



Amendments to *Day Care Act and Regulations*

Early Learning and Child Care Branch

November 18 and 19, 2020

Introduction

- On October 27, 2020, Government proclaimed the new *Early Learning and Child Care Act*. To align with the new *Act*, several amendments have been made to the *Day Care Regulations*, now called the *Early Learning and Child Care Regulations*.
- Please review these slides with copies of the newly amended Act and Regulations which can be retrieved online at:
<https://www.novascotia.ca/just/regulations/regs/elcc.htm>

Background

- In 2018-2019, EECD completed a two-phase review of the *Day Care Regulations*.
- Phase 1: In 2018, amendments were made to the *Day Care Regulations* to remove barriers to employment for Early Childhood Educators and to ease transitions for children into Pre-primary Programs.
- Phase 2: Additional regulatory amendments have been made to align with, and support, the amended *Day Care Act*, which will now be called the *Early Learning and Child Care Act*.

Reason for Changes

Amendments to the *Day Care Act*

- The *Day Care Act* has not changed since 1989
- The revisions to the *Act* will:
 - Expand authority for the regulation of family home child-care
 - Modernize the language in the *Act* and ensure consistency in terminology
 - Include additional definitions to provide clear direction and expectations for licensees
 - Re-name the *Act* to the *Early Learning and Child Care Act*

Amendments to the *Day Care Regulations*

The recent amendments (approved by Government on October 27, 2020) will:

- Modernize the language to reflect current practice in the field of early learning and child care
- Align requirements for family home child-care with the expanded legislative authority under the *Early Learning and Child Care Act*
- Identify new staff-to-children ratios for mixed ages
- Lessen some of the administrative burden on licensees by eliminating redundancy in the regulations and streamlining requirements
- Re-name the *Day Care Regulations* to the *Early Learning and Child Care Regulations*

Language

Current

- “Day Care Act”
- “Day Care”
- “Family home day care program”
- “license”

New

- “Early Learning and Child Care Act”
- “Child Care”
- “Family home child-care program”
- “licence”

Definitions for Act and Regulations

Current

Section 2 of the Act

“day care” means the providing of services pertinent to a child’s physical, social, emotional and intellectual development apart from the child's parents or guardian but does not include

- (i) organized recreational or religious activities, or
- (ii) services exempted by the regulations

New

Section 2 of the Act

“child care” means providing children with care and guidance that supports the child’s development and learning when they are apart from their parents or guardian, but does not include services exempted by the regulations

Definitions for Act and Regulations

Current Regulation

Section 2 includes the following definitions:

- Agency
- Care provider
- Family day care home
- Family home day care program
- Licensee
- Parent

New

These definitions are removed from the regulations and now included in the *Early Learning and Child Care Act*.

Section 2 of the *Early Learning and Child Care Regulations* will include 3 new definitions for:

- Family communications plan
- Inspection
- Play group

Form of license

Current Regulation

Subsection 5(2) A license for a family home day care program must be in Form 2

New

Subsection 5(2) A licence for a family home **child-care** agency must be in Form 2

Inspections

Current Regulations

Subsection 13(1) A facility and an agency must be inspected at least annually

New

Subsection 13(1) A facility, an agency and a family child-care home must be inspected regularly and in accordance with these regulations and the policy and procedures established by the Minister

Agency's duties

Current Regulations

Section 14 Agency Duties An agency must do all the following:
(a) (i) (ii) (iii) (iv), (b), (c) & (d)

Section 16 Agency may cancel approval

New

Condensed **Section 14**

Added **Section 14A** with respect to the Family home consultant's duties

Section 16 of the regulations is repealed and authority for cancellation is in the *Early Learning and Child Care Act*

Facility must be insured

Current Regulation

Section 17A Each facility must be adequately insured under a commercial general liability insurance policy or its equivalent

New

Replaced heading to “**Facility must be insured**” to “**Liability insurance**”

Section 17A - Each facility and **agency** must be insured under a commercial general liability insurance policy or equivalent

Daily Programs

Current Regulation

Subsection 18 (3) For children enrolled in a full-day program or a family day care program, all of the following must be provided daily:

- (a) a rest time;
- (b) a developmentally appropriate period of outdoor activity in the morning and afternoon, except when extreme weather conditions;
- (c) opportunities for physical activity

New

Subsection 18(3) is now 18(2)

Added new **Subsection 18 (3)** Children enrolled in a **school-age program** at a facility must be provided with the requirements in clauses 2(b) and 2(c)

Added **Subsection 18(4) and Subsection 18(5)**

Added **Subsection 18A re: Agency playgroup**

Building and space requirements

Current Regulations

Subsection 20 (1) Except as provided in clause 20A(1)(a), a facility or family home day care must not be located above the 2nd floor of a building

Clause 20(5)(a) Each area within a facility that is used for the care of infants must meet all of the following requirement:
(a) it must be located on the ground floor

New

Removed **Subsection 20(1) and Clause 20(5) (a)** as advised by the Office of the Fire Marshal

Removed **Clause 20A (1) (a)** exemptions from building and space requirements

Equipment requirements

Current Regulations

Subsection 21(2) Each child who is enrolled in a day care program must be provided with all of the following: (a), (b) and (c)

Subsection 21(4) Each infant who is enrolled in a day care program must be provided with a crib or portable crib that meets the standards of the federal or Provincial legislation respecting cribs, cradles and bassinets

New

Amended **Subsection 21(2)** Each child who is **in attendance at** a facility of family child-care home must be provided with the following: (a) (b) and (c)

Amended **Subsection 21 (4)** as above

Nutrition and infant feeding safety

Current Regulations

Subsection 25(1) A licensee must adhere to the food and nutrition standards established by the Minister

Subsection 27(3) An infant who cannot hold a bottle must be held by a staff member during bottle feeding

New

Subsection 25(1) A licensee and **care provider** must adhere to the food and nutrition standards established by the Minister

Subsection 27(3) An infant who cannot hold a bottle must be held by a staff member or **care provider** during bottle feeding

Suspected child abuse

Current Regulation

Section 30 When there is a reasonable belief that a child enrolled in a day care program has been abused within the meaning of the *Children and Family Services Act*, the licensee and each staff member, care provider and volunteer of the licensee must follow the Department's child abuse protocol for regulated child care

New

Section 30 Where there is a reasonable belief that a child enrolled in a child care program has been abused within the meaning of the *Children and Family Services Act*, the licensee and each staff member, care provider and volunteer of the licensee must, **in addition to the requirements of that Act**, follow the Department's child abuse protocol for regulated child care

Serious incidents

Current Regulation

Subsection 30B (1), (2) &(3) sets out requirements to follow in the event of a serious incident.

New

Subsection 30B (1) now includes clause (e) a child is not accounted for during any period of time, as required by Section 33A

Subsections 30B(2) and 30B(3) are replaced with more clear language

Subsection 30B(4) has been added to include family home child-care programs

File required for each child

Current Regulations

Subsection 31(2) If a child withdraws from enrollment in a day care program, the licensee or care provider must include the date of and reason for the withdrawal in child's file

New

Amended **Subsection 31(2)** If a child withdraws from enrollment in a **child care program**, the licensee or care provider must include **the date of the withdrawal** in the child's file

Records required for each child

Current Regulation

Section 32 refers to records required for each child (e.g., attendance, daily records)

New

Section 32 changed heading from “Records for each child” to “**Daily record of attendance**”

Family Communications Plan

Current Regulation

Subsection 32 (3), (4) & (5) daily records for infants and toddlers

Subsections 44(2) & (3) refers to parent handbook

Subsection 45(1), (2) & (3) refers to information required to be posted

Subsections 47(4) to (7) refers to parent committee

Sections 48 and 49 refers to parents committee meetings

New

Removed the following: **Subsections 32(3) (4) & (5), 44(2) & (3), 45(1), (2) & (3), 47(4) to (7)** and **Sections 48 and 49.**

Added **Subsections 32A (1) & (2)** requiring a family communications plan

Daily log book

Current Regulation

Section 33 A facility director, or in the case of a family day care program, a care provider must keep a daily log book to record information about any absence of a child due to illness and any unusual or special events in the facility or family day care home

New

Section 33 Each facility director and care provider must keep a daily logbook to record information about ~~any absence of a child due to illness~~ unusual or special events in their facility or family child-care home

Staff-to-children ratios

Current Regulation

Section 34 relates to the number of staff present and working directly with the children in a child-care program

New

Subsection 34(1) now includes a category to enable a ratio of 1 educator for every 7 children when preschoolers and toddlers older than 30 months old are together

Subsection 34 (1) includes pre-primary children in the school age ratios under Family Home Child-Care Program

Subsection 34(3) the maximum group size for preschoolers and toddlers older than 30 months is 24

School-age training approval

Current Regulation

Subsection 37F (1) The Minister may grant approval of school-age training to a person who meets all of the following qualifications:

- (a) they have completed 1 of the following:
 - (i) A bachelor's degree in early (childhood) or elementary education from a post-secondary institution recognized by the Director

New

Subsection 37F (1) (a) (i) A bachelor's degree in **early (childhood) ~~or~~ elementary education** from a post-secondary institution recognized by the Director

Qualifications for family home consultants

Current Regulation

Subsection 41 (1) Until May 1, 2012, a family home consultants must have all of the following qualifications:

- (a) A 2-year diploma in early childhood education...
- (b) at least 2 years' experience working in an early learning and child-care program

New

Subsection 41(1) is repealed

Requirements for care providers

Current Regulation

Subsection 42(2) A care provider must do all the following:

(c) permit a family home consultant to visit the family day care home at least once every 30 days to provide services and support as specified in clause 14 (c)

New

Subsection 42(2) A care provider must do all the following:

(c) permit a family home consultant to visit the family child-care home **to provide the services and supports set out in Section 14(b)**

Record checks

Current Regulation

Subsection 43 (1) includes definitions with respect to record checks

New

Added “**criminal record check**” definition to Subsection 43(1)

Added “**criminal record check**” to the “**record check**” definition

Added **Subsection 43(8)** to address a person who is refused a VSC by an authorized body

Parent handbook

Current Regulations

Subsection 44(2) refers to a list of requirements that must be included in a parent handbook for a facility

Subsection 44(3) refers to a list of requirements that must be included in a parent handbook for a family home day care

New

Subsections 44(2) & (3) are repealed

Information required to be posted

Current Regulation

Section 45 refers to all the items a facility, agency or care provider must post in a conspicuous place

New

Section 45 each licensee and care provider must post all of the following in a visible place:

- (a) for a licensee, their license
- (b) a copy of the report of their most recent inspection;
- (c) the information required under its family communications plan
- (d) any notice or additional information required by the Minister

Parent committee and meetings

Current Regulations

Subsection 47(3) refers to establishing a parent committee and the amount of time to establish one

Subsection 47(4) to (7) refers to the list of parent committee members and other requirements with respect to a parent committee

Sections 48 and 49 refers to number of parent committee meetings per year, notification of meetings, content discussed at meetings, and minutes

New

Subsection 47(3) a parent committee must be open and accessible to parents of all enrolled children

Subsections 47 (4) to (7) are repealed

Section 48 and Section 49 are repealed

Emergency evacuation and fire safety procedures

Current Regulation

Section 50 refers to emergency rules and procedures, including evacuation plan, escape routes and fire drills for facilities, family day care homes and play groups

New

Section 50 new heading “Fire Code Defined” and definition of “Fire Code”

Added **Clauses 50A and 50B** to clarify the roles for a facility, family home child-care, and agency with respect to emergency rules and procedures

Questions?

Please email questions to ecdservices@novascotia.ca to the attention of **Bronwen Lloyd, Manager, ELCC Innovation, Quality and Professional Learning** or contact your **Licensing Officer** for more information.