

Education and Early Childhood Development

Compliance and Enforcement Standards

Q & A's

Q. 1 What is the purpose of the Compliance and Enforcement Standards?

The objective of these standards is to identify the steps that are followed when a regulated child care facility or family home child care agency is found to be in non-compliance with the Day Care Act and Regulations.

Q.2 When do the newly revised Compliance and Enforcement Standards come into effect?

The newly revised standards are effective as of January 1, 2020.

Q.3 What changes were made to the Compliance and Enforcement Standards?

- Amended the definition of “Chronic noncompliance”;
- Added a definition for “inspection”; and
- Amended the high priority condition with regards to the required screening documents (e.g., Vulnerable Sector Check (VSC) or Child Abuse Registry Check (CAR)).

Q.4 Why were these changes made?

In 2018-19, the Department conducted an in-depth regulatory review to facilitate the development of a more effective and efficient regulatory system for licensed child care. It was identified at the stakeholder engagement sessions, concerns with some of the processes associated with the child care regulations, particularly around issuing a high priority violation for not having record checks for staff. The feedback we received from those sessions informed the changes to the Compliance and Enforcement Standards.

Q.5 Would a facility receive a high priority violation if an employee started working directly with children prior to the licensee receiving the results of the record checks (e.g., VSC or CAA)?

Yes. A facility who does not receive the results of record checks for newly hired staff would receive a high priority violation.

Q.6 Would a facility receive a high priority violation if an employee's record checks are not current?

No. If a facility has an employee who does not have current record checks on file, the facility would receive a violation with a 30 day comply-by date. Renewal records checks are not considered a high priority violation.

Q.7 Are comply-by dates always 30 days?

Typically comply-by dates are for 30 days but may be reduced or extended where deemed appropriate. For example, to coincide with a comply-by date issued by another authority (fire or food safety inspections).

Q.8 If a high priority violation is identified and we address it immediately will a comply-by date and probationary license still be issued?

Yes. The expectation is to address the violation immediately to reduce the risk to children. The comply-by date and probationary license is still issued as the licensing officer will continue to monitor to ensure that there is no continued occurrence of the violation and to confirm with the licensee how they will maintain compliance over time.

Q.9 How will you determine that my centre is in chronic non-compliance?

Licensing officers will review the compliance history for the 12 months prior to the annual inspection.

Q.10 The standards indicate that chronic non-compliance is demonstrated when there is a repeated violation(s); or two or more violations are found at every inspection. How is the time period determined by EECD?

Licensing officers will review the compliance history for the 12 months prior to the annual inspection. An example of where an alternate time period may be used is when a centre is not open for a full 12 months, or when the review period may be longer because a centre was in chronic non-compliance status on a previous occasion.

Q.11 If my license is cancelled and I have more than one location does my license get cancelled at my other locations?

No. Each location has its own license. Compliance Enforcement Standards are applied to each location separately.

Q.12 If my license is cancelled can I reapply?

When a license is cancelled, a licensee may submit an application for a new license at a later date. Once the Licensee's proposal is approved by the Early Learning Branch, the Licensee can submit an application to license to Licensing Services.

Q. 13 What would happen to the waivers and exemptions on the license?

Depending on the type of waiver or exemption on the former license a Licensee may be able to apply for a waiver or exemption in their new application and it would be evaluated at the time. Approval is not guaranteed.

Q.14 If my license is cancelled or suspended what would happen to my funding?

If a license is cancelled or suspended, the Minister may, as per the Terms and Conditions of the agreement, terminate the Licensee's Funding Agreement and stop all funding. Once a Funding Agreement has been terminated, there is no guarantee that the Licensee will be able to enter in any future agreements.

Q. 15 How do I request a review of the decision to cancel, suspend, or refuse to renew a license?

A request for the Minister to review the decision must be made to the Minister in writing and include the reason for the request to review.

Q.16 Who do I contact if I have questions?

You can contact your licensing officer with any questions.

Revised December 9, 2019