



# What Home Child Care Agencies & Providers Need to Know for Agency Affiliated and Privately Placed Children

Licensed home child care offers children high-quality care in over 7,500 homes throughout Ontario. We hope the following information regarding record-keeping will help agencies and their providers comply with the *Child Care and Early Years Act, 2014*, while giving families the peace of mind that comes with licensed child care.

## What is the new *Child Care and Early Years Act, 2014*?

The *Child Care and Early Years Act, 2014* (CCEYA) came into effect on August 31, 2015. This legislation replaced the outdated *Day Nurseries Act* and established rules for child care in Ontario.

As part of Ontario's plan to modernize its child care system, the new rules support the health and safety of children, increase the government's oversight of caregivers and help parents make informed choices about child care options.

## Importance of Records Management

As part of the CCEYA, every licensed home child care agency must ensure that up-to-date records are available for inspection by an inspector or program advisor at all times. Good records management helps to protect the health and well-being of the child, while giving parents assurance that their children are being properly cared for.

## Records Management: Location and Information

Licensed home child care agencies are required to ensure that all records meet compliance requirements and are readily available for inspection. Records listed under subsection 72. (1) of Ontario regulation 137/15 must be collected and maintained for all children receiving care at the home. The following chart outlines the records required, and the location where these records can be kept.

Agency-Affiliated Children	Privately-Placed Children
<p>Agencies must obtain records listed under subsection 72. (1) of Ontario regulation 137/15 for children affiliated with the agency. These records must be in the care and custody of the home child care agency while children are in care and for three years after the children have left care.</p>	<p>Agencies are required to ensure that the following records listed under subsection 72. (1) are in the care and custody of the agency:</p> <ul style="list-style-type: none"> <li>• The name and date of birth for each child</li> <li>• Immunization or exemption records for each child</li> <li>• A copy of any accident reports for each child</li> </ul> <p>For all other records listed under subsection 72. (1) Agencies may opt to have providers to obtain and retain the following records at the provider's premises:</p> <ul style="list-style-type: none"> <li>• Contact information for a parent of the child</li> <li>• Emergency contact information</li> <li>• Relevant medical history</li> <li>• Names of individuals to whom the child may be released</li> <li>• Written and signed instruction related to drug administration, special dietary instructions, including written instructions for children under one year old</li> <li>• Daily written records</li> <li>• Daily attendance records</li> </ul> <p>Agencies must require providers to keep records associated with privately-placed children while the children are in care and for three years after the children have left care.</p>

# Reporting and Policy Requirements

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## Accident Reports

Agencies are responsible for ensuring providers complete an accident report and provide a copy to the parent of any child involved in an accident while receiving care at the premises, and follow up with the parent for all agency-affiliated children.<sup>1</sup> During a home visitor's quarterly inspection, a home visitor must verify whether the provider followed up with the parent or not. There is no requirement for the agency to follow up with the parent if it is a privately-placed child. The agency may choose to follow up with the provider about the nature and cause of the accident to support the health and safety of all children receiving care at the premises.

## Serious Occurrence Reports

Agencies are required to ensure that providers report all serious occurrences to the agency for all children receiving care at the premises (i.e. agency-affiliated and privately-placed children).

The agency is required to report all serious occurrences to the ministry within 24 hours of becoming aware of the occurrence.

Serious occurrence summaries and any action taken as a result of the incident must be posted at the home child care premises for at least 10 business days.

The agency is required to follow up on all serious occurrences, but is not required to follow up with parents who do not have a relationship with the agency (i.e. parents of privately-placed children).

## Review of Policies and Procedures

Every home child care agency must ensure that the policies, procedures and individualized plans are reviewed annually or at any time changes are made at every premises where it oversees the provision of home child care as follows:

- 1) With each home child care provider at each premises, before any child is placed at that premises;
- 2) With volunteers or students who will be interacting with children at the premises, before they begin to volunteer or before they begin their educational placement;
- 3) With home child care visitors, before they begin their employment.

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<sup>1</sup> The definition of an accident is determined by the agency. Agencies should consult with their insurance provider, legal counsel, and/or local health authorities to determine a definition.

Home child care agencies must ensure providers review policies, procedures and individualized plans with persons who are ordinarily resident at the premises or regularly at the premises, before they begin interacting with the children.

For the purposes of compliance, a person who is regularly at the premises includes an individual who is present at the premises during hours in which care is provided often enough that children in care are able to recognize the individual. This would include persons who are present frequently during a short period of time (e.g., visiting family members) or repeatedly (e.g., the provider's friend who visits the premises once a week, or a neighbour who visits the premises every other month to provide tutoring to the provider's own child).

### **Vulnerable Sector Checks for International Persons**

Where a VSC is required by the regulation (e.g. for providers, persons ordinarily resident at the premises or visitors who will be regularly at the premises as defined above) and the person is new to the country, the home child care agency can follow one of the following two options to meet this requirement:

1. **Accept a VSC from the individual's home country.** The VSC would need to be:
  - an original or a copy with certified translation, if the original is not in English or French; and
  - conducted less than six months before the day it is provided to the home child care agency.
2. Where an international person needs time to get a VSC from their home country, **ask the individual to get a VSC as soon as possible and put in place additional measures to protect children until a police record check is obtained**, as per the agency's criminal reference check policy.

The home child care agency should keep evidence on file to show that they have asked the individual to get their VSC as soon as possible, such as:

- written correspondence to the police force in the home country requesting a police record check;
- a receipt for a police record check application;
- written correspondence to the Canadian Embassy where the individual submitted a police record check as part of their visa application, requesting a copy of the police record check; and/or
- a copy of a ticket for the individual to go back to their home country, in cases where the individual has to be physically present to obtain the police record check.

Providers looking for information on additional measures that may be put in place to protect children until a VSC is obtained should contact their home child care agency. Home child care agencies may contact their program advisor to discuss additional measures that would be appropriate for their agency to implement on a case-by-case basis.

Obtaining an attestation or an offence declaration from the individual instead of a VSC will not meet licensing requirements.

### **Replacement Provider**

If a home child care agency chooses to use a replacement provider, the agency must enter into an agreement with this replacement provider. Once the replacement provider begins to provide care to children they are acting as a home child care provider and are required to meet all applicable regulatory requirements. This would include but is not limited to: vulnerable sector checks, first-aid certification, review and implementation of policies, procedures and individualized plans and immunization.

## **Requirements for Sleep, Food, and Outdoor Play**

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### **Safe Sleep Practices and Sleep Arrangements**

Agencies are required to ensure providers are placing each child younger than 12 months for sleep in a manner consistent with the recommendations set out in Health Canada's Joint Statement on Safe Sleep, unless the child's physician recommends otherwise in writing.

Providers must also ensure that direct visual checks are periodically performed for each sleeping child receiving care at the premises, and that the sleep area or room has sufficient light to complete direct visual checks. This requirement applies to all children receiving care at the premises.

### **Provision of Appropriate Bedding and Play Materials**

Agencies are required to ensure the availability of a cot or bed for children who are 18 months to 5 years old and who receive care for six hours or more, unless otherwise approved by a ministry director. Agencies are required to ensure a crib, cradle or playpen is provided for infants up to 18 months old. Alternate sleep arrangements may be made in writing between the provider and the parent, as long as they are not unsafe. The agency is required to ensure the equipment is available for all children receiving care at the premises.

## **Menu Consultation**

Agencies are required to ensure that meals and snacks provided meet requirements set out in the Health Canada documents “Eating Well with Canada’s Food Guide”, “Eating Well with Canada’s Food Guide – First Nations, Inuit and Métis” or “Nutrition for Healthy Term Infants”. Special dietary and feeding arrangements may be made and carried out where the child’s parent indicates otherwise in writing. This requirement applies to all children receiving care at the premises.

## **Written Instructions for Children Under 1 Year Old**

The agency is required to ensure providers have written instructions that meet the requirements set out in “Nutrition for Healthy Term Infants”, unless the child’s parents indicate otherwise in writing. This requirement applies to all children receiving care at the premises.

## **Labelling of Food and Drink**

The agency is required to ensure providers have each child’s food or drink provided by the parent labeled with the child’s name. This requirement applies to all children receiving care at the premises.

Where a parent provides food or drink that is not labelled by the parent, the provider must label it.

## **Outdoor Play**

The agency is required to ensure providers have plans regarding outdoor play for all children. Agencies are required to ensure parents sign off on these plans, including parents of privately-placed children, and that providers keep the signed copy of plans for privately-placed children at their home.

## **Where can I find more information?**

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General questions about child care licensing in Ontario, can be directed to the Licensed Child Care Helpdesk at 1-877-510-5333.

Providers should contact their home child care agency if they have further questions or require additional information.

Agencies should contact their program advisor for questions specific to licensing their program. He or she can help you understand the application process and licensing requirements.

Agencies can also visit the [Child Care Licensing Portal](#) to find additional online resources to support them through the licensing process.