



child care

# BRIEFing NOTES

## Proposed changes to child care regulations - Ontario 2014

This BRIEFing NOTE is about one of two current initiatives that will significantly affect child care, providing pertinent information about proposed changes to Ontario's child care regulations. It first provides the context, then briefly summarizes points from the research literature on staff:child ratios, group sizes and other program features (such as staff qualifications) that are linked to these. Table 1 shows recommended ratio/group size regimes from US research; Table 2 compares current regulations to proposed regulations; Table 3 shows Ontario's current and proposed staff:child ratios and group sizes for a two year old in comparison to all provinces/territories.

- January 22, 2014

### Background

The Ontario government is currently pursuing two child care initiatives: first, replacing the existing legislation and second, making changes to current regulations. These are separate initiatives: legislative changes require agreement of a majority in the provincial legislature while regulatory changes are made by the government in power.

### New child care legislation

On December 3, 2013 the Ontario government introduced Bill 143, *The Child Care Modernization Act (2013)*<sup>1</sup>. If passed, the current *Day Nurseries Act* will be repealed, a new *Child Care and Early Years Act* will be enacted and changes will be made to *The Early Childhood Educators' Act* and other Acts.

According to a government backgrounder, the aim of Bill 143 is to "improve safety and help foster the learning, development, health and well-being of children". Among other changes, the new proposed legislation will: tighten rules for unregulated child care; clarify which programs require a license; provide government and its inspectors greater authority and enforcement tools; increase the number of children permitted in regulated home child care ("private home day care"); establish multi-provider (group) regulated home child care. Generally, there is a sense that the proposed legislative changes have the capacity—with further policy development—to form the basis for transforming child care in Ontario.

<sup>1</sup> The Bill's full title is: *A Bill to enact the Child Care and Early Years Act, 2013, to repeal the Day Nurseries Act, to amend the Early Childhood Educators Act, 2007 and the Education Act and to make consequential amendments to other Acts.*

### Changes to existing regulations

At the same time, the provincial government also proposes to make changes to current regulations. On December 18<sup>th</sup>, 2013, the government released *A Proposal to Amend Regulation 262 under the Day Nurseries Act – Child Care*. This includes proposed changes to age groupings, ratios, maximum group size, and a number of other changes.

This BRIEFing NOTE focuses on the ratio/group size proposals.

### Ratios in ECEC: What does the research say about these? What else is important?

Why is child care quality important? Child development research makes it clear that the importance of quality of early childhood programs cannot be overstated. If children are to benefit from them, early childhood education and child care (ECEC) programs must be high quality; poor quality ECEC may be negative for children.

Some researchers contend that child care quality—including specific ratios—must be seen within the context of culture, and that ideas about quality, including what are appropriate ratios and group sizes, may differ radically among countries.

While no one structural feature alone can predict quality, the research shows that staff: child ratios (adults to children) are one of the most important elements of quality, especially for younger children. Overall, the research finds that fewer children per adult (better or higher, ratios) are associated with: higher global quality scores; more interaction between staff and children; more responsive care giving; better academic, cognitive, and social

outcomes and better behavioural outcomes such as more cooperative behaviour.

Ratios also have a direct impact on staff—on working conditions and key human resource factors such as staff morale, recruitment, retention and turnover, which all, in turn, influence quality as experienced by children. Better ratios are associated with better working conditions and less stress. Research shows that staff are more supportive and have more positive verbal interactions when they are responsible for fewer children.

The research also shows that it is particularly important for younger age groups—infants and toddlers—to be cared for in child care settings with better ratios and group sizes.

The research also stresses that ratios do not operate alone in determining quality but must be considered together with other important factors such as group size, staff training/qualifications/working conditions/wages and pedagogical approach.

It is also important to consider who—which adults—are included in the ratio. In Europe, ratios refer to ECE *trained* staff: children, while US research and policy statements—based in a child care environment where the level of staff training is considerably lower—recommend higher ratios of adults—that is, ECE *trained or un-trained*. Ontario's (and Canada's generally) child care situation is more like that of the US than Europe's.

While there has been extensive research on ratios (especially in centres), there is a range of specific recommendations in individual research studies about exactly what ratios should be. There are, however, a number of useful benchmarks and recommendations based on the empirical research and experience in specific contexts.

Table 1 presents some of the key US ratio/group size recommendations (trained and untrained adults: children).

A final important factor that is relevant to consider is child care financing—its cost. Better ratios cost more; so do staff who are more highly trained, paid better wages and have better working conditions—all found to be predictors of quality.

## Research on ratios in home child care

Research on ratios in home child care is less abundant than that for centres. Home/family child care was included in the European Commission Childcare Network's *Quality Targets in Services for Young Children*, which summarizes: "Ratios in family day care should not be less than 1 adult: 4 places for children under compulsory school age, and the ratio should include the family day carer's own children".

With regard to quality in home child care more generally, a recent international review noted that "There is now emerging evidence about a number of key contributors to quality care, including characteristics of the provider and characteristics of the caring environment. Major areas include provider education and training, provider-child ratios, children's ages and provider supports".

## Trends

Historically, in Canada there have been very few instances of jurisdictions reducing their ratios. Generally, over the years, a drive in Canada to improve quality has led to maintaining ratios, adding group size requirements and increasing staff training requirements and complements. Internationally, the trend has also been to improve quality. A notable recent exception has been the UK, where the government recently contemplated increasing the number of children per adult in regulated child care while increasing basic educational requirements. The government was forced to reverse its decision in June 2013 when concern from experts and service providers about the impact on quality led to a widespread public outcry and lack of cross-party coalition support.

Generally, the importance of high quality is well recognized. A 2008 statement from the European Commission noted that "it is increasingly clear that access without quality is of little merit.... More childcare places are not enough: services have to be high quality, and go beyond labour market considerations to consider children's and their families' wellbeing both in the present and the future".

**What do the proposed ratio/group size changes mean for young children concretely?**

*NOW: An infant between 1 and ½ years... may not be walking or eating independently and is likely to be in diapers. She is currently in an infant room with nine other babies and three adults/staff, (at least) one with ECE training.*

*PROPOSED: Under the new ratios/group sizes...she could be in a room with 14 other babies between 1 and 2 years, with three staff, (at least one) with ECE training.*

*NOW: A toddler between 2 and 2 ½ years... is in diapers or toilet training, walking but not yet cautious about danger and not yet comfortable with always “using words” to settle a dispute about a toy. He is now in a toddler room with 14 others between 1 ½ and 2 ½ years with three staff, (at least) one with ECE training\*.*

*PROPOSED: Under the new ratios/group sizes...he could be in a room with 23 other toddlers and preschoolers between 2 and 4 years with three staff, two of whom are ECEs\*\*, or in a room with 15 others with two staff, (at least) one with ECE training.*

**HOME CHILD CARE:** The proposed changes to regulated home child care—increasing the total number to six including the provider’s own (in the new legislation) together with removing the “three under three” rule in the regulation changes could mean a provider potentially caring for six children aged 2 years and a few months.

\*Currently, some Ontario toddler rooms (now for children aged 1½ -2 ½) care for 10 children, with two staff, one of whom is an RECE.

\*\* Currently, some Ontario preschool rooms (now for children aged 2 ½ - 5) are organized to care for 24 children with three staff, two of whom are RECEs. These may be licensed as a group of 16 alongside a group of 8 preschoolers.

**Table 1. Recommended staff:child ratios/maximum group sizes - US (trained and untrained adult: children); Ontario proposed ratios and group sizes**

		0-1 years	1-2 years	2-3 years	3-4 years
U.S Department of Health and Human Services	Ratio	1:3	1:3	1:4 - 1:5	1:7 - 1:8
	Group size	6	6	8 - 10	14 - 16
American Academy of Pediatrics and American Public Health Association (endorsed by the Canadian Paediatrics Society)	Ratio	1:3	1:4	1:4 - 1:5	1:7 - 1:8
	Group size	6	8	8 - 10	14 - 16
Proposed – Ontario 2014	Ratio	1:3	1:5	1:8	
	Group size	10	15	16 - 24	

**Table 2. Current requirements and proposed changes to child care regulations in Ontario**

Regulation	Current Requirements	Proposed Requirements
<b>Program</b>	Operators must post a program of activities and provide play materials that are developmentally appropriate.	<p>Proposal that programs be required:</p> <ul style="list-style-type: none"> <li>to focus on positive, responsive interactions; incorporate active exploration, play and inquiry; provide engaging materials/environments; and support development in a holistic manner.</li> <li>to communicate with parents on a regular and ongoing basis about what their children are experiencing related to active exploration, play and inquiry both indoors and outdoors.</li> </ul>

Regulation	Current Requirements	Proposed Requirements
<b>Age Groupings, Ratios, Staff Number, and Maximum Group Size</b>	Age groupings and ratios: <ul style="list-style-type: none"> <li>●18 mths(0-1.5 years); 1:33 ratio, max.10</li> <li>●18-30 mths (1.5 - 2.5 yrs): 1:5 ratio, max. 15</li> <li>●30 mths (2.5 years) - 5 yrs: 1:8 ratio, max. 16</li> <li>●44 - 67 mths (3.7 – 5.3 yrs): 1:10 ratio, max. 20</li> <li>●56 -67 mths (4.7- 5.3 yrs): 1:12 ratio, max. 24</li> <li>●68 mths-12 yrs (5.7- 12 yrs):1:15 ratio, max.30</li> </ul>	<p><i>Note that the proposed age groupings, ratios and group sizes would be optional: operators could choose to use the existing model or the new proposed model.</i></p> Proposed age groupings and ratios: <ul style="list-style-type: none"> <li>● 0-1 yrs; 1:3 ratio; max. 10</li> <li>● 1-2 yrs: 1:5 ratio; max. 15</li> <li>● 2-4 yrs: 1:8 ratio; max. 16 or 24</li> <li>● 4-6 yrs: 1:13 ratio; max. 26</li> <li>● 6-8 yrs: 1:15 ratio; max. 30</li> <li>● 9-12 yrs: 1:20 ratio; max 20</li> </ul>
<b>Multi-age Groupings</b>	There is currently no provision for multi-age groupings.	Another proposed alternative age group/ratio requirement for < 4 years is termed “multi-age groupings”. Two multi-age grouping models are proposed: <ol style="list-style-type: none"> <li>1) 0-4 years: 1:4 ratio for 0-2, 1:6 ratio for 2-4; group size max. 20; up to eight children under 2 years; four staff, two of whom will be RECES.</li> <li>2) 0-4 years: 1.3:3 ratio for 0- 1; 1.3:5 ratio for 1-2; 1.3:8 ratio for 2-4; group size max 16; four staff, of whom two will be RECES.</li> </ol> Requirement to “provide sufficient space for all children in the group (e.g., a large room sub-divided with half walls/partitions to allow educators to maintain sight-lines)”. “The government could consider limiting use of these multi-age models to centres which receive enhanced resources from CMSMs/DSSABs to address unique geographic/demographic challenges”.
<b>Centre-based Staff Qualifications</b>	Every operator must employ at least one person for each age group who holds a diploma in Early Childhood Education (ECE), an academic qualification considered equivalent, or is otherwise approved by the Director.	No changes are proposed for 0-4s except in the years 2-4 age category <ul style="list-style-type: none"> <li>- A new maximum group size of 24 will require 2 of 3 staff to be RECES. Note that although this configuration is new from the perspective of the regulations, in practice, groups of 24 2 ½ -5 year olds with 2 RECE staff, 1 untrained, are currently permitted.</li> </ul>
<b>School-aged Staff Qualifications</b>	Every operator must employ at least one person for each age group who holds a diploma in Early Childhood Education (ECE), an academic qualification considered equivalent, or is otherwise approved by the Director.	Proposal to allow operators to hire staff for school-age programs who are not RECES but qualified in related fields (e.g., child/youth development, education, recreation/leisure); - some age groupings may require “regular access” to an RECE.

Regulation	Current Requirements	Proposed Requirements
<b>Private Home Day Care</b>	A PHDC agency provider can have a maximum of five children under ten years of age not including his/her own children. The provider's own children under 6 years of age are counted in the maximum of five children under six years. Additionally, there can be no more than two children under 2 years of age and no more than three children under 3 years of age. Additional restrictions exist for children with special needs.	<b>Note as well the proposal in the new legislation to increase the max. number of children in regulated child care homes from 5 to 6 including the provider's own children.</b> Regulatory proposal to remove the limitation to 3 children under 3 years. Home child care agencies would continue to "use discretion" to determine total number of children.
<b>Private Home Day Care Home Visitor Qualifications</b>	PHDC Home Visitors must have completed a post-secondary program in child development/family studies; have two years experience working with children at the same age/developmental levels as the children enrolled with the PHDC agency; and is approved by a Director.	Proposal that PHDC Home Visitors be required to hold an ECE diploma and be registered with the CECE; existing Home Visitors could be grand-parented.
<b>Criminal Reference Checks</b>	Set out in 1995 MCSS policy –specifics not outlined in Regulation 262	Proposal that child care operators require: <ul style="list-style-type: none"> <li>• all full and part-time employees, volunteers, others having direct, unsupervised contact with children;</li> <li>• All individuals contracted with licensed PHDC agency, PHDC Home Visitors, all adults over 18 years residing in the home of a PHDC provider to have a CRC including VSS.</li> </ul>
<b>First Aid</b>	Resource consultants working with children with multiple special needs who are directly employed by child care operators are to have current, standard first aid training.	Proposed that all child care centre supervisors, 50% of full time employees in child care centres, all PHDC providers have current first aid certification from a recognized training program. - CPR training – recommended, not required.
<b>Nutrition Requirements</b>	Food group and service sizes on age of child are dated to 1977.	Proposal that operators be required to follow latest Canada's Food Guide, have menus reviewed by a registered dietician, and establish policies/procedures describing their approach to providing high quality meals/snacks and positive meal time experiences.
<b>Early Childhood Educators Act, 2007</b>	The ECEA requires that the Council of the College of Early Childhood Educators include 14 ECEs who are members of the College and are elected to represent different areas of the province, and ten individuals who are not College members and are appointed to represent various sectors of Ontario society. Currently these "sectors of Ontario society" are not defined, and while best efforts are made to include individuals from various communities, there is no requirement in place for representation from specific communities.	Proposed that a new regulation specify which sectors of society must be represented among Public Appointees to CECE Council. This would include at least one person representative of Ontario's Aboriginal, First Nation, Métis or Inuit Communities and at least one person representative of Ontario's Francophone community. - Additionally, the proposed regulation would require best efforts to ensure that persons representing other specified sectors would be appointed to the Council.

**Table 3. Current and proposed staff/child ratios and group sizes for a two year old by province/territory**

Province/Territory	Age	Ratio	Max. Group Size
<b>Newfoundland &amp; Labrador</b>	0-24 months	1:3	6
	25-36 months	1:5	10
<b>Prince Edward Island</b>	0-2 years	1:3	6
	2-3 years	1:5	Not specified
<b>Nova Scotia</b>	18-35 months	1:6	18
<b>New Brunswick</b>	under 2 years	1:3	9
	2-3 years	1:5	10
<b>Quebec</b>	18 months-less than 4 years	1:8	Not specified
<b>Ontario - current</b>	<b>18-30 months (1.5-2.5yrs)</b>	<b>1:5</b>	<b>15</b>
<b>Ontario – proposed</b> There will be two age group/ratio/group size configurations – the current one and the proposed one—the operator would decide. Additionally, two multi-age grouping/ratio/group size options are proposed.	<b>1-2 years</b>	<b>1:5</b>	<b>15</b>
	<b>2-4 years</b>	<b>1:8</b>	<b>16 (1 of 2 staff is RECE) 24 (2 of 3 staff are RECE)</b>
<b>Manitoba</b>	1-2 years	1:4	8
	2-3 years	1:6	12
<b>Saskatchewan</b>	18-29 months	1:5	10
<b>Alberta</b>	19 months - 3 years	1:6	12
<b>British Columbia</b>	0-3 years	1:4	12
<b>Northwest Territories</b>	13-24 months	1:4	8
	25-35 months	1:6	12
<b>Nunavut</b>	13-24 months	1:4	8
	25-35 months	1:6	12
<b>Yukon Territory</b>	18 months-2years	1:6	12

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