



# Amendments to Nova Scotia's Day Care Regulations

## Consultation Summary Report

May 2014

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The Department of Education and Early Childhood Development is currently preparing amendments to the Day Care Regulations. It is anticipated that the proposed amendments will be approved and implemented in 2014.

Accordingly, in August 2013, the Department completed a consultation with stakeholders of the early childhood sector. This consultative process was in the form of a discussion paper and was accompanied by a survey for stakeholder comments and feedback on the proposed changes to the Day Care Regulations. We are pleased to provide the following summary of the feedback received through the survey as well a brief overview of next steps

### Background

The *Day Care Act* and Regulations provide a regulated regime to ensure that children's health and well-being are protected while they attend regulated child care settings. In April 2011, the regulations were changed to provide clarity and to update requirements to better reflect current research and best practices in both human services licensing and early learning and child care.

The 2011 regulations replaced the Day Care Regulations and the Family Home Day Care Program Regulations, and addressed requirements with respect to several items, including:

- Exempted services
- Child care staff qualifications
- New definitions and specific requirements for part-day, full-day and school-age programs
- New requirements to support the Department's involvement in funding arrangements with the child care sector and other organizations, including the Government of Canada

The 2011 regulations continue to support our vision for sustainable early learning and child care and align with regulatory requirements across Canada. However, over the past couple of years the need for clarification has been identified in some sections. Early Childhood Development Services, in response to the feedback, drafted a set of proposed amendments.

The purpose of the proposed amendments is to provide clarity to licensees on the intent of the regulations in the following key areas:

- building and space requirements will be more flexible for child care facilities that are difficult to renovate;
- outdoor space requirements will be clarified;

- sections of the regulations related to nutrition, daily program, health and safety will be removed because many of the requirements are included in standards and in other sections of the regulations;
- school-age training classification for individuals who work in licensed school-age programs will be established;
- a broader definition of the training qualifications acceptable for an entry-level classification;
- the training qualifications for a director designate will be clarified;
- accident and serious incident reporting will have a clearer process;
- child abuse registry check and criminal record check requirements will be clarified.

### **Overview of Survey Results**

Surveys were available in English and French via the Early Childhood Development Services website from August 2, 2013 to September 27, 2013. In addition, paper copies of the survey were available, upon request, and an email address and telephone number were provided for those who wished to provide verbal or written responses.

In total, 182 individuals responded to the survey. Most respondents (47%) were from the Halifax Regional Municipality. Child Care Facility Administrator/Directors made up the single, largest response group (65 respondents), followed closely by Child Care Facility Staff/Agency Staff (22 respondents) and Parents or Guardians (22 respondents). Most respondents (70%) indicated that they worked directly with preschool-age children.

### **Survey Highlights**

The survey elicited feedback and comments informing further review of the amendments. Many respondents suggested that an opportunity to ask questions and seek further clarification on the proposed changes through regional information sessions would be beneficial.

In general, most of the survey respondents indicated they had few concerns with the proposed amendments, noting these changes will help clarify the regulations. In addition, several respondents were pleased with the opportunity to provide their comments and feedback on the proposed changes. Survey respondents' comments include these below:

*"I think surveys like this one are important and should continue when there are proposed changes as we are the educators who continue to work frontline with children and families..."*

*"As long as the regulations are in the best interest of the children attending these programs, yet not impossible for the care providers to follow, I would be satisfied."*

*"The changes indicated are clear and will be beneficial in providing clarity for the sector".*

## **Key Areas for Clarification**

All respondents agree on the importance of clarity, intent, and expectations for compliance with the proposed amendments.

From the survey results, below is a summary of the key areas identified as needing further clarification. For a complete overview of the proposed amendments, the discussion paper is available in English and French and can be accessed at [http://www.ednet.ns.ca/earlyyears/Acts\\_Regs\\_Standards.shtml](http://www.ednet.ns.ca/earlyyears/Acts_Regs_Standards.shtml).

### **Current licensing requirements (Section 9, 10, 13, and 17)**

The majority of the survey respondents did not have concerns with amending the below sections of the regulations. The proposed amendments to these sections will align the regulatory requirements with current practice of the licensing process; and clarify the Minister's authority in this regard:

- Applying for change to license (Section 9)
- Approval for alteration (Section 10)
- Inspections (Section 13)
- Compliance and enforcement standards (Section 17)

### **Building and space requirements (Section 20)**

The amendments to the Day Care Regulations in April 2011 included a requirement that all facilities must provide natural light that is equivalent to 10% of the floor space in each of the activity room for children. The amendments also included a provision by which existing facilities could apply to be exempted from this requirement.

Some survey respondents highlighted the importance of natural lighting for every child, while other respondents expressed concerns with the difficulty in meeting the 10% lighting requirement. The decision to include a requirement specific for the provision of natural light was not taken lightly. In the field of early childhood education, natural light is cited as one of the most critical factors in developing a stimulating learning environment (Olds, 2001). In some cases, it has been difficult for some facilities to meet these requirements, and as a result, some facilities have been issued exemptions.

This natural light requirement is also challenging for facilities that are seeking space in existing buildings, e.g., schools, community centers, churches or commercial venues. Often these types of buildings do not have sufficient windows to fully meet the requirements for natural light. In many cases, particularly schools, the spaces often have ample play spaces with good sources of natural light but they cannot meet the requirement for 10% of the floor space. New constructs, however, are required to meet the natural light requirements.

*The Licensee's Manual for Regulated Child Care Settings* provides alternative methods to provide natural light.

Early Childhood Development Consultants are available to provide guidance and support to potential licensees, with regard to natural light and to provide recommendations in determining whether the light source is sufficient.

### **Outdoor play equipment and space requirements for facilities (Section 22)**

The majority of the survey respondents did not have concerns with removing the term “enrolled” from Regulation 22(3) (b) and 22(4) (b). The term “enrolled” can be misleading; in essence, the number of children enrolled in a program can be much higher than the number of children who attend a program each day. The intention of this regulation is to ensure that there is sufficient outdoor play space for the maximum number of children who would be at the centre on any given day.

The *Licensee’s Manual for Regulated Child Care Settings* provides information on how to calculate the amount of outdoor space required.

### **Outdoor play supervision requirements for facilities (Section 23)**

The majority of the survey respondents did not have concerns with removing Section 23 of the regulations. The term “group size” has led to some confusion as to whether more than one group of children can share an outdoor play space and, more specifically, whether children older than infants can share an outdoor play space. The intent here is to ensure that infants only use infant play spaces. Older children may join infants in their play space as long as infant ratios are met and the space supports developmentally appropriate play.

The group sizes set out in Regulation 34(1) refer to the maximum number of children that can be in a single room inside, and does not restrict the number of groups or group size for the outdoor play space.

### **Health, safety and communicable disease control (Section 28)**

The majority of the survey respondents did not have concerns with removing Regulation 4(d) and (e). The requirements for sanitizing toys are contained in the *Guidelines for Communicable Disease Prevention and Control for Child Care Programs and Family Home Day Care Agencies*.

The requirement in the Guidelines state that mouth toys for infants and toddlers are to be cleaned and sanitized at least once a day. This is not adequately reflected in the current regulations where it states “toys used by for infants and toddlers must be cleaned and sanitized at least twice weekly or more often if necessary.”

### **Qualifications for facility directors (Section 40)**

Some survey respondents highlighted strengthening the training qualifications, while others voiced their concerns with respect to the difficulty of complying with the proposed amendment.

The purpose of amending this regulation is to clarify the training qualifications for the director designate. When the director is absent from the facility, an identified, qualified person must be onsite at all times.

### **Criminal record and child abuse registry checks (Section 43)**

The majority of survey respondents supported the proposed amendment to reword this section to clarify the expectations for licensees to obtain criminal records checks and child abuse registry checks for individuals who have direct contact with children.

Some survey respondents expressed concerns with the proposed amendment. It is important to clarify that Section 43 (2) required amending as the requirement contravenes the child abuse registry requirements in the *Children and Family Services Act*.

Recently, the Department advised all key stakeholders that (a) staff, volunteers, etc. who only have contact with the children's records, will not require a child abuse registry check, and b) staff who work directly with children must request the child abuse registry check themselves.

### **Requested Supports and Resources**

Survey respondents were asked to consider the types of resources or training that would be most helpful to assist licensees to understand and comply with the proposed changes and the regulations in general. The majority of respondents recommended the provision of information/training sessions across the province about the proposed amendments. In general, many respondents recommended a yearly workshop or information session with their Licensing Officer and Early Childhood Development Consultant (ECDC) to review the *Day Care Act* and Regulations.

Survey respondents praised the supports that are already in place, giving particular credit to their ECDC's and Licensing Officers.

### **Next Steps**

The draft amendments are now in the final stages. A timeline for implementation will be established and upon approval, information sessions will be held.

Many thanks to all who have contributed to the consultative process. Your expertise, knowledge and feedback are appreciated.

An online copy of the Consultation Summary Report is available at [http://www.ednet.ns.ca/earlyyears/Acts\\_Regs\\_Standards.shtml](http://www.ednet.ns.ca/earlyyears/Acts_Regs_Standards.shtml)

Please share the results of the summary report with parents and staff. If you would like to receive a hard copy of the summary report, please contact Bronwen Lloyd at 424-5761 or by email at [lloydbm@gov.ns.ca](mailto:lloydbm@gov.ns.ca).