

Ministry of Education

Deputy Minister

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Ministère de l'Éducation

Sous-ministre

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August 22, 2014

Mr. André Marin
Ombudsman
Office of the Ombudsman of Ontario
10th Floor, South Tower
483 Bay Street
Toronto, ON
M5G 2C9

Dear Mr. Marin,

Thank you for the opportunity to review your preliminary report on the "Investigation into how the Ministry of Education responds to complaints and concerns relating to unlicensed daycare providers." I am pleased to provide a detailed response to your recommendations and share the steps we are taking to address them.

Over the past year, the ministry has taken solid steps to strengthen our approach to responding to complaints and concerns related to unlicensed child care. In July, Bill 10, the *Child Care Modernization Act, 2014* was introduced. If passed, this legislation would expand the Ministry of Education's powers to support compliance and strengthen oversight of unlicensed child care settings.

The ministry has also:

- Established a dedicated enforcement unit to investigate violations of the *Day Nurseries Act* and take the appropriate enforcement action when needed; recruitment for this unit is currently underway.
- Launched an online Searchable Registry of Unlicensed Child Care Violations, which will allow parents to verify if an unlicensed child care provider has previously been found to have violated the *Day Nurseries Act*.
- Launched a toll-free number for unlicensed child care complaints to facilitate the reporting of violations to the Ministry.
- Introduced a revised internal directive to better guide staff in administering and enforcing the *Day Nurseries Act*.

We are pleased to report that over ninety-five (95) of your recommendations are already being addressed:

- Over thirty-five (35) addressed through the introduction of Bill 10, the *Child Care Modernization Act, 2014*.
- Approximately sixty (60) through the establishment of the new enforcement unit and through internal policy changes.

In addition, work is underway or planned for the remaining recommendations.

Thank you again for the opportunity to review your preliminary report.

Sincerely,

A handwritten signature in cursive script that reads "George Zegarac".

George Zegarac
Deputy Minister

Enclosure

Number	Recommendation	Response
1	The Ministry of Education should take all necessary steps to support reform to improve the system for monitoring unlicensed child care operators.	<p>The ministry has established a new dedicated enforcement unit to respond and follow up on complaints and information regarding unlicensed child care providers. Recruitment of staff is underway. In August 2014, the ministry launched an online searchable registry which allows parents to access information about violations and convictions of unlicensed child care providers, and a designated toll free number report a complaint regarding an unlicensed provider.</p> <p>In addition, the proposed legislation, Bill 10, the <i>Child Care Modernization Act, 2014</i> if passed, would expand the ministry's powers to support compliance and strengthen oversight of unlicensed child care settings.</p>
2	The Government of Ontario should continue to seek reform of the system for regulating unlicensed child care services in Ontario.	<p>Reform of the system with respect to unlicensed child care in Ontario is proposed under Bill 10, the <i>Child Care Modernization Act, 2014</i>.</p> <p>If passed, this legislation would expand the Ministry of Education's powers to support compliance and strengthen oversight of unlicensed child care settings.</p>
3	The Ministry of Education should implement its stated plans to establish a dedicated enforcement unit, a 1-800 complaint line, and an on-line search tool, to improve oversight of unlicensed child care operations, as soon as possible.	The ministry has established a new dedicated enforcement unit to respond and follow up on complaints and information regarding unlicensed child care providers. Recruitment of staff is underway. In August 2014, the ministry launched an online searchable registry which allows parents to access information about violations and convictions of unlicensed child care providers, and a designated toll free number report a complaint regarding an unlicensed provider.
4	The Ministry of Education should ensure that it has adequate resources going forward to properly administer and effectively enforce the <i>Day Nurseries Act</i> .	The ministry has provided additional resources for enforcement and inspection to administer and enforce the <i>Act</i> . The ministry has allocated nine new additional full-time staff positions for the new dedicated Enforcement Unit which is currently under recruitment. Additional staff positions have been put in place to address workload in the licensed sector as well.

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5	The Ministry of Education should ensure that, prior to assuming responsibility for any new program area, it conducts sufficient research to ensure it is aware of and can plan for any serious issues and deficiencies, which may compromise the effectiveness and efficiency of program administration.	The Ministry of Education will conduct research prior to the transfer of any new program responsibilities.
6	The Government of Ontario should use the <i>Day Nurseries Act</i> licensing program and its transition to the Ministry of Education as a learning example for Ontario Public Service administrators.	The Ministry of Education will share information about lessons learned in the child care licensing transfer within the Ontario Public Service.
7	The Ministry of Education should conduct periodic audits of its informal complaint logs to ensure compliance with its directions concerning record-keeping and supervisory review of records.	Regular audits have been in place since July 2013. This audit regime will continue. The Child Care Quality Assurance and Licensing (CCQAL) Branch Internal Directive, "Internal Directive: Investigation and Enforcement Related to Unlicensed Child Care" (referred to as "Internal Directive" for the duration of this document) includes the requirement for staff to review on a weekly basis the unlicensed complaint logs and supporting documentation in the complaint file to ensure appropriate follow-up action, including timely, consistent information collection. Regional managers review and sign off on the logs on a weekly basis. Quarterly reviews are completed by Internal Audit.
8	The Ministry of Education should adopt a proactive approach to enforcement that reflects the fundamental importance of protecting children in informal care	<p>Bill 10, the <i>Child Care Modernization Act, 2014</i> would, if passed, expand the Ministry of Education's powers to support compliance and strengthen oversight of unlicensed child care settings.</p> <p>This includes expanded prohibitions and duties for child care providers as well as a range of enforcement tools including compliance orders, protection orders, administrative penalties and restraining orders.</p>

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	arrangements	The CCQAL Enforcement Unit is moving towards adopting a more proactive, risk-based approach to unlicensed child care providers.
9	The Ministry of Education should direct enforcement staff to conduct media and Internet searches to identify potential illegal unlicensed child care arrangements for inspection and to conduct inspections when their own observations or research identifies potentially illegal child care arrangements.	<p>The ministry is adopting a more proactive approach to information about unlicensed child care providers. The risk based approach to proactive enforcement will include the tactical use of media and internet, when appropriate, to identify unlicensed child care providers who may be providing care to more than five children without a licence.</p> <p>The ministry has clarified in the Internal Directive that, where the ministry learns, observes, or is provided with, any information about an unlicensed child care provider who may be providing care to more than five children, the ministry follows up on this information with a site visit using the standard follow-up procedure.</p> <p>An internal process was developed for reporting and referring information about potentially non-compliant unlicensed child care providers to Enforcement Unit staff. Information about the referral process was distributed to all Early Years Division staff and other relevant ministry partners.</p>
10	The Ministry of Education should adopt pre-emptive investigative techniques, such as “the secret shopper” method, and train its staff to encourage active enforcement of the <i>Day Nurseries Act</i> and any successor legislation.	<p>The ministry is moving towards adopting a more proactive, risk-based approach to unlicensed child care providers.</p> <p>Enforcement staff will incorporate pre-emptive investigative techniques in order to encourage the active enforcement of the DNA and any successor legislation that may be passed. The staff of the new dedicated enforcement unit will be trained on how to effectively use these techniques once recruited.</p>
11	The Ministry of Education should provide additional direction to staff conducting complaint intake to ensure that both names and addresses relating to complaints are searched and recorded on complaint intake forms, along with information about past contraventions, enforcement	The Internal Directive includes the direction that CCQAL staff are to search available ministry records by the provider name and site address, to identify relevant historical information about an unlicensed child care provider after a new complaint is received. The ministry will reinforce this requirement through training.

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	steps and results.	
12	The Ministry of Education should direct that enforcement staff responsible for conducting inspections routinely search Ministry records to confirm compliance history.	The Internal Directive states that CCQAL staff are required to search for an unlicensed child care provider's compliance history and record the historical information in the Complaint Intake Form. The ministry will reinforce this requirement through training.
13	The Ministry of Education should direct enforcement staff, when they receive complaints which do not contain specific information about the number of children in care, to take positive steps to confirm details relating to unlicensed child care operations, including contacting the complainant for further information, reviewing its records for prior complaints, searching the Internet, and also conducting site inspections.	The ministry has specified in its Internal Directive that, in a situation where the ministry learns, or is provided with, information about an unlicensed child care provider who may be providing care to more than five children, but the exact number of children is unknown (i.e. the available information does not support that there are five or fewer children), the ministry follows up on this information with a site visit using the standard follow-up procedure. Ministry staff are to take positive steps to confirm the missing details such as contacting the complainant where possible, reviewing available records for historical information, and searching online for additional information.
14	The Ministry of Education should implement additions to its new case management system to allow for tracking of complaints and enforcement relating to unlicensed child care providers on an expedited basis.	A complaints management system to automate tracking of complaints and enforcement is currently in development and will be deployed in Fall 2014 with ongoing enhancements.

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15	The Ministry of Education should ensure that program staff have access to search the case management system for records relating to unlicensed child care throughout the province and can search for information using multiple identifiers.	The complaints management system will be accessible to staff and will have multiple search features.
16	The Ministry of Education should ensure that its new case management system has capacity to generate statistical information to effectively track individual cases and complaint trends to allow for effective enforcement and program improvement.	The ability to generate statistical reporting and analytics from the complaints management system will be available in 2015.
17	The Ministry of Education's case management system should incorporate security features that minimize the risk of data being lost or misplaced as a result of multiple users.	Security features are included in the complaints management system's design.
18	The Ministry of Education should ensure that complete historical data relating to complaints, inspections and prosecutions is incorporated into its case management system in an easily searchable format.	The ministry will begin converting historical paper copies into a digital format that is easily searchable this Fall.

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19	The Ministry of Education should direct enforcement staff to search all available historical complaint records including information generated before January 1, 2012.	The Internal Directive directs CCQAL staff to search available ministry records for previous complaints, by the provider name and site address, to identify relevant historical information about an unlicensed child care provider. This requirement was reinforced through training.
20	The Ministry of Education should ensure that all regional offices maintain organized electronic and paper files in a consistent manner.	<p>The Internal Directive includes requirements for hard copy and digital file retention related to unlicensed child care. The ministry will continue to communicate the requirements for maintaining organized electronic and digital files to CCQAL staff as part of regular training and ongoing communication.</p> <p>Once implemented, the new complaints management system for unlicensed child care will centralize the process of collecting information about unlicensed child care providers, increasing the efficiency and consistency of data collection practices.</p>
21	The Ministry of Education should require that the Director of the Child Care and Quality Assurance and Licensing Branch review, approve and keep track of all decisions not to undertake site inspections in response to complaints.	The ministry has put in place the requirement for the Director at corporate office to receive regular reports and briefings from the Enforcement Unit including on all decisions to not conduct a site visit and the rationale behind the decision. This requirement has been added to the Internal Directive.
22	The Ministry of Education should arrange for periodic audits of its informal complaint logs to ensure timely inspections and supervisory review of records are being conducted.	Regular audits have been in place since July 2013. This audit regime will continue. Staff will review the unlicensed care logs and supporting documentation on a weekly basis to support compliance with the Internal Directive. Regional managers review and sign off on the logs on a weekly basis. Quarterly reviews are completed by Internal Audit.

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23	<p>The Ministry of Education should revise or replace its Complaint Intake and Information about Children Receiving Care forms to ensure that the following information is captured:</p> <ul style="list-style-type: none"> • How many children were found on site; • How many children found on site were under 10 years of age and their specific ages; • Details of any other children, not found on site, which appear scheduled to attend the child care; • The source of information about children's ages and attendance (e.g. caregiver records, interviews with caregivers or parents); • The full schedule of attendance of all children for the week of the visit, and for a longer period, if it appears that the schedule varies; and • A clear explanation of the basis on which the caregiver has been found to be compliant or non-compliant. 	<p>The ministry has reviewed and revised the Complaint Intake and Information about Children Receiving Care forms to include the information specified in the recommendation.</p> <p>The Internal Directive has been updated to include these revisions, and these changes have been communicated to all CCQAL staff.</p>

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24	The Ministry of Education should train enforcement staff to ensure that its Complaint Intake and Information about Children Receiving Care forms are consistently, clearly and accurately completed.	The ministry will train CCQAL staff in ensuring that standardized forms are used in a consistent, effective manner, through training and ongoing communication in fall 2014.
25	The Ministry of Education should direct its staff to prioritize inspection of complaints received by municipal officials, children's aid societies, police services, and school officials.	The ministry met with other ministries and has added a requirement to the Internal Directive that, when planning follow-up action, ministry staff are to prioritize complaints that are referred to the ministry by another regulatory authority, within the context of a risk-based approach.
26	The Ministry of Education should enter into protocols with outside agencies such as municipalities, children's aid societies, police services and schools to ensure effective follow-up and information sharing relating to concerns about unlicensed child care operations.	<p>The ministry has drafted information sharing protocols with the Ministry of Children and Youth Services and the Ministry of Health and Long Term Care and is actively involved in discussions regarding the development of similar protocols with the ministries of Municipal Affairs and Housing and Ministry of Community Safety and Correctional Services for the purpose of sharing information relating to concerns about unlicensed child care providers.</p> <p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would set out that persons designated by regulation (which could include public health officials, children's aid society officials, etc.) have a duty to report child care situations, including in unlicensed settings, where they observe in the course of their employment that a child's safety is at risk.</p> <p>In addition, the proposed legislation sets out a duty to cooperate between the Minister of Education and service managers (i.e. municipalities), which includes sharing information related to child care and early years programs.</p> <p>The proposed legislation also includes provisions around the collection and use of personal information by the ministry for certain purposes having to do with child care and early years programs and services which could support effective information sharing about unlicensed child care</p>

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27	The Ministry of Education should take steps to educate municipal, children's aid society, police and school officials, about the Ministry's role in ensuring unlicensed child care operations comply with the <i>Day Nurseries Act</i> requirements and its successor legislation.	<p>programs.</p> <p>Information sharing protocols with other ministries and agencies will be accompanied by information campaigns on the ministry's role in ensuring unlicensed child care providers comply with the <i>Day Nurseries Act</i> requirements and any successor legislation that may be passed.</p>
28	The Ministry of Education should develop outreach materials for local authorities, including information on how to readily communicate with its enforcement staff, and encouraging them to come forward with concerns about unlicensed child care operations.	The ministry will develop outreach materials for local authorities and distribute these products to local authorities.
29	The Ministry of Education should ensure that complaint files are not closed unless positive evidence of compliance with the Act has been obtained through inspection.	The ministry has specified in its Internal Directive that, in order to close a complaint file, ministry staff must have direct, first-hand information that an unlicensed child care provider is in compliance with the <i>Day Nurseries Act</i> , such as through a site visit or conducting surveillance.
30	The Ministry of Education should expressly prohibit enforcement staff from closing complaint files	The Internal Directive states that in no circumstances can ministry staff correspond with the unlicensed child care provider by telephone, email or by letter as a substitute for carrying out an in-person unannounced site visit. The Directive has been clarified to state that a site visit is required to confirm the number of children in care, and that information provided by the provider, through a

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	based on information obtained through telephone conversations with caregivers.	telephone call or a written correspondence, is not sufficient evidence to close a complaint. Regular audits and review processes are in place and will continue to confirm that complaint files are only closed based on sound information that the child care provider is compliant.
31	The Ministry of Education should ensure that enforcement staff do not directly or indirectly alert individuals, who are the subject of a complaint, prior to carrying out an initial or follow-up inspection.	The Internal Directive states that all site visits to unlicensed child care providers are to be unannounced. The ministry will reinforce this requirement through training.
32	The Ministry of Education should direct staff to take all reasonable steps to determine the correct address when responding to complaints, including contacting complainants for clarification, searching the Internet, and using independent observation.	The Internal Directive states that, where ministry staff are unable to locate the site address because the address provided by the complainant is incorrect or incomplete, ministry staff contact the complainant, if possible, to ask for correct information about the site address. The Internal Directive has been strengthened to require that ministry staff take all reasonable steps to determine the correct address including using online resources and searching ministry records for historical information about the provider.
33	The Ministry of Education should ensure that advisory and enforcement duties relating to unlicensed child care complaints remain separate and that enforcement expertise is promoted in its new dedicated enforcement unit.	The new Enforcement Unit will focus on enforcing the <i>Day Nurseries Act</i> regarding unlicensed child care and will develop the skills and capacity required to carry out its responsibilities.
34	The Ministry of Education should ensure that staff	The new Enforcement Unit continues to recruit staff members who will serve as enforcement professionals. Staff titles for the new Unit include "Investigators" and "Senior Investigators."

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	responsible for enforcing the <i>Day Nurseries Act</i> or successor legislation in the unlicensed sector are referred to as “inspectors,” “investigators,” “enforcement officers” or similar titles to reinforce their enforcement responsibilities.	Bill 10, the <i>Child Care Modernization Act, 2014</i> , if passed, would provide the Minister of Education with authority to appoint “inspectors” and issue certificates of appointment for inspectors to use when conducting their duties.
35	The Ministry of Education should replace the “five day” standard for responding to complaints and concerns about unlicensed child care operators, with a more expedient and flexible approach which recognizes some cases require immediate reaction.	The Internal Directive states that ministry staff conduct an initial site visit within five business days and immediately (on the same business day) if there is a health, safety or child welfare concern. The ministry has clarified in the Internal Directive that initial and follow-up site visits are conducted as soon as possible within the maximum timelines.
36	The Ministry of Education should develop and train its enforcement staff on a process for triaging and prioritizing cases for enforcement.	Enforcement Unit staff will be trained in adopting a risk-based approach in following up on unlicensed child care providers and prioritizing cases for enforcement.
37	The Ministry of Education should revise its Internal Directives and Guidelines to clarify that the “third” site inspection, as opposed to immediate escalated enforcement steps, must be approved by the Director on	The Internal Directive has been revised to specify that third site visits are authorized only in exceptional cases. The Director of the CCQAL corporate office will review all instances where a third visit has been recommended in lieu of progressive enforcement action after a provider has been found to be non-compliant at a second site visit.

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	<p>an exception basis, and to provide clear guidance as to the circumstances warranting a third inspection rather than escalated enforcement steps.</p>	
38	<p>The Ministry of Education should direct staff to exercise due diligence and expediency in collecting relevant evidence in order to preserve enforcement options.</p>	<p>The ministry will adhere to timelines to ensure that the prosecution of contraventions does not become statute barred.</p>
39	<p>The Ministry of Education should institute a process for conducting spot inspections, to address caregivers in the unlicensed child care sector with a history of compliance problems e.g. serial contraventions of the <i>Day Nurseries Act</i> or successor legislation, significant violations, unhealthy, unsafe premises or practices, dishonesty and/or obstruction in the inspection process.</p>	<p>The ministry will analyze historical data and conduct inspections of child care providers who have a history of non-compliance. The Ministry is investigating moving to a more risk-based inspection and enforcement approach.</p>
40	<p>The Ministry of Education should generate statistics, and monitor and identify trends relating to illegal child care operators to assist in planning proactive enforcement activities.</p>	<p>The new Enforcement Unit will generate statistics and monitor trends to assist in informing and planning more proactive, risk-based enforcement activities, based on the new complaints management system for unlicensed child care, which is currently in development.</p> <p>Once implemented, the complaints management system will strengthen the ministry's data collection practices and improve the ministry's ability to generate and monitor statistics related to the unlicensed sector.</p>

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41	<p>The Ministry of Education should train its enforcement staff on the significance of the limitation period for prosecutions under the <i>Provincial Offences Act</i> and clarify that it does <u>not</u> prevent staff from considering historic incidents when determining how to respond to new complaints.</p>	<p>Currently, the Manager of the Enforcement Unit is providing this direction. Staff will be trained regarding the use of previous enforcement history, including use in subsequent prosecution.</p>
42	<p>The Ministry of Education should provide clear direction to its enforcement staff that previous violations of the <i>Day Nurseries Act</i> or successor legislation by an unlicensed caregiver, regardless of when they occurred, should be considered in assessing how to respond to new complaints.</p>	<p>The Manager of the Enforcement Unit currently provides this direction. Enforcement Unit staff will be directed to consider previous violations as part of progressive enforcement. The Ministry is also moving toward a more risk-based inspection and enforcement approach.</p>
43	<p>The Ministry of Education should provide direction to enforcement staff that a caregiver's refusal to cooperate with an inspection is to be considered when deciding on the appropriate level of enforcement to address a violation of the <i>Day Nurseries Act</i> or successor</p>	<p>The ministry has strengthened its Internal Directive to state that enforcement staff should consider a risk-based approach when determining appropriate follow-up action based on perceived level of health and safety risk to children. Obstruction charges will be considered where warranted (e.g. In case where there is improper resistance).</p>

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	legislation.	
44	The Ministry of Education should ensure its enforcement staff receive comprehensive training on how to carry out effective inspections, including investigative planning, collection and recording of physical evidence, interviewing witnesses, assessing evidence, and report-writing best practices.	The ministry will conduct comprehensive training on investigations for all Enforcement Unit staff in fall 2014.
45	The Ministry of Education and the Government of Ontario should continue to promote legislative amendment to revise or replace the <i>Day Nurseries Act</i> to provide the additional inspection powers contemplated by Bill 10, the <i>Child Care Modernization Act, 2014</i>	<p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would clarify and strengthen the Ministry of Education's powers of inspection.</p> <p>The proposed legislation would include authority to conduct inspections without a warrant for premises that are operating under the authority of a licence, and premises where there are reasonable grounds to believe that the proposed act or regulations are not being complied with (including unlicensed providers in a private dwelling).</p> <p>The proposed legislation would also expand the Ministry of Education's powers to support compliance and strengthen oversight of unlicensed child care settings. This includes expanded prohibitions and duties for child care providers.</p>
46	The Ministry of Education should direct enforcement staff to make every reasonable effort during inspections to obtain information about child attendance and fees charged for child care services, and to copy and/or photograph relevant records	<p>The Internal Directive includes the direction that ministry staff ask for attendance records and fee payment information during site visits. The ministry has reinforced in its Internal Directive routine practices of collecting information during a site visit to determine compliance. These practices include asking if attendance and fee payment records are retained by the provider and taking pictures or making photocopies of these records, if it is reasonable and possible to do so.</p> <p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would clarify the Ministry of Education's powers of inspection. This includes clarifying that an inspector may examine a record that is relevant to the inspection and may copy the record.</p>
47	The Ministry of Education	The Internal Directive includes the direction that ministry staff take photographs, use cameras and

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	should reinforce that enforcement staff should routinely photograph and/or video record the exterior and interior of premises used for unlicensed child care operations, including physical items, which may demonstrate a caregiver is operating an illegal day nursery	<p>recording devices during a site visit as needed, where it is reasonable and possible to do so.</p> <p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would clarify the Ministry of Education's powers of inspection. This includes providing that an inspector may take photographs, video recordings or other visual or audio recording of the interior or exterior of a premise.</p>
48	The Ministry of Education, in consultation with the Information and Privacy Commissioner, should change its policy to allow for photographing/video-recording of children in unlicensed day nursery settings in appropriate circumstances	The Ministry of Education will explore the feasibility of providing authority to allow for photographing/video-recording of children in unlicensed child care settings where appropriate and will consult with the Information Privacy Commissioner.
49	The Ministry of Education should train enforcement staff on communication techniques and strategies to encourage caregiver cooperation with its inspections.	Enforcement Unit staff will be trained in techniques to encourage child care provider communication and cooperation during site visits.
50	The Ministry of Education should direct enforcement staff to make all reasonable attempts to view all external and interior areas of a residence under inspection.	<p>The ministry has added direction to its Internal Directive to confirm that during the site visit, enforcement staff should observe all interior and exterior areas of the premises, where it is reasonable and possible to do so.</p> <p>Enforcement staff will be trained to conduct full perimeter scans and to conduct a full inspection of all interior rooms whenever possible. Enforcement staff will document any refusals by the child care provider to allow them to inspect certain areas of the property. The ministry will consider obtaining a search warrant, if applicable.</p>

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51	The Ministry of Education should direct staff to inquire into whether a caregiver under inspection owns or uses property adjacent to the site being inspected or elsewhere, and uses that premises to provide child care.	<p>The ministry has added to its Internal Directive that, during a site visit where it is relevant to do so, enforcement staff should ask the child care provider if they use any of the adjacent properties in order to provide unlicensed child care.</p> <p>Where necessary, ministry staff collect third-party information regarding the owner of adjacent properties.</p>
52	The Ministry of Education should direct enforcement staff, as a standard practice, to attempt to obtain information from parents about children's child care schedules, ages and child care operations to verify evidence obtained from child care providers.	The ministry's practice has been to collect children's child care schedules and ages, parents' names and contact addresses during a site visit. The ministry has revised its Internal Directive to state that, following a site visit, ministry staff will, where necessary, contact parents to verify information obtained from the child care provider.
53	The Ministry of Education should direct enforcement staff to record information obtained from parents relating to children receiving unlicensed care on the Information about Children Receiving Care and Complaint Intake forms.	The Internal Directive was revised to include that, any information obtained from parents relating to children receiving unlicensed care will be recorded on the Information about Children Receiving Care and Complaint Intake forms.
54	The Ministry of Education should direct enforcement staff that whenever possible, and in all cases involving a health, safety, or child welfare concern, they	The Internal Directive includes the direction that where there are concerns about children's health and safety, enforcement staff determine, in consultation with their regional manager, whether to remain on site until the number of children has been reduced. The Directive also states that where the health or safety of children is at risk, inspectors will contact the lead agency to report the issues. The Directive has been clarified to state that where a third party agency has been contacted regarding children's health and safety, inspectors will remain on site as directed until the lead agency

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	should wait until all the children being cared for in an illegal child care operation have been retrieved by parents, before leaving the site.	arrives.
55	The Ministry of Education should direct enforcement staff, as a standard practice, to contact parents directly to notify them that their children have been attending illegal unlicensed child care operations and educate them on the <i>Day Nurseries Act</i> or successor legislation	<p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would permit the Director to post information on any enforcement tools applied to child care providers (e.g. compliance orders, protection orders, administrative penalties, conviction of an offence under the Act) where child care is provided or publish this information in any manner or medium considered appropriate.</p> <p>In addition, the proposed legislation would require unlicensed child care providers to disclose their unlicensed status to parents and retain a record of this disclosure.</p> <p>The Ministry of Education intends to provide information directly to parents with children attending non-compliant unlicensed child care programs where contact information is available.</p>
56	The Ministry of Education should train enforcement staff in dispute resolution, and conflict de-escalation techniques.	The new Enforcement Unit's staff will be trained in dispute resolution and conflict avoidance.
57	The Ministry of Education should develop reference materials that can be provided to parents to assist them in locating alternative legal child care spaces	<p>Currently, the ministry provides information and resources about <i>Day Nurseries Act</i> requirements and licensed child care options to the unlicensed child care provider to distribute to parents, and directly to parents where they are on site. The ministry also provides information on its website and provides information about licensed child care options in its standard correspondence template when responding to parents who inquire to the ministry about their unlicensed child care provider.</p> <p>The Ministry of Education intends to provide information directly to parents with children attending non-compliant unlicensed child care where contact information is available.</p> <p>Ministry staff will provide information about child care, including the licensed child care websites, child care fact sheets, and the registry of unlicensed child care violations.</p>
58	The Ministry of Education should set out clear written	The ministry has added additional information regarding both noted areas to its Internal Directive to clarify expectations for enforcement staff carrying out inspections.

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	expectations and roles for enforcement staff carrying out complaint inspections.	
59	The Ministry of Education should direct all enforcement staff, acting as seconds during an inspection, to actively assist in the collection of evidence and record their observations independently, and as soon as possible.	The ministry has strengthened its Internal Directive to set out clear expectations for both enforcement staff carrying out site inspections. This includes responsibility for the second PA to assist in the collection of records, information and/or evidence during the site visit and formally record their own observations during the visit.
60	The Ministry of Education should ensure that if enforcement staff is assisted by an official from another organization in carrying out an inspection, that individual is required to supply an independent and contemporaneous record of their inspection observations.	The Internal Directive was revised to add the requirement that both individuals conducting the site visit are required to maintain an independent set of notes with records of their own observations.
61	The Ministry of Education should avoid relying on officials from other organizations to carry out inspections, and ensure that its new enforcement team is adequately resourced to meet the requirement of two staff attending at each inspection.	The use of external officers as the second person conducting site visits is discouraged in the Internal Directive unless it is part of a joint inspection.

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62	The Ministry of Education should direct its enforcement staff to independently, thoroughly and accurately complete all inspection records as soon as possible during and following an inspection.	The ministry has added to the Internal Directive that ministry staff should make every effort to transcribe their observations in the Children Receiving Care Form and Complaint Intake Form as soon as possible during, or immediately following the site visit, in order to ensure that the information is independently, thoroughly and accurately completed.
63	The Ministry of Education should audit inspection records to ensure they are thorough, accurate and completed in a timely manner.	Regular audits have been in place since July 2013. This audit regime will continue. Ministry staff will review on a weekly basis the informal complaint logs and supporting documentation in the complaint file, and monitor whether documentation of site visits is adequate and timely. Regional managers review and sign off on the logs on a weekly basis. Quarterly reviews are completed by Internal Audit.
64	The Ministry of Education should direct staff that one of the two staff members carrying out an inspection is to have primary responsibility for recording the results during the inspection.	The ministry has added to the Internal Directive the specific direction that the lead Enforcement staff member should assume responsibility for interviewing the child care provider and collecting evidence, while the second ministry staff maintains primary responsibility for recording formal observations on the Children Receiving Care Form and Complaint Intake Form. The ministry has added to the Directive the requirement that both staff conducting the inspection are required to maintain an independent set of records with their own observations.
65	The Ministry of Education should provide further direction and training for enforcement staff on recording the results of site inspections using the electronic tablets they have been issued.	Enforcement Unit staff will be provided with specific training on note taking and all equipment to be used when conducting an inspection.
66	The Ministry of Education	The ministry will continue to evaluate and adopt new investigative tools and techniques, including

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	should assess the adequacy of its electronic tablets and whether it should employ alternative recording devices during site inspections.	equipment, to gather evidence while conducting inspections.
67	The Ministry of Education should consider using audio/video recording during inspections to ensure the best evidence available is obtained	<p>The new Enforcement Unit's staff will be trained in the use of digital recording devices when conducting investigations.</p> <p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would clarify the Ministry of Education's powers of inspection. This includes clarifying that an inspector may take photographs, video recordings or other visual or audio recording of the interior or exterior of a premises.</p>
68	The Ministry of Education should regularly train enforcement staff on surveillance and search warrant techniques.	The ministry is in the process of recruiting staff with specific enforcement skills and experience. Enforcement staff will undergo regular training in obtaining and the use of search warrants and other investigative techniques.
69	The Ministry of Education should generate statistics on the use and outcome of surveillance and execution of search warrants, to identify trends, specific locations and caregivers requiring further monitoring, and training gaps.	The Enforcement Unit will generate and use statistics to identify risks and plan future operations.
70	The Ministry of Education should direct its supervisory staff to ensure that correspondence to unlicensed child care operators is accurate and sent out in a timely manner.	The Internal Directive includes clear timelines for sending correspondence to unlicensed child care providers following a site visit. Future training and ongoing oversight will reinforce these expectations.
71	The Ministry of Education should audit complaint files	Regular audits have been in place since July 2013. This audit regime will continue. Staff will review on a weekly basis the informal complaint logs and supporting documentation in the complaint file,

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	to ensure that correspondence meets time standards.	and monitor whether correspondence is completed and sent to unlicensed child care providers in accordance with ministry established timelines. Regional managers review and sign off on the logs on a weekly basis. Quarterly reviews are completed by Internal Audit.
72	The Ministry of Education should incorporate electronic alerts and reminders into its case management system to encourage sending of correspondence to unlicensed child care operators within established time frames	Electronic reminders will be included in the ministry's complaints management system.
73	The Ministry of Education should review and revise the standard correspondence it sends to illegal child care operators to ensure that the language used reflects the seriousness of violating the <i>Day Nurseries Act</i> and successor legislation and is tailored to match the severity of the breach.	<p>The correspondence template letters have been revised to reflect the severity of non-compliance and contravention of the <i>Day Nurseries Act</i>.</p> <p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would provide the Ministry of Education with a range of enforcement tools that support progressive compliance and can be used based on the severity of the violation and the history of the provider.</p> <p>This includes compliance orders, protection orders, administrative penalties, restraining orders and offences.</p>
74	The Ministry of Education should direct staff that if they send a third warning letter to an illegal child care operator, it must be accompanied by additional escalated enforcement actions, such as referral for prosecution.	<p>The second non-compliance letter has been revised to indicate that failure to comply with the DNA could result in enforcement proceedings being carried out, and that based on the history of non-compliance, the Ministry will consider whether to refer the matter to prosecution.</p> <p>The third letter has been removed from the Directive, as it will no longer be used on a regular basis. Instead, third site visits will be considered in relation to other possible enforcement actions, and are reviewed and approved by the manager and director.</p> <p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would provide the Ministry of Education with a range of enforcement tools that support progressive compliance and can be used based on the severity of the violation and the history of the provider.</p>

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		This includes compliance orders, protection orders, administrative penalties, restraining orders and offences.
75	The Ministry of Education and Government of Ontario should continue to seek revision or replacement of the <i>Day Nurseries Act</i> to provide the Ministry with the authority to seek injunctions and issue protection orders to address health, safety and child welfare issues in the unlicensed child care sector.	<p>Under the <i>Day Nurseries Act</i>, the Ministry of Education currently has the ability to seek an injunction against a child care provider who is improperly operating without a licence.</p> <p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would provide the Ministry of Education with the authority to seek restraining orders from the courts and issue protection orders where there are reasonable grounds to believe there is an imminent threat to the health, safety and welfare of a child, including in unlicensed settings.</p>
76	The Ministry of Education should seek injunctions more frequently to address unlicensed child care operators, who flaunt the law, or pose risks to children's health, safety and welfare.	<p>When regular progressive enforcement measures including possible prosecutions have failed to bring the child care provider into compliance, the ministry will consider the use of injunctive measures. The Internal Directive was revised to direct that in these instances, the regional office must consult with corporate office and Legal Services regarding next steps including the possibility of prosecution or possible injunctive measures.</p> <p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would provide the Ministry of Education with the authority to seek restraining orders from the courts and issue protection orders where there are reasonable grounds to believe there is an imminent threat to the health, safety and welfare of a child, including in unlicensed settings.</p>
77	The Ministry of Education should, as a priority, develop a comprehensive enforcement framework for its work in the unlicensed child care sector to guide staff in assessing the appropriate enforcement response, including situations warranting prosecution.	A comprehensive, risk-based enforcement framework is under development to support the new Enforcement Unit.
78	The Ministry of Education	The ministry will implement a progressive enforcement model to guide staff and promote compliance

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	<p>should train staff on the enforcement continuum from warnings to prosecution, including providing precedent cases to ensure more rational, consistent and coherent enforcement in the unlicensed child care sector.</p>	<p>with the <i>Day Nurseries Act</i> and any successor legislation that may be passed, and will train enforcement staff on this model</p> <p>Bill 10, the <i>Child Care Modernization Act, 2014</i> would, if passed, expand the Ministry of Education's powers to support compliance and strengthen oversight of unlicensed child care settings.</p> <p>This includes expanded prohibitions and duties for child care providers as well as a range of enforcement tools including compliance orders, protection orders, administrative penalties and restraining orders. Staff will be trained on the Ministry's expanded powers.</p>
79	<p>The Ministry of Education should screen all applicants for licensing under the <i>Day Nurseries Act</i> or successor legislation to determine if they have previously contravened the Act through operating an illegal unlicensed daycare.</p>	<p>Under the <i>Day Nurseries Act</i>, a Director may refuse to issue a licence based on the past conduct of the applicant or any employee of the applicant. A Director may also refuse to renew/revoke a licence if the licensee or employee of the licensee has contravened any provision of the Act or regulations, or any other Act applying to the establishment and operation of a day nursery or private home day care agency.</p> <p>The Ministry will screen all applicants for <i>Day Nurseries Act</i> licences to determine if they have previously contravened the DNA.</p> <p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would prevent an individual from providing child care based on their past conduct including conviction of an offence under the new Act. The proposed legislation also includes regulation-making authority to expand these grounds.</p> <p>In addition, under the proposed legislation, a Director may refuse to issue/renew or revoke a licence based on past conduct.</p> <p>The Ministry of Education intends to develop a framework/criteria for considering how to exercise the discretion to refuse to issue/renew or revoke a licence based on a provider's history of violating the <i>Day Nurseries Act</i> or the proposed <i>Child Care and Early Years Act, 2014</i>.</p>
80	<p>The Ministry of Education should change its licensing policies to reflect that absent extenuating or compelling circumstances, individuals who have a history of violating the <i>Day Nurseries Act</i> or successor</p>	<p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would prevent an individual from providing child care based on their past conduct including conviction of an offence under the new Act.</p> <p>In addition, under the proposed legislation, a Director may refuse to issue/renew or revoke a licence based on past conduct.</p> <p>The Ministry of Education intends to develop a framework/criteria for considering how to exercise the discretion to refuse to issue/renew or revoke a licence based on a provider's history of violating the</p>

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	legislation should not be granted a licence to operate under the Act	<i>Day Nurseries Act</i> or the proposed <i>Child Care and Early Years Act, 2014</i> .
81	The Ministry of Education and Government of Ontario should continue to seek legislative change to the <i>Day Nurseries Act</i> to eliminate the reference to "common parentage" in the definition of "day nursery"	<p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would no longer refer to "common parentage."</p> <p>Child care provided at a premises would meet the definition of unlicensed child care if care is provided to no more than five children (or a lesser number prescribed by regulation), there is no agreement with a home child care agency, there are no more than two children under the age of two, and the providers own children under the age of six are counted.</p>
82	The Ministry of Education and Government of Ontario should continue to seek revision or replacement of the <i>Day Nurseries Act</i> to restrict the circumstances in which camps may operate without child care licensing	<p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would clarify which programs require a licence and which programs are exempt.</p> <p>The proposed legislation would set specified criteria for camps that are exempt from the Act and would not require a licence, including:</p> <ul style="list-style-type: none"> ○ That it is not operated for more than 13 weeks in a calendar year. ○ That it is not operated on days on which instruction is typically provided in schools. ○ That it is not operated at a person's home. ○ Where the care is provided only for children who are four years old or older (or if the care is provided on or after September 1, will attain the age of four in that year).
83	The Ministry of Education should, in consultation with the Ministry of Tourism and Culture and other stakeholders, require summer camps to be licensed under the <i>Day Nurseries Act</i> or successor legislation unless they are accredited by the Ontario Camping Association or otherwise subject to satisfactory health and safety standards	<p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would set specified criteria for camps that are exempt from the Act and would not require a licence, including:</p> <ul style="list-style-type: none"> ○ That it is not operated for more than 13 weeks in a calendar year. ○ That it is not operated on days on which instruction is typically provided in schools. ○ That it is not operated at a person's home. ○ Where the care is provided only for children who are four years old or older (or if the care is provided on or after September 1, will attain the age of four in that year). <p>If passed, under the proposed legislation, regulations could be developed to prohibit a provider from holding out as an accredited child care service and using certain accredited terms.</p> <p>The Government of Ontario recognizes the need to support the safety, well-being and quality experience of children in camp settings. The government will work collaboratively with stakeholders to consider what standards and associated elements (e.g. accreditation) may be appropriate.</p>
84	The Ministry of Education should limit the summer	Bill 10, the <i>Child Care Modernization Act, 2014</i> , if passed, would set specified criteria for camps that are exempt from the Act and would not require a licence.

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	camp exemption to providers, who only serve children over the age of 4 years, and do not operate out of private homes	Criteria necessary for an exemption would include that the camp is not operated at a person's home and the care is provided only for children who are four years old or older (or if the care is provided on or after September 1, will attain the age of four in that year).
85	The Ministry of Education should require that summer camp operators obtain licences under the <i>Day Nurseries Act</i> , if prior to establishing the camp, they ran an unlicensed child care with similar hours and programming.	Bill 10, the <i>Child Care Modernization Act, 2014</i> , if passed, would prevent programs from operating as camps that are exempt from the Act if the program is operated by a person who stopped operating a child care centre at a premises for the purpose of operating the camp.
86	The Ministry of Education and Government of Ontario should continue to seek legislative amendment to clarify and restrict the circumstances in which recreational, tutoring and similar programs may operate without child care licensing	<p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would clarify that recreational programs and academic programs (e.g. tutoring) are exempt from the Act and would not require a licence where the primary purpose of the program is not to provide temporary care for or supervision of children.</p> <p>It is anticipated that further clarification around what constitutes the primary purpose of the program as being to provide temporary care for or supervision of children will be provided by regulation and/or policy.</p>
87	The Ministry of Education should revise its guidelines and provide clear direction to the public and its enforcement staff as to what recreational, tutoring and similar programs qualify for exemption from the <i>Day Nurseries Act</i> licensing requirements	<p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would clarify that recreational programs and academic programs (e.g. tutoring) are exempt from the Act and would not require a licence where the primary purpose of the program is not to provide temporary care for or supervision of children.</p> <p>It is anticipated that further clarification around what constitutes the primary purpose of the program as being to provide temporary care for or supervision of children will be provided by regulation and/or policy.</p>
88	The Ministry of Education, in consultation with the Ministry of Culture and	Bill 10, the <i>Child Care Modernization Act, 2014</i> , if passed, would clarify that recreational programs and academic programs (e.g. tutoring) are exempt from the Act and would not require a licence where the primary purpose of the program is not to provide temporary care for or supervision of

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	<p>Tourism and other stakeholders, should impose additional restrictions on the types of recreational, tutoring and similar programs qualifying for exemption from licensing to ensure that their primary purpose is not child care</p>	<p>children.</p> <p>It is anticipated that further clarification around what constitutes the primary purpose of the program being to provide temporary care for or supervision of children may be provided by regulation and/or policy.</p>
89	<p>The Ministry of Education should require that programs that have an element of child care, but which also offer complementary recreational activities, are not exempt from licensing under the <i>Day Nurseries Act</i>, if they are home-based or serve children under the age of six years</p>	<p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, subject to regulations, would provide authority for authorized recreational and skill-building programs that would be subject to the Act but would not require a licence.</p> <p>These programs would have a primary purpose of providing child care and a complementary purpose of promoting recreational, artistic, musical or athletic skills or to provide religious, cultural or linguistic instruction.</p> <p>These programs would be required to meet specified criteria including that the program is not operated at a person's home and that care is provided only for children who are six years old or older (or if the care is provided on or after September 1, will attain the age of six in that year).</p> <p>Regulations are required for these sections under the proposed legislation related to authorized recreational and skill building programs to be in effect. Under the proposed <i>Child Care and Early Years Act, 2014</i>, all regulations made under the Act are subject to public consultation (unless the situation is urgent or the proposed regulation is of a minor or technical nature).</p>
90	<p>The Ministry of Education should conduct research in consultation with other Ministries, including the Ministries of Children and Youth Services, and Culture and Tourism, and consider imposing additional safeguards, to ensure that the health, safety and welfare needs of children are currently appropriately</p>	<p>Under Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, and subject to regulations, authorized recreational and skill-building programs would be subject to the Act but would not require a licence. These programs would be required to meet specified criteria including any criteria prescribed by regulations.</p> <p>It is anticipated that the Ministry of Education, working with the Ministry of Tourism, Culture and Sport will conduct research and set out additional criteria for authorized recreational and skill-building programs.</p> <p>Under the proposed legislation, recreational and academic programs (e.g. tutoring) that do not have child care as the primary purpose of the program would be exempt from the Act.</p>

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	addressed in situations involving unlicensed recreational, tutoring, or similar programs	<p>The Ministry of Education, working with partner Ministries, will review current funding arrangements in other Ministries and other public safety requirements (e.g. fire code, building code) to assess opportunities to provide greater clarity around current health and safety standards in facilities where these programs are offered.</p> <p>The proposed legislation sets out a requirement for a review of the Act within five years of the review section coming into force.</p> <p>The Ministry of Education will monitor the changes to the child care and early years system resulting from the implementation of Bill 10, if passed, and the Government of Ontario will use this information and input from stakeholders and the public through the statutory review to determine what additional changes to support the health and safety of children should be sought.</p>
91	The Ministry of Education and Government of Ontario should continue to seek to eliminate the distinction between private residences and commercial premises, currently reflected in the definition of "private-home day care agency" in the <i>Day Nurseries Act</i>	<p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would eliminate the distinction between private residences and commercial premises with regard to home child care.</p> <p>The proposed legislation would also prohibit the operation of multiple unlicensed premises which could include both private residences and commercial premises.</p>
92	The Ministry of Education should proactively enforce the <i>Day Nurseries Act</i> or successor legislation in respect of day nurseries operating in or affiliated with private schools regardless of whether they were in existence prior to 1993 and previously subject to exemption through ministerial policy.	<p>In March 2014, the Ministry of Education re-issued a policy memorandum indicating that all private schools serving children under junior kindergarten (JK) age must become licensed under the <i>Day Nurseries Act</i> if they wish to continue providing care to more than five children under JK age.</p> <p>These private schools must become licensed by January 1, 2016 and are required to initiate the licensing process by January 1, 2015 (if the licensing process is not initiated by this date, a licence would be required by July 1, 2015).</p> <p>Under Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, all private schools serving more than five children under JK age must be licensed.</p>
93	The Ministry of Education and the Government of Ontario should continue to	Under Bill 10, the <i>Child Care Modernization Act, 2014</i> , if passed, all private schools serving more than 5 children under JK age must be licensed.

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	promote legislative revision to the child care licensing system to ensure that private schools providing child care to pre-school children are subject to licensing requirements	
94	The Ministry of Education should continue to collect detailed information from private schools about the number and ages of children they serve.	The <i>Education Act</i> requires all private schools to submit the <i>Notice of Intention to Operate a Private School (NOI)</i> by September 1 of each year. Through the NOI, Field Services Branch collects self-reported information from private schools on the actual and projected student enrolment at all ages, including those under junior kindergarten age. Information is also collected regarding any additional locations operated by a school, and the ages and actual/projected enrolment of all students and children under JK age.
95	The Ministry of Education should ensure its notice of intention to operate a private school form requires that private schools list all locations at which they operate as well as the number of children, from various age groups, that are served by each campus.	<p>This information is collected through the NOI submitted each year by all private schools.</p> <p>The current NOI states that the operator is to provide information regarding additional locations it operates including the age groups and the number of children served at each location.</p> <p>Note that the operation of additional locations by inspected private schools (that is, those schools with the authority to offer credits toward the OSSD) is no longer permitted as of the 2014-2015 school year. The NOI requires that these operators declare that they are submitting the NOI for a single location only.</p>
96	The Ministry of Education's Field Services Branch should regularly share information collected from private schools about the number and ages of children enrolled with the Child Care Quality Assurance and Licensing Branch.	<p>The ministry has put a process in place for the Private Schools and International Education Unit to inform CCQAL staff of any private schools projecting or reporting actual enrolment of more than five children under JK age, based on the NOI submitted by September 1.</p> <p>When new private schools are visited by Field Services inspectors as part of the validation process, Field Services inspectors record any instances where more than five children under JK age are observed in attendance, and this information is shared with CCQAL staff.</p>
97	The Ministry of Education	The ministry is in the process of developing a new protocol between Field Services Branch and

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	<p>should direct the Field Services Branch to notify the Child Care Quality Assurance and Licensing Branch of all directions to private schools to cease operating under the <i>Education Act</i>.</p>	<p>CCQAL staff, which will include processes for information-sharing and coordination of joint visits, where relevant. This protocol will be communicated and shared with CCQAL and FSB staff, once finalized.</p> <p>The protocol will include the notification of CCQAL in the existing procedure followed by the Private Schools and International Education Unit, in situations where a private school is ordered to cease operations.</p>
98	<p>The Ministry of Education should link information about private schools to the new case management system to assist with enforcement of the <i>Day Nurseries Act</i> or successor legislation.</p>	<p>The ministry will link information provided about children under JK age who are receiving care in private schools in the complaints management system for unlicensed child care.</p>
99	<p>The Ministry of Education's Field Services Branch and Child Care Quality Assurance and Licensing Branch should conduct joint inspections to confirm that private schools, which have previously served children under 10 years of age, have ceased operations as directed under the <i>Education Act</i> and are in compliance with that Act as well as the <i>Day Nurseries Act</i> or successor legislation.</p>	<p>The Ministry's Field Services Branch and CCQAL Branch will conduct joint inspections, where feasible, to confirm that private schools, or entities that were previously private schools, have come into compliance with the relevant legislation.</p>
100	<p>The Ministry of Education should cross-train Field Services Branch and Child</p>	<p>Field Services Branch staff and Enforcement Unit staff will be trained on the requirements of the <i>Education Act</i> and <i>Day Nurseries Act</i> as they relate to private schools to support effective enforcement.</p>

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	Care Quality Assurance and Licensing Branch staff to ensure effective enforcement of the <i>Education Act</i> and <i>Day Nurseries Act</i> (or successor legislation) requirements in the private school sector.	
101	The Ministry of Education should develop communication and enforcement protocols to encourage the Field Services Branch and Child Care Quality Assurance and Licensing Branch to coordinate enforcement efforts.	The ministry is in the process of developing a new protocol between Field Services Branch and CCQAL staff, which will include processes for information-sharing and coordination of joint visits, where relevant. This protocol will be communicated and shared with CCQAL and FSB staff, once finalized.
102	The Ministry of Education should provide information about the licensing requirements under the <i>Day Nurseries Act</i> or successor legislation to all private schools, including prior to initial registration.	<p>In 2014, the ministry reissued a policy memorandum indicating that all private schools serving children under JK age will require a licence under the DNA, by January 2016.</p> <p>Information regarding licensing requirements under the DNA for private schools is already included in the regular communications sent to all private schools each Fall and Spring. The Spring 2014 Memorandum included information about licensing requirements under the DNA, for private schools serving more than five children under junior kindergarten age.</p> <p>In addition, the Private Schools Policy and Procedures Manual on the ministry website is being revised for 2014-2015 and will include this information. The manual is available on the ministry website, at: http://www.edu.gov.on.ca/eng/general/elemsec/privsch/PrivateSchools_PolicyManual.pdf</p> <p>The ministry will facilitate a provincial webinar and develop additional communications to support all new applicants, including private schools, in becoming licensed under the DNA or any successor legislation that may be passed.</p>
103	The Ministry of Education	The ministry will provide information about licensing requirements under the DNA, and any

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	<p>should send information about licensing requirements under the <i>Day Nurseries Act</i> or successor legislation to all private schools, which have been directed to cease operating under the <i>Education Act</i>.</p>	<p>successor legislation that may be passed, to all private schools that have been directed to cease operation.</p> <p>Information regarding licensing requirements under the DNA or any successor legislation that may be passed will be added to the communication package sent to private schools that have their Board School Identification number (BSID) removed. Removal of the BSID means that the school is no longer able to operate legally.</p> <p>The procedure for and consequences of removal of a private school's BSID is outlined in the Private Schools Policy and Procedures Manual, available on the ministry website. The Manual is being revised for the 2014-2015 school year and information regarding the DNA licensing requirements will be added to this section.</p> <p>The manual is available on the ministry website, at: http://www.edu.gov.on.ca/eng/general/elemsec/privschr/PrivateSchools_PolicyManual.pdf</p>
104	<p>The Ministry of Education and the Government of Ontario should continue to seek revision and/or replacement of the <i>Day Nurseries Act</i> to provide the Ministry with sufficient tools to allow for effective enforcement of licensing requirements, including the ability to levy administrative penalties and increasing penalties for convictions under the Act</p>	<p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would set out the authority for a range of new enforcement tools including administrative penalties.</p> <p>The proposed legislation would also increase the maximum penalty for convictions of an offence under the Act to \$250,000, imprisonment for a term of not more than one year, or both.</p>
105	<p>The Ministry of Education and the Government of Ontario should continue to seek revision and/or replacement of the <i>Day Nurseries Act</i> to restrict the use of terms associated with licensed child care</p>	<p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would prohibit the use of terms related to licensed child care unless the program is licensed.</p> <p>Specified terms are set out under the proposed legislation including child care centre, licensed child care, home child care agency, licensed home child care, etc. Additional terms may be prescribed by regulation.</p>

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106	<p>operations</p> <p>The Ministry of Education should, in consultation with stakeholders, design and implement a widespread multi-media campaign, including traditional and social media, on-line resources, and distribution of materials to various public sector and community organizations, to promote awareness of the different child care options available in Ontario and prevention of illegal unlicensed child care operations</p>	<p>To support the implementation of the proposed new legislation and other Ministry of Education child care related initiatives, the Ministry of Education will develop and launch a public education campaign to raise awareness regarding child care options in Ontario and develop and launch a visual identity for licensed child care settings.</p>
107	<p>The Ministry of Education and the Government of Ontario should continue to seek revision and / or replacement of the <i>Day Nurseries Act</i> to require increased standards in child care settings such as criminal reference checks.</p>	<p>Under the <i>Day Nurseries Act</i>, there is a policy that requires applicants for child care licences to submit criminal reference checks when applying for a licence. In addition, licensees are required to conduct criminal reference checks on all employees.</p> <p>As part of Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, the director or inspector may require a criminal reference check from licensed child care providers and any person prescribed by regulation.</p> <p>The proposed legislation also provides authority for a director or inspector to require a criminal reference check from any person, including unlicensed child care providers, where there are reasonable grounds to believe the person has been convicted of specified offences set out in the Act.</p> <p>In addition, the proposed legislation includes regulation-making authority to require child care providers to ensure that screening measures such as criminal reference checks and regular declarations are conducted for staff and volunteers.</p> <p>The proposed legislation sets out a requirement for a review of the Act within five years of the review section coming into force.</p>

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		<p>The Ministry of Education will monitor the changes to the child care and early years system resulting from the implementation of Bill 10 (pending passage), and the Government of Ontario will use this information and input from stakeholders and the public through the statutory review to determine what additional changes to support the health and safety of children should be sought.</p>
108	<p>The Ministry of Education should actively obtain and review information from various sources relating to serious incidents compromising the health, safety and welfare of children in unlicensed child care settings.</p>	<p>Bill 10, the <i>Child Care Modernization Act, 2014</i>, if passed, would set out that persons designated by regulation (which could include public health officials, children's aid society officials, etc.) have a duty to report child care situations, including in unlicensed settings, where they observe in the course of their employment that a child's safety is at risk.</p> <p>The ministry has drafted information sharing protocols with the Ministry of Children and Youth Services and the Ministry of Health and Long Term Care and is actively involved in discussions regarding the development of similar protocols with the ministries of Municipal Affairs and Housing and Ministry of Community Safety and Correctional Services for the purpose of sharing information relating to concerns about unlicensed child care operations.</p> <p>Currently, under the <i>Child and Family Services Act (CFSA)</i>, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect that a child is in need of protection, the person shall immediately report the suspicion and the information on which it is based to a child welfare society.</p> <p>Through information sharing protocols with other agencies, the Ministry of Education will seek to actively obtain and review information about serious incidents occurring in unlicensed child care.</p>
109	<p>The Ministry of Education should track incidents involving risks to child health, safety and welfare in unlicensed child care using its new case management system.</p>	<p>The ministry will track unlicensed child care providers' non-compliances in unlicensed child care using its new complaints management system. The ministry is working with other ministries to develop and implement information sharing protocols.</p>

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110	The Ministry of Education should review the existing voluntary child care registries and consider the feasibility of adopting a centralized provincial registry with registration on either a voluntary or mandatory basis	<p>Bill 10, the <i>Child Care Modernization Act, 2014</i> would, if passed, provide a flexible legislative framework and includes regulation-making authority which could be used to impose standards and requirements to be met by child care providers. This could include unlicensed providers.</p> <p>The proposed legislation sets out a requirement for a review of the Act within five years of the review section coming into force.</p> <p>The Ministry of Education will monitor the changes to the child care and early years system resulting from the implementation of Bill 10, if passed, and the Government of Ontario will use this information and input from stakeholders and the public through the statutory review to determine what additional changes to support the health and safety of children should be sought.</p>
111	The Ministry of Education should consult with the Office of the Chief Coroner about introducing a system for identifying child deaths in unlicensed child care settings	<p>As part of initial steps to support information sharing, the Office of the Chief Coroner (OCC), working with the Ministry of Education, has tracked and analyzed child deaths for 2012.</p> <p>The Ministry of Education is working with the OCC to explore a process for information sharing on child deaths in unlicensed child care settings as well as tracking of de-personalized information on child deaths in all child care and early years settings.</p>
112	The Ministry of Education should monitor the effects of policy, regulatory and legislative changes in the child care sector, and, assess the risks to children associated with unlicensed child care arrangements, with a view to introducing additional protective measure in future	<p>The proposed legislation sets out a requirement for a review of the Act within five years of the review section coming into force.</p> <p>The Ministry of Education will monitor the changes to the child care and early years system resulting from the implementation of Bill 10, if passed. The Government of Ontario will use this information and input from stakeholders and the public through the statutory review to determine what additional changes to support the health and safety of children should be sought.</p> <p>The proposed legislation also includes powers related to the collection and use of personal information for the purpose of planning, delivering, evaluating and monitoring child care and early years programs and services.</p>
113	The Ministry of Education should report back to my Office in six months' time on the progress in implementing my recommendations and at	The Ministry of Education would be pleased to share an update on the ministry's progress in implementing these recommendations at regular six month intervals.

Number	Recommendation	Response
	six-month intervals thereafter until such time as I am satisfied that adequate steps have been taken to address them.	

