed child care decal, licensees must mail the decal and their most recent licence to:

Child Care Branch

77 Wellesley Street West, Box 980

Toronto, ON M7A 1N3



If a decal is expected by the licensee but has not been received by the licensee, or if the decal becomes damaged, is lost or is stolen, this must be addressed right away. Licensees must contact the ministry's Licensed Child Care Help Desk at childcare_ontario@ontario.ca.



It is an offence under the CCEYA to contravene or fail to comply with subsection 14(6) of the CCEYA per paragraph 78(1)(7) of the Act.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year, or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).



Contravention of section 14 of the CCEYA may lead to an administrative penalty of **\$750**; see **section 78** and **item 12 of Table 1** under this section

The amount of the administrative penalty increases if the contravention is repeated in the next three years or if the contravention has been going on for two or more days in a row.

An administrative penalty can be up to **\$100,000**.

Best practices

In shared space situations, such as schools or community centres, licensees should negotiate with the principal or person at a community centre who can make decisions about things like posting of signs in the building to have the decal issued by the ministry posted by the entrance used by most parents of children attending the child care centre (which may or 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 displayed so parents and others can see it.

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.

Section 12 – Corporations

Part 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, among other things (such as the likelihood of operating in accordance with the law.)

Subsection 20(6) of the CCEYA is in place to ensure that when there is a change to the directors/officers of a corporation which holds a licence, a ministry's director is notified so that they can review the past conduct and competency of the new directors/officers.

Clarifying guidance

When a corporation which is a licensee gets a new director or officer, the licensee needs to:

1. email their program advisor to let them know about the change
2. update their profile in CCLS to remove the name of the director/officer that is being replaced and add in the name of the new director/officer (along with any other required documentation; for example, see **part 9** of the manual regarding police record checks).



The reference to 15 days in subsection 20(6) of the CCEYA means 15 **calendar** days.

Notification to the Ministry of Public and Business Service Delivery (or any successor of that ministry)

All Ontario corporations, including business, not-for-profit, co-operative and other Ontario corporations must file certain forms as required under the *Corporations Information Act* (CIA). Licensees should refer to the CIA directly and visit the provincial [Central Forms Repository for information](#) about [the required forms](#).

Best practices

A community group, which does or wants to operate a child care centre can become **incorporated** under different laws, depending on 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 get legal advice.

The [Ontario Business Registry](#) allows businesses and not-for-profit corporations to complete over 90 transactions online, including registering, incorporating, and updating their information.

The [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.

Section 13 – Enforcement

Where non-compliances identified in an inspection are not corrected by the licensee within the required timeframe, the ministry may take what is called **enforcement** action. The CCEYA gives the ministry a number of tools to enforce the CCEYA requirements, including:

- **compliance orders**
- **protection orders**
- **administrative penalties**
- **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 [public registry of child care violations](#).

Part 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) Every person who fails to comply with an order made under section 36, 37 or 38 is guilty of an offence.

Intent

Subsection 36(1) under the CCEYA is in place to give the ministry the legal power to issue a **compliance order**; a compliance order requires a person to comply with a legal requirement and, for this purpose, may order the person to do or refrain from doing anything.

Clarifying guidance

When appropriate, the ministry will take an escalating approach to enforcement, starting first by providing clarity/information to licensees and/or staff on the requirements/rules under the CCEYA. If further actions are required, depending on the nature of the non-compliance/contravention and the specific circumstances, a ministry official may issue a compliance order.



Failure to comply with section 36 of the CCEYA constitutes an offence per subsection 78(2) of the Act.

A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year, or both (per section 79 of the Act) and is prohibited from providing child care or operating a child care premises in Ontario at any time in the future (per subparagraph 9(1)(1)(i) of the Act).

Part 13.2 Administrative Penalties

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

Item	Column 1 Contravened provisions	Column 2 Description of contravention	Column 3 Amount of administrative penalty, in dollars
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
21.	Regulation, s. 77.1	Prohibition – charging fees above cap	\$750 × number of children for whom a fee above the cap was charged
22.	Regulation, s. 77.4	Prohibition – charging base fee higher than applicable base fee	\$750 × number of children for whom a fee higher than the applicable base fee was charged or not credited or refunded

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

Administrative penalties are intended to encourage compliance with the CCEYA and its regulations and prevent individuals from making any money from contravening the Act or the regulations.

Part 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

Subsection 39(7) of the CCEYA is in place to give an individual or licensee the legal right to ask for the review of an administrative penalty and sets out when the request for review needs to be done by.

Subsections 39(8), (9), (12) and (13) of the CCEYA are in place to set out the rules about how reviews of administrative penalties are done.

Clarifying guidance

When an administrative penalty is issued, the notice of the issuance of the administrative penalty is provided to whoever is subject to the issuance; this notice includes information on how to request an appeal.

Part 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

Subsections 39(10) and 39(11) are in place to make sure there is transparency for parents and access to important information regarding the child care program.

Part 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

Section 37 of the CCEYA is in place to give the ministry the power to issue a **protection order** to eliminate an imminent (in other words, urgent and upcoming) threat to the health, safety, or welfare of the children or to protect the children from such threat.

When a protection order is issued by the ministry to a licensee of a child care centre, the licence for the child care centre is immediately suspended and the licensee must stop providing child care immediately and carry out the steps set out in the order to eliminate the threat. The order may be lifted when the ministry is satisfied that the licensee has complied with all direction set out in the order. Child care can only be provided at the child care centre once the order is lifted and the licence is no longer suspended.

Part 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.

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).
9. Section 77.1 of this Regulation (Cap on Fees).
10. Section 77.4 of this Regulation (Base fee for licensees enrolled in the Canada-Wide Early Learning and Child Care System)

Intent

Section 78 and 79 of the CCEYA and section 88.1 of O.Reg. 137/15 are in place as part of the ministry's progressive approach to enforcement. The purpose of **offences** is to provide the ministry with another type of enforcement tool to protect the health safety and well-being of children in child care settings (licensed and unlicensed).

Clarifying guidance



Cross-reference: A person convicted of an offence under the CCEYA is liable to a fine of not more than **\$250,000**, imprisonment for a term of not more than one year, or both; see **section 79** of the CCEYA



Cross-reference: A person convicted of an offence under the CCEYA is prohibited from providing child care or operating a child care premises in Ontario at any time in the future; see **subparagraph 9(1)(1)(i)** of the CCEYA

Part 14 – Other legislation (provincial)

Licensees are required to comply with all applicable laws, including the provincial laws other than the CCEYA, as well as laws made at the federal and municipal levels. As such, non-compliances/contraventions of other laws are relevant in determining whether the ministry will consider renewal or revocation of a licence under **subsection 20(4)** of the CCEYA.

Below are brief descriptions of some other provincial requirements that may apply to an applicant or licensee; the list of laws below is not an exhaustive one.

There are also federal laws and municipal/First Nation by-laws that may apply to a licensee and their centre.

Licensees are encouraged to become familiar with all applicable laws and include measures to ensure compliance. If an applicant or licensee has a question about laws that apply to them, they should speak to a lawyer.

Part 14.1 *Health Protection and Promotion Act*

The [Health Protection and Promotion Act](#) (HPPA) is the provincial law that provides for the organization and delivery of public health programs and services, the prevention of the spread of disease and the promotion and protection of the health of the people in Ontario.

The [Ministry of Health](#) is responsible for the administration of the HPPA.

The HPPA is the law that oversees public health units. The HPPA has regulations that are relevant to child care, including regulations that deal with things like food preparation, public pools and contagious diseases (also called **communicable** diseases).

The HPPA gives medical officers of health (in other words, local public health units) the legal power to issue an order that requires a person to take or to refrain from taking any action that is specified in the order in respect of a communicable disease.



Cross-reference: Ontario Regulation 137/15 requires compliance with the laws affecting the health of inhabitants of the municipality or of the reserve of a First Nation, as the case may be; see **clause 13(1)(a)**



Cross-reference: Ontario Regulation 137/15 has requirements around what needs to happen when a licensee interacts with a medical officer of health; see **section 35**

Part 14.2 Safe Drinking Water Act, 2002

Lead Testing: O.Reg 243/07

The [Ministry of the Environment, Conservation and Parks](#) (MECP; or any successor of that ministry) is responsible for the administration of the SDWA.

All child care centres (with some limited exemptions) are required to comply with the rules for lead testing in [Ontario Regulation 243/07 \(Schools, Private Schools and Child Care Centres\)](#) under the [Safe Drinking Water Act, 2002](#) (SDWA).

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.



Cross-reference: Clause 13(1)(g) of Ontario Regulation 137/15 made under the *Child Care and Early Years Act, 2014* requires licensees to comply with the SDWA.



Cross-reference: O.Reg. 137/15 requires licensees to make sure that there is drinking water available for all children over 12 months of age at all times when they are getting child care from the licensee. See **paragraph 42(2)(4)**



For additional information about the SDWA, visit the province's [flushing and sampling lead website](#) and/or contact MECP at:

- Toll-free phone: 1-855-515-1331
- Email: R243LeadSelf-Report@ontario.ca

Drinking water systems – O.Reg. 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 the [Ontario Regulation 170/03 \(Drinking Water Systems\)](#) made under the SDWA.

Child care centres with their own drinking water source (such as a groundwater well, a surface water system or cistern) that do not receive drinking water from a municipal drinking water distribution system are considered a **designated facility** under the SDWA.

Child care centres that meet the definition of “designated facility” under the SDWA are subject to **both** [Ontario Regulation 243/07 \(Schools, Private Schools and Child Care Centres\)](#) and [Ontario Regulation 170/03 \(Drinking Water Systems\)](#) under the SDWA.



Child care centre licensees (or applicants) that are not served by municipal drinking water should refer directly to the SDWA and the following guides:

- [Providing safe drinking water to the public: A guide for operators of seasonal and non-residential drinking water systems](#)
- [Guide for designated facilities](#)

Registering a drinking water system

Licensees who do not receive drinking water from a municipal drinking water distribution system must register the child care centre's drinking water system for a **Drinking Water Information System (DWIS) number**, following these steps:

- find a [lab licensed to test for lead](#)
- complete the [Drinking Water Information - O. Reg. 243/07 Form](#) and submit it to MECP via:

Email: waterforms@ontario.ca

Fax: 416 314-8716

Mail:

Divisional Compliance Branch
Ministry of the Environment, Conservation and Parks
40 St. Clair Ave. W. 2nd Floor
Toronto ON M4V 1M2



Child care centres that are co-located with other institutions that also have DWIS numbers (such as 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](#).

Annual reports

[Ontario Regulation 170/03](#) under the SDWA requires the owner of a drinking water system to submit a report that is prepared in accordance with section 11 of O.Reg. 170/03. The owner of a drinking water system, other than a large municipal residential system or a small municipal residential system, is required to ensure that, when the annual report is prepared, a copy of the report is given to,

- each designated facility served by the system; **and**
- the interested authority for each designated facility served by the system

In subsection 1(1) of O.Reg. 170/03, there is a definition of “interested authority” related to child care centres which names the Ministry of Education (or any successor of that ministry) as the “interested authority”. This means that **each annual report for a centre of a licensee needs to be sent to their Ministry of Education program advisor.**



Cross-reference: Clause 13(1)(g) of Ontario Regulation 137/15 made under the *Child Care and Early Years Act, 2014* requires licensees to comply with the SDWA.



Cross-reference: O.Reg. 137/15 requires licensees to make sure that there is drinking water available for all children over 12 months of age at all times when they are getting child care from the licensee. See paragraph 42(2)(4)

Part 14.4 *Smoke-Free Ontario Act, 2017*

Intent

The [Smoke-Free Ontario Act, 2017](#) helps protect the health of all Ontarians by prohibiting smoking and the use of electronic cigarettes (also known as vaping) in all enclosed workplaces and public places. Under the Act, smoking and vaping (either tobacco or cannabis) is prohibited at all times in a child care centre **whether or not children are present.**

Clarifying guidance

The [Ministry of Health](#) is responsible for the administration of the *Smoke-Free Ontario Act, 2017*.

The *Smoke-Free Ontario Act, 2017* prohibits the following in child care centres:

- smoking or holding lighted tobacco
- smoking or holding lighted cannabis
- an electronic cigarette
- sell tobacco products or vapour products

Among other things, licensees must:

- notify all employees that smoking and the use of electronic cigarettes is prohibited
- post prescribed signage indicating that smoking is prohibited (such as “No Smoking” signs) at all entrances and exits
- ensure that there are no ashtrays or similar equipment at the child care centre
- 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 (in other words, the local public health unit); they are responsible for carrying out inspections and responding to complaints to enforce the Act.



Cross-reference: Ontario Regulation 137/15 requires compliance with the laws affecting the health of inhabitants of the municipality or of the reserve of a First Nation, as the case may be; see **clause 13(1)(a)**



Cross-reference: Ontario Regulation 137/15 has requirements around what needs to happen when a licensee interacts with a medical officer of health; see **section 35**

Part 14.5 *Highway Traffic Act* (Car Seat Safety)

Ontario Regulation 613 (Seat Belt Assemblies)

The provincial [Ministry of Transportation](#) is responsible for the *Highway Traffic Act*. The federal government is responsible for setting and enforcing compliance with safety standards for vehicles as well as child car seats.

Under [Ontario Regulation 613](#) of the provincial [Highway Traffic Act](#), drivers of motor vehicles are required to ensure that children are secured in the appropriate child restraint system.

[Regulation 613](#) of the [Highway Traffic Act](#) sets out the rules/requirements around use of car seats and booster seats and that these meet certain standards set out by the federal government under the [Motor Vehicle Safety Act \(Canada\)](#).



Cross-reference: Ontario Regulation 137/15 requires compliance with the laws affecting the health of inhabitants of the municipality or of the reserve of a First Nation, as the case may be; see **clause 13(1)(a)**



Cross-reference: Ontario Regulation 137/15 has requirements around insurance; see **section 71**

All child car seats and booster seats sold in Canada must be designed and manufactured to follow regulations under Canada's [Motor Vehicle Safety Act](#). When a car/booster seat meets Canadian safety standards, it will have the National Safety Mark, which is a sticker or tag that is attached to the car/booster seat.

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

- [Child care seat safety - Transport Canada, Government of Canada](#)
- [Choosing a child car seat – Ontario Ministry of Transportation](#)

Part 14.6 *Building Code Act, 1992*

In Ontario, when talking about the “Building Code” this is referring to a regulation – [Ontario Regulation 332/12 \(Building Code\)](#) – which is made under the [Building Code Act, 1992](#).



Cross-reference: Ontario Regulation 137/15 requires compliance with the requirements of Ontario Regulation 332/12 (Building Code) made under the *Building Code Act, 1992*, where applicable; see **clause 13(1)(e)**

As O.Reg. 137/15 refers to the Building Code, those applying for a child care centre licence and licensees need to be familiar with the Building Code.



The ministry has created separate [Planning and Design Guidelines for Child Care Centres](#) – this document has a lot of detail around how child care centres need to be designed and includes helpful checklists.

Appendix A – Reportable Serious Occurrences

Ontario Regulation 137/15

1. (1) In this Regulation,

“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,
- (c.1) REVOKED: O. Reg. 73/22, s. 1.
- (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.

Category 1 - Death of a Child

Category 1 is related to the death of a child who received child care at a child care centre.

The following provides some examples of what would and would not be a child's death considered a serious occurrence under this category.

MUST BE REPORTED AS A SERIOUS OCCURRENCE	WOULD NOT BE REPORTED AS A SERIOUS OCCURRENCE
• 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 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.	• A child was taken out of child care by their parents because they were very ill (in other words, the child is no longer enrolled in the child care centre). A few weeks later, one of the staff at the centre let the licensee know that they found out that the child passed away.

Category 2 - Abuse/Neglect or Allegation of Abuse/Neglect

Category 2 is related to abuse, neglect or an allegation of abuse or neglect of a child while receiving child care at a child care centre. This includes an allegation against any person who is on-site at the child care centre (in other words, this category can apply to anyone working, visiting or otherwise attending the child care centre/program so it's broader than just employees).

The following provides some examples of what would and would not be considered a serious occurrence under this category.

MUST BE REPORTED AS A SERIOUS OCCURRENCE	WOULD NOT BE REPORTED AS A SERIOUS OCCURRENCE
• 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 their child's face; the child told their parent that a staff person at the centre was how the bruise happened • A staff observed a parent slap a school-age child while on the playground.	• A child tells a staff member that something bad happened to them while they were at their sibling's soccer game (in other words, not during the time the child was getting child care at the child care centre). While this is not considered to be a Serious Occurrence because the alleged incident is not related to the licensee or the child care centre, there is a duty to report the information to the local children's aid society as per <i>Child, Youth and Family Services Act, 2017</i>.

Duty to report

If anyone in a child care centre suspects that a child is, or may be, in need of protection, they must report this suspicion to the local children's aid society per section 125 of the [Child, Youth and Family Services Act, 2017](#) (CYFSA).



Under the CYFSA, certain people who work with or around children, including an operator or employee of a child care centre or provider of licensed child care, have a heightened responsibility to report suspicions of child neglect and/or abuse. If such a person does not report a suspicion and the information on which it was based was obtained in the course of the person's professional or official duties, the failure to report the suspicion is considered an offence under the CYFSA and the individual may be fined up to \$5,000.

The person who has 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 their behalf. See [Reporting Child Abuse and Neglect: It's Your Duty and Submit a complaint about child welfare services](#) for more information.

Category 3 - Life-threatening Injury or Illness

Category 3 is related to a life-threatening injury to or a life-threatening illness of a child who receives child care at a child care centre. Life-threatening injury or illness is defined as an incident that is so serious that it has the potential to cause a child to die.

MUST BE REPORTED AS A SERIOUS OCCURRENCE	WOULD NOT BE REPORTED AS A SERIOUS OCCURRENCE
CCLS has two sub-categories reportable category 3 Serious Occurrences: 1. Injuries - including but not limited to: • Injuries to the head, back or neck resulting in unconsciousness or physical paralysis • Severe eye injury (impalement) • Injuries to the chest resulting in difficulty breathing (this can be a symptom of a collapsed lung, which is very serious), heart attack or vomiting blood • Anaphylactic reactions • Near drowning • Substantial blood loss • Drug overdose • First time seizure, multiple seizures or long-lasting seizures • Life-threatening suspected fracture with bone deformity and/or bone exposure 2. Illness - including but not limited to: • E. Coli • Flesh Eating Disease	• A child with a pre-existing seizure disorder had a seizure at the child care centre. Because the licensee had an individualized plan for the child with medical needs, staff knew what to do and the child was not hurt during the seizure episode. The child did not require emergency medical attention. The supervisor called the child's parents and they picked up the child. • 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 (for example, playdough).

 When reporting a category 3 Serious Occurrence, the licensee or supervisor must indicate whether the injury or illness being reported as a Serious Occurrence appeared while the child was receiving child care at the child care centre **OR** whether the threatening injury or illness appeared before the child came into care but was sustained/developed while the child attended the child care centre.

Category 4 - Missing or Temporarily Unsupervised Child(ren)

Category 4 is related to incidents where a child who is receiving child care at a child care centre goes missing or is temporarily unsupervised.

If a child goes missing while getting child care at the child care centre, this must be reported as a Serious Occurrence whether the child was found or is still missing. This is why CCLS has two sub-categories of category 4 serious occurrences (examples of each sub-category provided):

MUST BE REPORTED AS A SERIOUS OCCURRENCE	WOULD NOT BE REPORTED AS A SERIOUS OCCURRENCE
CCLS has two sub-categories of reportable category 4 Serious Occurrences: 1. 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. 2. 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.	• 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 after school. The staff member called the parent and found out that the parent had picked the child up from school. • A child went missing while in the care of their parent.

Category 5 - Unplanned Disruption of Service

Category 5 Serious Occurrences are related to an unplanned disruption of the normal operations of a child care centre that poses a risk to the health, safety or well-being of children receiving child care at the 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 on people coming and going into the centre (for example, when there is a lockdown or an outbreak of a communicable disease).

CCLS has the following sub-categories of category 5 Serious Occurrences:

1. fire
2. flood
3. gas leak
4. detection of carbon monoxide
5. outbreak
6. lockdown
7. other emergency relocation or temporary closure
8. Public Health ordered closure

The following provides some examples of what would and would not be considered a serious occurrence under this category.

MUST BE REPORTED AS A SERIOUS OCCURRENCE	WOULD NOT BE REPORTED AS A SERIOUS OCCURRENCE
• 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 of a contagious disease 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.	• A program does not open or must close due to extreme weather conditions (such as because of a significant snow storm). • A planned temporary relocation for the licensed site (such as resulting from 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 (in other words, it was a false alarm because someone pulled the fire alarm). • The local medical officer of health declared an outbreak and has put restrictions on the program (for example, directing the licensee to discontinue all sensory play). • There was a “hold and secure” situation at the centre

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 of Education, 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.

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 – Sales of assets / shares of a corporation

Incorporation, amalgamation of corporations, sales of child care centre or sale of assets – new licence required

Per [subsection 20\(5\) of the CCEYA](#), a licence issued under the Act is not transferable. This means that when the legal entity (which could be an individual or corporation) responsible for the operation and management of the child care centre changes, a new licence is required. There are different situations where this can happen:

- An individual licensee chooses to sell their child care centre to a corporation or another individual.
- An individual licensee chooses to become incorporated
- 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 (note that the licence issued by the Ministry of Education is **not** an asset that can be sold or transferred).
- A licensee is incorporated and wants to amalgamate with one or more other corporations and continue as one corporation.

In any situation above where there is an effect on existing corporation or an individual wants to become incorporated, the first step is to refer to the provincial [Business Corporations Act](#) and learn about what needs to be done to file the changes to the corporation in question with the [Ministry of Public and Business Service Delivery](#) (or any successor of that ministry).



There is no guarantee that the proposed future licensee will continue be licensed.

When the legal entity holding the licence for a centre is going to change, to minimize disruption in service for families and ensure a smooth transition process, the current licensee must give **advance notice of to the Ministry of Education**. The current licensee must notify their program advisor in writing of their intent **at least 30 days before the tentative closing date** of the incorporation, amalgamation or sale of centres or assets. The notification should include, at a minimum, the following information:

- tentative closing date for the arrangement that is going to happen
- name of the prospective future licensee; and,
- plans to inform parents, staff and the service system manager of the upcoming change in the legal entity operating the child care program

Once the ministry knows who the new owner/corporation will be, the ministry program advisor will reach out to the potential future licensee to let them know what steps are involved, what documentation needs to be gathered and provided and any additional information that may be helpful in the application process.

Following the initial contact from the ministry program advisor, the legal entity that would be running the child care centre **must initiate the licensing process as if they were an initial applicant for a licence**, starting by registering with the Child Care Licensing System; refer to:

- the [Child care licensing system: registration guide for new applicants](#) provides step-by-step instructions on **how to register**
- the [Child care licensing system: reference guide for applicants and licensees](#) provides step-by-step instructions for **how to use CCLS**

The new applicant must also pay the application fee.



If the *current* licence will be expiring soon, it is best to minimize disruption for the families who have children receiving child care by applying for a **licence renewal**. In this scenario, the program advisor will conduct a licensing inspection with both the current licensee and the future licensee present. If there are things that need to be addressed coming out of the inspection by the program advisor, the current licensee and the future licensee must decide who is responsible with complying with any outstanding requirements. After all requirements have been met (which may be confirmed by another licensing inspection) and the future licensee has completed the application process, if approved by the ministry director, a new licence will be issued through CCLS and must be printed and posted in the child care centre, along with the decal that will be provided by the ministry.

Once the current licensee is no longer operating the child care program, they must return their licence and decal to the ministry.

Incorporation, amalgamation of corporations, sales of child care centre or sale of assets – Canada-wide Early Learning and Child Care (CWELCC) system

When the legal entity (which could be an individual or corporation) responsible for the operation and management of the child care centre changes, the new entity **MUST** apply to their service system manager if they want to enrol in CWELCC.

Sale of *Shares* – new licence not required

When an incorporated licensee sells some or all of the shares of their corporation, a new licence is **NOT** required because the legal entity responsible for the operation and management of the child care centre does not change.

Regardless, the current licensee must contact their program advisor to let them know what is happening and so the licensee and program advisor can discuss what needs to be done.

Appendix D – Licence Appeal Tribunal

The mandate of the Licence Appeal Tribunal's (the Tribunal for short) 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 legal 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.



Cross-reference: 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.

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 director's 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 calendar 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 calendar 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 sets 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 ministry 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 automatically extended until the Tribunal reaches a decision.

If a ministry 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.



A licensee is **not** entitled to appeal conditions imposed on a provisional licence.

Resources

Canada-Ontario early years and child care agreement

- [Canada-Ontario early years and child care agreement \(Ontario.ca\)](#)
- [Canada – Ontario Canada-wide Early Learning and Child Care Agreement - 2021 to 2026 \(Government of Canada\)](#)

Car seat safety

- [Child care seat safety - Transport Canada, Government of Canada](#)
- [Choosing a child car seat – Ontario Ministry of Transportation](#)

Central forms repository (Government of Ontario)

- [Central Forms Repository](#)

Child care law (provincial)

- [Child Care and Early Years Act, 2014](#)
- [Home Child Care and Unlicensed Child Care: How Many Children Are Allowed? \(Infographic\)](#)
- [Ontario Regulation 137/15 \(General\)](#)
- [Ontario Regulation 138/15 \(Funding, cost sharing and financial assistance\)](#)

Child Care Licensing System (CCLS)

- [Child care licensing system: **registration guide** for new applicants](#)
- [Child care licensing system: **reference guide** for applicants and licensees](#)

Children's development

- [Early child development \(Ontario.ca\)](#)
- [EarlyON Child and Family Centres](#)
- [Early years check-in](#)
- [The Encyclopedia on Early Childhood Development \(CEECD\)](#)
- [Practice Guideline on Child Development \(College of Early Childhood Educators\)](#)
- [Promoting language with books \(The Hanen Centre\)](#)

Commemorative days

- [Important and commemorative days \(Gov. of Canada\)](#)
- [Ontario's celebrations and commemorations \(Province of Ontario\)](#)

Early childhood educators

- [College of Early Childhood Educators](#)
- [College of Early Childhood Educators Public Register](#)
- [College program standard: Early Childhood Education \(Ontario.ca\)](#)
- [Early Childhood Educators Act, 2007](#)
- [Early Childhood Educator Support Program \(Métis Nation of Ontario\)](#)
- [Educators \(First Nation Early Learning Collaboration Website\)](#)
- [Qualifications Upgrade Program](#)

e-Laws (Ontario legislation and regulation)

- [e-Laws](#)

First aid certification

- [Providers approved to deliver emergency and standard first aid \(WSIB Ontario\)](#) (**note**: not all standard first aid providers include infant/child CPR as part of their training – check each provider's details to confirm)

Infection prevention and control (IPAC)

- [Public Health Ontario - Health Topic IPAC](#)

Licence Appeal Tribunal

- [Licence Appeal Tribunal website](#)

Licensed Child Care Website (LCCW)

- [Licensed Child Care Website](#)

Medical conditions

- [Allergy Aware](#)
- [Asthma Canada](#)
- [Canadian Paediatric Society](#)
- [Epilepsy Ontario](#)
- [Food Allergy Canada](#)
- [The Lung Association – Ontario](#)

Mental health

- [Childcare providers and mental health \(Middlesex-London PHU\)](#)
- [Early Childhood Mental Health \(Center on the Developing Child, Harvard University\)](#)
- [Infant and Early Mental Health Promotion \(Sick Kids\)](#)
- [People Connect \(College of ECEs; members online portal\)](#)

Nutrition

- [Canada's Food Guide](#)
- [Ontario Dietitians in Public Health - Child Care Resources](#)

Pedagogy

- [CMEC Statement on Play-Based Learning](#)
- [How does learning happen? Ontario's pedagogy for the early years](#)
- [Minister's Policy Statement on Programming and Pedagogy](#)
- [The Kindergarten Program](#)
- [Think, feel, act: lessons from research about young children](#)
- [Think, feel, act: empowering children in the middle years](#)

Playgrounds

- [CAN/CSA-Z614-14 \(R2019\) - Children's playspaces and equipment](#)
- [Ontario Parks Association Playground Inspectors Directory](#) (list of certified playground inspectors)
- [Canadian Certified Playground Inspectors Directory](#) (list of certified playground inspectors)

Public Health Units

- [Public Health Unit locations \(Ontario.ca\)](#)

Services and support for Indigenous women, children and families

- [Prenatal, postnatal and early years support for Indigenous women, children and families \(Ontario.ca\)](#)

Service system managers

- [Service system managers for child care and early years programs \(Ontario.ca\)](#)
- [Find your local service manager \(Ontario.ca\)](#)

Supervision

- [Practice Note: Professional supervision](#) (College of Early Childhood Educators)
- [College Talk: Enhancing children's safety through professional supervision](#) (College of Early Childhood Educators)

Swimming and water safety

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

Vaccines and immunization

- [Public Health Ontario](#)
- [Vaccines and immunization \(Ontario.ca\)](#)