

Frequently Asked Questions (FAQs)

Amendments to the *Day Care Act and Regulations*

These FAQs have been developed to provide information with respect to amendments to the current *Day Care Act* and *Day Care Regulations* that came into effect on **October 27, 2020**.

This document will be updated as additional questions arise and will be posted on the Department of Education and Early Childhood Development website at <https://www.ednet.ns.ca/earlyyears/providers/>.

Q1. Why is the Department of Education and Early Childhood Development (EECD) making amendments to the *Day Care Act* and *Day Care Regulations*?

The changes address key area of priority that were identified by the early learning and child care sector during the consultation and regulatory review that took place in 2018-19 and the 2016 review of the regulated child care system.

Q2. What are the key areas of change?

- The current Act and Regulations have been re-named to the *Early Learning and Child Care Act* and the *Early Learning and Child Care Regulations*.
- The Act has been amended to include expanded authority for family home child-care programs and to modernize language to reflect current practice in the early learning and child care field.
- The Regulations have also been amended with modernized language and to reflect the changes made in the Act, particularly with respect to the expanded legislative authority for family home child-care.
- The Regulations include a new staff-to-children ratio category for mixed ages and group size when preschooler and toddlers older than 30 months are grouped together.
- The Regulations have been streamlined to lessen administrative burden by reducing redundancies.
- Many of the requirements for communication with families have been removed from the Regulations and will be replaced by a requirement for all licensees and care providers to have a family communication plan. More information on requirements for a family communication plan are available online at: https://www.ednet.ns.ca/earlyyears/acts_regs_standards.shtml.

Q3. How is the language changing in the *Day Care Act and Regulations*?

Changes to terminology include replacing the following key terms:

- “day care” will be changed to “child care”;
- “family home day care program” and “family day care home” will be changed to “family home child-care program” and “family child-care home”.

The changes will also:

- Update the title of the Minister responsible for the Act;
- Standardize spellings and consistency in language, ensuring gender neutrality; and
- Provide authority for the Minister to develop Ministerial Requirements to supplement the regulatory requirements.

Q4. What are Ministerial Requirements?

Ministerial Requirements, which were once called Standards, provides supplementary information for licensees on the Early Learning and Child Care Regulations. Compliance with these requirements is required. Copies of each of the Ministerial Requirements are available at:

https://www.ednet.ns.ca/earlyyears/acts_regs_standards.shtml.

Q5. When will the amendments to the *Day Care Act and Regulations* be posted?

The Nova Scotia Governor in Council approved the amendments to the *Day Care Act and Regulations* on October 27, 2020. At which time, the amendments were forwarded to the Nova Scotia Registrar of Regulations to be written in plain legal language. While we are waiting for this process to be completed, we will be working with regulated child care facilities and family child care agencies through this transition period, to inform everyone of the changes. During the month of November, staff from the Early Learning and Child Care Branch will be offering online information sessions on the amendments and the licensing inspection process for family home child-care programs. Please refer to the memo dated October 28, 2020, for the scheduled dates. Once the Registrar lets us know the documents are ready we will be sending out another memo letting you know they are posted online.

Q6. What do these regulation changes mean for family home child-care programs and agencies?

These regulations will provide clarity for family home child-care agencies and care providers with respect to licensing and inspection of family child-care homes.

These amendments create a more robust and specific legislative structure for family home child-care programs. Moving forward EECD Licensing Officers will inspect family child-care homes as part of the agency licensing process. More information on the requirements for family home child-care agencies and care providers are available online at:

https://www.ednet.ns.ca/earlyyears/acts_regs_standards.shtml.

Q7. What will the inspection from Department of Education and Early Childhood Development (EECD) look like at family child-care homes?

Currently, EECD Licensing staff conduct routine inspections at child care facilities and family home child care agencies to monitor compliance with the *Early Learning and Child Care Act* and Regulations.

Moving forward EECD Licensing staff will inspect family child-care homes, in attendance with the agency's family home child care consultant, if possible. During an inspection, such things as supervision, care provider-to-children ratio, record checks, nutrition, programming, furnishing and equipment, children's records, and other requirements are assessed. Once the inspection is complete, the Licensing Officer will determine whether the care provider's home meets the requirements. If there are any identified requirements not being met, the Licensing Officer will provide details on them and specify a correct-by-date.

After each inspection, a detailed inspection report is provided to the care provider that outlines their compliance with the requirements of the *Early Learning and Child Care Act* and Regulations. This report is required to be posted in a visible place in the home. All non-compliance identified during inspections are followed up by an EECD Licensing Officer to ensure ongoing compliance with the Act and Regulations.

Q8. Will the inspection from the department staff replace the annual review by the Agency Family Home Child Care Consultant?

No. The Agency's Family Home Child Care Consultant is still required to complete inspections to all homes at least once every 30 days to provide services and support. Each visit must be documented, and records kept on file at the agency. Department of Education and Early Childhood Development Licensing Officers will complete inspections in at least 25% of Family Home Child Care Agency's homes on an annual basis. The Licensing Officer will also inspect every new family child-care home approved by an agency within the first year of the care provider's operation.

Q9. How to do I access the Early Learning and Child Care Checklist that the Licensing Officer uses for the inspection?

If you wish to review the Early Learning and Child Care Checklist used by the Licensing Officer during inspections, you may request a copy from your Licensing Officer or by contacting Licensing Services.

Q.10 What is the new category of staff-to-children ratio and group size?

When preschoolers and toddlers over 30 months of age are together in a group, a ratio of 1 educator for every 7 children will be permitted. This will be beneficial for staff of full-day centres as it adds flexibility when transitioning toddlers to preschool rooms.

The maximum group size for this mixed age group is 24 children. The ratio of 1 to 7 must be maintained at all times.

The new mixed ratio group and group size applies only to full-day regulated child care facilities and not to approved family child-care homes.

Q11. The Department of Education and Early Childhood Development is streamlining certain child care regulations. Do these changes lessen the safety requirements for child-care programs?

No. These changes have been made in the best interests of children and their educators and reflect what many licensees and early childhood educators have told us as well as best practice and evidence in the field of early learning and child care.

Q12. The Department of Education and Early Childhood Development is accepting Criminal Records Checks (CRC) if you have direct contact with children in a licensed child care facility or family home child-care program. Does this mean that this type of record check can replace the Vulnerable Sector Check (VSC)?

No. A Criminal Record Check is only accepted in those cases where a Vulnerable Sector Check was refused by an authorized body (e.g., police, RCMP). The applicant will be required to show evidence of the authorized body's refusal, to the satisfaction of the licensee, and provide the results of a CRC.

Q13. Are there any changes to the regulations that apply to people caring for children privately in their own homes?

No. The changes to the regulations apply only to family home child-care programs that are approved by family home child-care agencies.

Q14. The Department of Education and Early Childhood Development is removing certain regulations that are redundant. One is removing the requirement for infants to be located on the ground floor. Does that mean that infants can be located above the ground floor?

No. The requirement for infants to be on the ground floor may be required in certain circumstances, in order to meet the intent of the National Building Code of Canada, which is enforced by the Office of the Fire Marshal. This change was made in order to align safety requirements, emergency evacuation and fire safety procedures in accordance with recommendations from the Office of the Fire Marshal.

Q15. The Department of Education and Early Childhood Development has introduced a new requirement for licensees and family home child-care programs to establish a Family Communication Plan. What is a Family Communications Plan?

A Family Communication Plan was introduced to streamline the regulatory requirements for family communication to allow for the development of more flexible guidelines for licensees and care providers when engaging and communicating with families. A Family Communications Plan will be used to facilitate communication and engagement between licensees, staff, care providers, parents and families in regulated child-care programs. The plan will include information required by the Minister as well as information that the licensee deems pertinent for their families. More information on the Ministerial Requirements for the Family Communications Plan are available online at https://www.ednet.ns.ca/earlyyears/acts_regs_standards.shtml.

In addition, EECD developed a resource titled “Family Communication Plan: Reflections in Practice for Early Learning and Child Care Program.” This document will support and encourage licensee’s, child care staff, and care providers to reflect and build on their current communications and practices with families. The document is posted on the EECD website at <https://www.ednet.ns.ca/earlyyears/providers/>