



Amendments to Day Care Regulations

Early Years Branch

Summer 2018

Background

- In 2013, the Early Years Branch moved from the Department of Community Services to the Department of Education, which was renamed to the Department of Education and Early Childhood Development.
- Since 2013, the Early Years system has transformed in many ways. However, the regulations and the operational model have not kept pace with the recent transformational changes.
- A full review of the regulated child care system was undertaken in 2015/16.
- In 2017, a child care needs consultation was conducted across the province, to better understand the needs of families and communities.

Current Situation

The Early Years Branch will undertake a full review of the regulatory framework in two phases:

- **Phase I** – revisions to regulations to address workforce demands and ease transitions for children into pre-primary programs by increasing child care options for before and after school
- **Phase II** – full regulatory review and recommendations for a redesign of the regulatory system for licensed child care

Overall goal: to enable licensed child care providers to better respond to the changing landscape of child care across the province.

Phase 1 Objectives

The recently approved amendments will:

- Provide a definition for pre-primary programs that will enable child care operators to offer before and after school care to children attending pre-primary programs, beginning in September 2018.
- Update the staff-to-children ratios for school-age programs when younger pre-primary children are present.
- Provide options for recruiting a skilled workforce to meet current workforce demands by amending the facility staffing requirements.
- Remove outdated information and language.

Revised Definitions

Current Definition

Section 2 of the regulations relates definitions for the Act and Regulations.

“School-Age Program” – means a day care program for children attending school.

No definition for Pre-primary

Change

Amended definitions to include pre-primary children. This will allow centres to include pre-primary children in before and after school programs as long as all requirements are met.

Staff-to-Children Ratio

Current Requirement

Section 34 of the regulations relates to the number of staff present and working directly with the children.

For a school-age program the staff-to-children ratio is 1 to 15.

Change

Enable pre-primary children to attend school-age programs. When 8 or more pre-primary children are present, the staff-to-children ratio will be set at 1:12

This aligns with existing ratio for part-day preschool programs.

On professional development days or snow days, the ratio for groups with any pre-primary children present will be 1:10.

Facility Staffing Requirements –Recognition of Prior Learning

Current Requirement

Section 36 of the regulations relates to the training requirements of staff working directly with the children.

Staff can be counted as trained if they are working toward completion of the Competency Based Assessment (CBA) program.

Change

Replaced the CBA with the “Recognition of Prior Learning” program. This will continue to enable child care staff to receive a Level 2 Classification, ensuring staff with relevant training and experience are included in the required ratios.

Facility Staffing Requirements – 2/3 Trained

Current Requirement

Section 36 of the regulations relates to facility staffing and that at least 2/3 of the staff working directly with children have a level 1, 2 or 3 classification, or have school-age training (where appropriate).

The issue has been around hired staff who are interested in obtaining an upgrade to their qualifications and the facility not being able to recruit trained staff to fill the vacancy created while the existing staff is away.

Change

The Minister can approve a “temporary facility staffing plan” that will allow the facility to be temporarily exempt from the 2/3 training requirement. The plan must include a timeline and conditions for the completion of the training.

This will help child care programs who have staff working towards the appropriate training to meet the 2/3 requirement under these special circumstances.

Facility Staffing Requirements – School-Age Approval

Current Requirement

Section 37 of the regulations relates to staff qualifications including school-age training approval. A school-age training approval is valid only when a program is licensed to deliver a program for school-aged children.

A school-age training approval requires an individual to complete orientation training before their approval is granted.

Change

Staff can be issued “conditional school-age training approval” dependent on their completion of orientation within six months. This will remove the restriction of completing the orientation before approval is granted.

Facility Staffing Requirements – Designates

Current Requirement

Section 40 of the regulations relates to qualifications for directors and people designated as acting directors.

The designate must have a level 2 or level 3 classification.

Change

Allow designates to have a Level 1, level 2 or level 3 to cover short-term absences of the director. This will provide directors with more flexibility in assigning a designate while ensuring enough trained staff to meet ratio requirements.

Records Checks

Current Requirement

Section 43 of the regulations relates to record checks, their definitions and requirements for working with children in licensed child care.

Effective June 30, 2015, VSC required for any person who has or will have contact with children enrolled in a licensed child care program or approved family home day care, including volunteers.

Change

Reference to Criminal Records Checks have been removed and replaced with Vulnerable Sector Check (VSC).

Key Benefits/Outcomes

- ✓ Families enrolling their children in pre-primary for September 2018 will have more options for before and after school child care
- ✓ Operators have an opportunity to expand their recruitment efforts and maintain compliance
- ✓ Regulations have been updated to create efficiencies for operators and EECD staff

Timing

- Amendments come into effect September 1, 2018.
- A full consultation with the child care sector including child care operators, parents, staff and community partners will take place later this year during Phase II of the regulation review.

Questions!