



ASSOCIATION OF EARLY CHILDHOOD EDUCATORS
NEWFOUNDLAND & LABRADOR

Position Paper

Legislative Review of the Child Care Services Act and Regulations

The following is premised on the mandate of CYFS: “*Safety and well-being for all children and youth within supportive families and communities*” and that that some child care services choose to meet only the minimum standards required by the legislation. The paper only addresses the legislation and not the related policies.

Child Care Services (CCS) Act, section 3: Exemptions:

1. Change the wording of section (1) (6) to require programs that claim to be “early learning centres” to be licensed.

Rationale: Early learning centres are the same as part time child care and should be licensed as such. This will provide for the programs to be developmentally appropriate and meet health and safety standards. This does not include companies that provide tutorial services for school age children.

2. Define “day camps” as services for children over five years of age when school is not in session. (Note: It is recommended that the Department responsible for recreation be approached to have these programs licensed under their authority.)

Rationale: Day camps are not regulated. The health and safety of young children is an issue if they are in large groups with older children and there are no requirements for age appropriate programming or for qualified staff.

3. Exempt after school programs that operate for two and a half hours or less before or after the school day. Allow them to be licensed if they wish.

(Note: Full day school age programs and after school programs that operate in a licensed centre should be required to be licensed.)

Rationale: This care is for a short time.

CCS Act, section 6 (2): Maximum capacity:

1. Change the maximum capacity of centres from 60 to a maximum of 74.

Rationale: This limits the size of the centre.

2. Retain the ability for more than one centre to be licensed in a building if each centre is licensed as an individual entity.

Rationale: There is no difference between centres being separate but immediately adjacent and two centres in the same building if all requirements for each licence are met and they operate as separate entities.

CCS Regulations, section 17: Qualifications of operators.

1. There should be only one operator per centre.

Rationale: One person should be accountable for the programming in the centre.

2. Operators should be required to be off the floor for the majority of the programming hours.

Rationale: Operators must provide support and direction to staff on an on-going basis and they must be available to meet with parents. This cannot be done if the operator is on the floor for a full shift.

3. Operators should be required to have a course in administration in addition to their diploma.

Rationale: Operators need skills beyond that of an ECE and they receive significantly more ELCC supplement than other ECEs.

4. Remove section 17 (2) which allows for a year of required experience to be in an unlicensed setting.

Rationale: Experience in an unlicensed setting does not provide the experience needed for the responsibility of operating a centre.

CCS Regulations, section 17 and 18: ECEs should not be required to clean the centre (other than necessary clean up of spills) during program hours.

Rationale: ECEs are there to work with the children and families. If they are cleaning, they are not available to the children and it is disruptive to the children's play if cleaning is done while they are there.

CCS Regulations, section 13: Inspections.

Retain the requirement for centres and homes to be inspected annually.

(Note: Policies on the frequency of visits should be predicated on the needs of the service but no fewer than quarterly to maintain relationships with licensees.)

Rationale: A full inspection each year is necessary to ensure that all aspects of the service meet requirements and more often if necessary.

CCS Act section 9 and Regulations, section 14: Violation Orders.

(Note: A risk assessment tool is required 1. to provide support to the person issuing a violation order or other remediation requirements; 2. to be clear on consequences of particular violations and the violation history of the services; 3. to provide for consistency across all regions.)

Include a section that states the violation orders will be posted on the CCS web site for the duration of the licence or three months, whichever is the longer.

Rationale: Parents who have children registered at the centre or home, or who may be looking for care, have a right to this information.

Regulations section 3, 4, 5: Licensing Process:

No change.

Rationale: It is critical that before a centre or home is regulated, it meets or exceeds the minimum requirements and that this be inspected and approved by the appropriate person.

Regulations section 6: Renewal

Elements such as staff files which are reviewed regularly should not need to be submitted.

Rationale: Inspectors are aware of the contents.

Regulations section 15 (1): Age ranges (centres):

Retain the 0-24 months age grouping unchanged.

Rationale: AECENL is not aware of any issues related to this.

Change the groupings for older children as follows:

Age Range	Ratio	Group Size
21-36 months	1:5	10
33-57 months	1:8	16
54-84 months	1:12	24
78-155 months part time care	1:15	30
78-155 months (57-155) full time care	1:15 An extra staff person required if licensed for more than 24 children.	30

Rationale: The overlap allows for flexibility in groupings while restricting the ages of the children in the room. If a wider age range is requested, section 15 (2) should be used.

Regulations section 15 (2): Mixed age ranges (centres):

That mixed age groupings be as follows:

Age Range	Ratio	Group Size
22 – 69 months	1: 3	6
33 – 84 months	1:7	14 (restriction to 4 children age 21-36 months)
57 - 155 months part time care	1:15	30 (restriction to 12 children age 57-84 months)
57 - 155 months full time care	1:15 An extra staff person required if licensed for more than 24 children.	30

Rationale: These groupings recognize the attention that younger children need; particularly when grouped with older children.

(b) (i) Remove “youngest child determines the ratio and group size.

Rationale: The room should be ready to accommodate the age range for which it is licensed.

Regulations section 16: Family Child Care

No change.

Rationale:

1. The regulations are supported by the Act which defines family child care as caring for no more than eight children. The times that the seventh or eight child are permitted are limited and can only be done with special permission from the CCS Regional Director.
2. Current regulations lay down the elements that are to be taken into consideration when establishing the licensed capacity of the home. They include the number of school age children in the home.

Certification

On hold until a meeting is held with government. A separate paper will be provided at that time.

Act section 2 (d) and Regulations section 9 (3): Hours of opening (centres).

(Note: The hours of care per week and per month a child can receive care should be limited to allow children to spend time in their own homes.)

No change.

Rationale: Overnight care and hours of care required by shift workers can be provided in family child care. Children need a family atmosphere at bedtime rather than a centre type of atmosphere.

Physical Child Care Centre (and family child care) Environment

1. Require an adult toilet in every full time child care centre.

Rationale: It is not appropriate for staff to have to use toilets that are intended for, and accessible by, the children.

2. Require a staff room for all full time centres.

Rationale: ECEs need a space where they can relax at break and meal times to be better prepared for their work.

3. i. Require a fully equipped kitchen in all full time child care centres.
ii. Require licensees to provide snacks and meals. Grandparent this if necessary and reduce the amount of subsidy paid to licensees who do not provide meals and snacks

Rationale: 1. Sharing food at a table is a valuable learning experience and does not lead to some children having food another would like to have. 2. Including children in the planning and preparation of meals helps them understand the need for them to eat healthy food. 3. The subsidy program pays the same to centres who provide meals and those who do not. This is an inequity for families and licensees.

4. Require a washer and drier in all full time child care centres. (This is critical in centres licensed to care for infants and toddlers.)

Rationale: These are required to launder: 1. Play materials such as soft toys and dress up clothes 2. Children's clothes if they get soiled 3. Items such as kitchen towels. 4. Cot sheets, face cloths and bibs.

5. All home rooms should have windows so children have direct natural light.

Rationale: This is an obvious human right.

6. Secure premises

At the time of licensing/re-licensing, licensees should be required to demonstrate that they have a system in place that ensures no-one can enter the centre unobserved. There are various ways this can be done so the onus should be on the licensee.

Rationale: The safety of the children is an issue if this is not in place.

7. Lock down procedures (This needs to be done in conjunction with the RNC/RCMP).

As soon as a process has been established with the RNC/RCMP that will inform centres and family child care homes if a lock down is needed, licensees should be required to describe their processes.

Rationale: If there is a danger in the community, child care services should be included in the province's plans for lock down. Children's safety is at stake.

8. Washrooms

All centres should have a washroom in every home room.

(Note: centres with washrooms outside the centre should employ sufficient staff so children can be taken to the washroom individually.)

Rationale: Children should be able to access washrooms independently. Groups of children should not have their play interrupted to be taken to a washroom outside the homeroom every time one child needs to use it.

9. All consultants and inspectors who advise on programming issues should have a qualification in child development and age appropriate curriculum for young children.

Rationale: This is necessary if appropriate advice/direction is to be given.

June 28th 2013