

Section E: Ministerial Requirements for Family Home Child-Care



Ministerial Requirements for Family Home Child-Care

1.0 Definitions

“Agency” means a person licensed by the Minister to manage family child-care homes.

“Care provider” means a person approved by an agency to provide a family home child-care program in the care provider's home.

“Family home consultant” means a person hired by the agency to provide services and support to care providers.

“Family child-care home” means a care provider's home where a family home child-care program is provided.

“Family home child-care program” means a child-care program provided by a care provider in the care provider's home.

“Play group” means a play group provided by an agency for children enrolled in the family child-care homes managed by the agency.

Regulations” means the *Early Learning and Child Care Regulations* made under the *Early Learning and Child Care Act* (the “Act”), as amended from time to time.

2.0 Objectives

2.1 The objective of these requirements is to set out the requirements for family home child-care agencies and care providers under the *Early Learning and Child Care Act* and, in particular, Section 14 (a)(iv) of the *Early Learning and Child Care Regulations* (“Regulations”). These requirements ensure that family home child-care agencies and care providers in family child-care homes offer safe and nurturing environments for children. Where there is any conflict between the content of this document and the Act or Regulations, the Act and Regulations take precedence.

3.0 Scope

3.1 These requirements apply to all family home child-care agencies and family child-care homes.

4.0 Providing Regular Play Groups

- 4.1 The agency must ensure that care providers and children have access to regular play groups each month at an agency approved play space to allow the care providers and the children to come together to be involved in age appropriate activities¹
- 4.2 In the case of inclement weather, dangerous road conditions, or other situations which may affect the health and safety of the children, a play group organized by the agency may meet at the home of a care provider.
- 4.3 The agency shall keep records of the monthly play groups on file. Such records consist of, but are not limited to the following: number of adults present, number of children present, and summary of play activities.

5.0 Monitoring Family Child-Care Homes

- 5.1 Agencies and family child-care homes are subject to regular monitoring by Licensing Officers of the Department of Education and Early Childhood Development for compliance with these requirements and the Regulations.
- 5.2 A Licensing Officer will inspect a minimum of 25% of the family child-care homes managed by the agency on an annual basis, with the consent of the care providers.
- 5.3 A Licensing Officer, with the consent of the care provider, will inspect every new family child-care home approved by an agency in the first year of the agency's operation to provide support and guidance to the agency and the family home consultant in relation to the requirements of the Regulations.
- 5.4 A care provider must post a copy of any inspection report by a Licensing Officer in a visible location in the family child-care home.

¹ *Early Learning and Child Care Regulations* ("Regulations"), clause 14A(e)

- 5.5 An agency must keep a copy of any inspection report on file for as long as the family child-care home is managed by the agency.

6.0 Smoke- and Vape-Free Family Child-Care Homes

- 6.1 Smoking in a building or space where child care is provided is prohibited by the *Smoke Free Places Act*.
- 6.2 Any individual in a family child-care home shall comply with the *Smoke Free Places Act*.
- 6.3 No one shall use, smoke or vape tobacco or cannabis in the presence of children or at a family child-care home while children are in care at the home, whether indoors or outdoors.

7.0 Requirements for Family Home Consultants

- 7.1 Agencies must hire one or more family home consultants, based on the number of family child-care homes under their authority, to annually assess care providers and family child-care homes under its management²
- 7.2 Family home consultants must visit each family child-care home regularly, meaning at least once every 30 days, to provide services and support.³ Each visit must be documented, and records kept on file at the agency.
- 7.3 If the family home consultant is absent, the agency must designate another person who holds a level 2 or level 3 classification and has at least 2 years of experience working in an early learning and child care program to act as the family home consultant⁴.
- 7.4 The agency shall notify care providers when the family home consultant is absent from the agency and provide contact information for the designate.

² *Regulations*, clause 14(b)

³ *Regulations*, clause 14(d)

⁴ *Regulations*, Section 41

8.0 Temporary Closure of Family Home Child- Care Program

- 8.1** The agency may establish a system of substitute care to ensure that families do not experience a disruption in care when a care provider requires leave for any reason (for example, illness, family emergency, vacation). Substitute care arranged by the agency must comply with the following requirements:
- (a) substitute care may be offered in another family child-care home approved by the agency or alternate care arranged by the care provider approved by the agency provided that:
 - i. the staff-to-children ratios in that family child-care home will continue to comply with the requirements of Section 34 (1) of the *Regulations*;
 - ii. files for any children receiving substitute care must be temporarily moved to the substitute family child-care home, with advance notice to parents/guardians that the files will be temporarily moved.
 - (b) substitute care may be offered in the approved family child-care home by a substitute care provider provided that the substitute care provider:
 - i. is designated by the care provider or the agency and approved by the agency;
 - ii. is at least 18 years old;
 - iii. has completed and submitted all records checks required for care providers under the *Regulations*;
 - iv. has proof of current First Aid and infant CPR training.
- 8.2** Parents and the agency must be advised in advance that a substitute care provider will be in place and the details of the substitute care arrangement.
- 8.3** The agency may not permit a care provider to rely on the services of substitute care providers for more than 20 accumulative days per year.

9.0 Extended Hours of Operation

- 9.1** An agency must develop internal policies and guidelines regarding extended-hours care, including any special requirements for overnight stays. The policy and guidelines must be consistent with the requirements for extended hours or overnight care set out in Section 9.2.
- 9.2** A family child-care home offering extended hours or overnight care must ensure:
- (i) The total number of hours any child attends does not exceed 65hrs/week.

- (ii) The care provider-to-children ratios and group sizes for family child-care home are maintained in accordance with the requirements for family home child-care programs in the Regulations.
- (iii) The routine and expectations for extended hours care is included in parent handbook.
- (iv) The program provides an appropriate rest period, including the evening.
- (v) The program offers quiet activities throughout the evening and provides a child-centered and responsive environment for children.
- (vi) Children are provided with healthy meals and snacks in sufficient quantity to meet the children's needs during the hours the children is present.
- (vii) Children have support and time to conduct personal hygiene.

9.3 A care provider may only provide overnight care if approved in advance by the agency and the care provider must meet any additional requirements established by the agency, and any additional requirements established by the Minister after written notice to the licensee.

10.0 Annual Professional Development for Care Providers

10.1 Each care provider must complete a minimum of 5 hours per year of professional development workshops⁵.

11.0 Visitors and Guests in an Approved Family Home Child-Care Program

11.1 As per section 43 of the [Early Learning and Child Care Regulations](#), agencies must:

- Request, and keep on file, vulnerable sector and child abuse register checks for people who live or volunteer in a family child-care home.

For detailed requirements on record checks, please refer to the [Regulations](#).

11.2 Vulnerable sector and child abuse register checks are not required for occasional visitors (e.g., contractor or repair person) or occasional overnight guests, including family members.

11.3 Care providers must:

- sign a written declaration (Appendix A) with the agency stating that occasional visitors and overnight guests are never left alone with the children at anytime.

⁵ *Regulations* clause 42(2)(b)

11.4 When a visitor or overnight guest will be in the family child-care home regularly, or staying overnight for more than 6 months, the following must be in place:

- required records checks, as per section 43 of the Regulations;
- signed written declaration, specific to the situation, to confirm that the children will not be left alone with regular visitors or overnight guests.

Additional Information

- For information on how visitors to Canada can obtain a certified criminal record check, please visit the [Royal Canadian Mounted Police website](#).
- For more information on obtaining an international background check, please visit the [Royal Canadian Mounted Police website](#).
- For information on obtaining a child abuse register, please visit the [Nova Scotia Department of Community Services website](#).

Appendix A

Family Home Child Care Visitor Declaration

Full Name: _____

Address: _____

Family Home Child Care Agency _____

Personal Information and Privacy

- I understand that the personal information I provide for this Declaration is for the purpose of _____. Collection of this information is authorized under the *Early Learning and Childcare Act*, *Freedom of Information and Protection of Privacy Act*, and related legislation. This information will be used to implement the *Early Learning and Childcare Act* and *Regulations*. Questions about how personal information is collected, used, maintained, or disclosed, can be *directed* to the EECD Information Access and Privacy Manager.

Consequences of Non-compliance

- I understand that family home care providers who do not provide a Family Home Child Care Visitor Declaration by the date prescribed by the licensed Family Home Child Care Agency may be subject to suspension from the Agency until the form is completed and received in a manner satisfactory to the Agency. Family home care providers who demonstrate an ongoing failure to provide their Visitor declaration may be subject to termination from the Agency.

I DECLARE that:

- I have reviewed the requirements for records checks for people who live or volunteer in a family child-care home in the *Early Learning and Childcare Regulations*.
- If I have visitors or overnight guests at my home at any time that children under my care are present, I will never, under any circumstances, leave the children unattended with the visitor or overnight guest.**
- I will notify the Agency if any regular visitor or overnight guest will be staying at the family child-care home for an extended period when the children will be present.
- If a regular visitor or overnight guest will be staying at the family childcare home for more than 6 months, that person must obtain all records checks required under Section 43 of the *Early Learning and Childcare Regulations* and provide a copy of the results of the checks to the Agency.

- I acknowledge the contents of this Declaration and the information in it is accurate and true.**

Signature: _____

Date (YYYY/MM/DD): _____