
Subject: BILL 66: RESTORING ONTARIO'S COMPETITIVENESS ACT:
Legislative Amendments related to Home Child Care Programs

Report to: Regional Council

Report date: Thursday, January 17, 2019

Recommendations

That the Regional Chair **BE DIRECTED** to write a letter to the Ministry of Education containing the recommended changes to Bill 66 as they relate to Home Child Care and to include this report for their consideration.

Key Facts

- On December 6, the provincial government announced proposed legislative amendments, contained within Bill 66, to the *Child Care and Early Years Act, 2014* (CCEYA) and the *Education Act, 1990*. The consultation period for this new bill closes January 20, 2019.
- Details of these amendments, as they relate to Home Child Care are contained in the attached memo, CWCD 421-2018, most importantly highlighting proposed increased allowable limits for the number of infants in licensed and unlicensed home child care as well as lowering the age at which home childcare providers must count their own children towards the maximum allowable number of children "in care". The government has indicated that these changes are intended to increase choice and availability of child care for families.
- Children's Services is one of two local licensed home childcare operators; the other is Wee Watch Licensed Home Child Care Niagara.
- In consultation with Niagara's local licensed provider and with municipal service manager counterparts across Ontario, concerns have been raised as to the potential risks associated with the proposed changes in Bill 66, particularly as they relate to the unlicensed home childcare sector.
- Further to Council's request for recommendations, staff are recommending that the increased limits proposed in Bill 66 should not be applied to unlicensed home child care and that the ministry should review the Ombudsman report, *Careless About Child Care*, October 2014, and recommendations outlined in the report be implemented to reduce risks for children in informal care homes.

Financial Considerations

There are no financial considerations associated with the recommendations of this report.

Analysis

Niagara Region is the larger of two licensed home childcare agencies that oversee contracted home childcare providers across Niagara. Between both agencies there are approximately 100 contracted home childcare providers in Niagara. As Niagara's Municipal Service Manager for the licensed childcare sector, we share the goals with the province that seek to expand childcare capacity, reduce administrative burden and ensure children's safety within the Early Years system. Service managers welcome system improvements that support local flexibility and ensure municipalities have continued input into legislative and investment improvements to this sector.

After reviewing Bill 66, *Restoring Ontario's Competitiveness Act 2018*, and the proposed amendments to the CCEYA, the following has been identified by Niagara Region Children's Services, in consultation with Wee Watch, as changes that warrant significant attention, particularly as applied to the unlicensed home childcare sector:

- Lowering the age at which home childcare providers must count their own children towards the maximum allowable number of children in care, from 6 to 4 years old
- Increasing the number of young children that home childcare providers can have in their care, from two under 2 years old to three under 2 years old

In consultation with Wee Watch, it is agreed that should the proposed legislation pass, placement decisions with contracted licensed home childcare providers will be managed locally on a home by home approach by the licensed agency. The decision would take into consideration the number and age of children in the home, including the caregiver's own children, the capacity and ability of the home childcare provider, the size of the home, additional safety factors, and the impact on the quality of services in the home.

Of greatest concern are the implications of the proposed changes for the informal care sector. Unlike licensed operators, informal home childcare providers are not required to be registered or affiliated with an agency or service, there are no standards for safety and quality of service, and there are no requirements for routine inspections or oversight. Unlicensed home child care has been a sector of significant concern over the last decade with a number of tragic deaths prompting the Ombudsman to produce a report in 2014, titled *Careless About Child Care*, which culminated in 113 recommendations to improve the safety of children in care. In present day, the only legislation that applies to this sector relates to the maximum number of children, by age, that are allowed to be in care, the age of the provider (18 years of age or older) and the requirement to advise parents that they are an unlicensed provider. These requirements, and current ministry processes fall well short of the Ombudsman's recommendations.

As the proposed changes apply to the licensed and unlicensed sectors equally, the sector is concerned that there is a lack of recognition of the significant differences in these two sectors and the well-recognized risks of the unregulated system. The childcare sector believes that *Caveat Emptor* or "let the buyer beware", an implication of this proposed

legislative change, is not an acceptable approach when we are considering the safety of very young children. It should be noted that a similar response has been provided to the government from the Home Child Care Association of Ontario (attached).

Based on concerns identified, it is recommended that the Ministry be requested to:

- Review the Ombudsman report *Careless about Child Care*, October 2014 and recommendations outlined in the report be implemented to reduce risks for children in informal care homes.
- Strike the proposed changes, to the number of children, by age, allowed to be in care in an informal care setting, instead remaining with the current allowable maximums.
- And, further to the Ministry's commitment to develop a new Early Years and child care plan in 2019, it should work with local service managers to consider any future legislative changes within the context of this new plan, that would seek to increase access to child care, improve service, reduce administration and ensure a fiscally responsible system

Alternatives Reviewed

N/A

Relationship to Council Strategic Priorities

N/A

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Appendices

- Appendix 1 CWCD 421 – 2018 BILL 66: RESTORING ONTARIO'S COMPETITIVENESS ACT:
Legislative Amendments related to Child Care Programs and Long Term Care
- Appendix 2 Home Child Care Association of Ontario response