

Advocates push for licensing of home daycares ^[1]

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EXCERPTS

You can't open a restaurant in Toronto without a licence. You need a licence in Ontario to go fishing. And dog and cat owners in most cities require one.

So why does Queen's Park still allow people to run home daycare businesses — looking after our youngest and most vulnerable residents — without a licence?

It is a question Marni Flaherty, president of the Home Child Care Association of Ontario, is asking in the wake of secrecy surrounding child abuse investigations in unlicensed home daycares and the case of an unlicensed caregiver who was convicted of using a forged "vulnerable sector" police reference check.

Children's aid workers are legally prevented from telling parents anything when a daycare is under investigation for child abuse and even when the case is complete. And a vulnerable sector check is the only way parents can know if a prospective unlicensed operator has had any contact with police.

"It is 2017. Children are our most precious resource. Why aren't we licensing these businesses so there is accountability and people who are making sure our children are safe?" said Flaherty. Her association represents about 70 licensed home daycare agencies across the province which oversee about 3,000 homes.

As Ontario rolls out its five-year plan to add 100,000 licensed child care spaces for children under age 4, it should do more to encourage home daycare providers to join the licensed system — and put questionable operators out of business, Flaherty added.

Ontario's minister responsible for early years and child care says the province has tightened the rules for unlicensed home daycare businesses, but has no plan to stop parents from using "a neighbour or a friend" to care for their kids.

"Parents have the right to choose what's best for their children while government has an obligation to enforce safety standards and encourage greater quality, affordability and access in the system," Indira Naidoo-Harris said in a statement.

Flaherty agrees parents should be able to use family members and people they know to care for their children.

"But when people are running a business out of their home looking after children they have no relationship with, there should be more oversight," she said.

Most new parents who are often sleep-deprived, cash-strapped and anxious about returning to work after maternity leave, struggle to find child care they can afford and trust.

In licensed child care settings, Ontario's Early Years and Child Care Act prescribes everything from staff training and physical safety to nutrition and program goals. But there are licensed spots for barely 20 per cent of children under age 4 in the province. And in cities like Toronto, the average monthly cost is about \$1,400 for one child.

It means parents who can't find or afford licensed care are forced to rely on what children's aid workers call the "grey area" of unlicensed home daycares.

Ontario's child welfare laws cloak unlicensed home daycares in secrecy by preventing parents from knowing if an operator has been investigated for possible child abuse — even when an allegation is verified by children's aid workers. Only if there is enough evidence for police to lay criminal charges are parents notified.

The Star's recent story about a group of west-end Toronto parents and their troubling experience with an unlicensed home daycare operator "highlights the challenges to both (children's aid) workers and parents," said a retired supervisor with the Children's Aid Society of Toronto.

Terry Standish set up the specialized unit that investigates suspected child abuse in daycares, schools, camps and other community

programs for the Children's Aid Society of Toronto in 2006.

"There would be a huge backlash if the province tried to ban unlicensed (home daycare) providers because in many cases, that's all parents can find," said Standish, who worked for the agency for 30 years and supervised the Community Caregiver Investigation Unit until he retired in March 2015.

Of the 392 cases of suspected child abuse the unit handled in 2016, about 19 involved unlicensed home daycares, according to a Toronto children's aid spokesman. There were 47 cases related to people working in licensed centres and homes.

Supervisors in licensed centres and homes are notified when a case of abuse is verified, said Standish. But in unlicensed home daycares there are no supervisors to notify.

In unlicensed settings, no one checks to see if the home is safe. There is no requirement for caregivers to have a vulnerable sector check, first aid or infant CPR training. There are no educational standards and no supports for parents or caregivers if something goes wrong.

At a minimum, parents using an unlicensed home daycare should insist the caregiver provide proof of a current vulnerable sector check and up-to-date first aid and infant CPR training, Standish said.

Children's aid has no legal authority to close a home daycare when abuse is suspected and investigators cannot compel a caregiver to provide a complete list of parents and children using the service, Standish noted.

As a result, children's aid investigators can't warn other parents, even when they have determined abuse occurred based on "a balance of probabilities," he added.

Police, who are usually involved during these investigations, have these powers if there is enough evidence or witnesses to lay charges. But with pre-verbal children and no witnesses, it is often difficult for police to lay charges, Standish said.

Children's aid protocol requires an investigator who has verified a case of abuse to notify the children's ministry so the abuser's name can be placed on the provincial child abuse register, he said.

Although the register is available only to children's aid workers, any police contact, including an unsubstantiated investigation for child abuse, would show up on a vulnerable sector check, Standish said. And this is why parents should insist on one from any unlicensed daycare provider.

Staff in all licensed home daycares and child care centres — as well as anyone working or volunteering for any government or non-profit agency caring for children, seniors or disabled people — are required to obtain a vulnerable sector check, he noted.

Under the province's new child care legislation, enacted in 2015, anyone operating an unlicensed home daycare is allowed to care for a maximum of five children under age 13, including the caregiver's own children. Only two of those children can be under 2. By law, these businesses can operate out of only one place and parents must sign a disclosure confirming they are aware the caregiver is not licensed. Both unlicensed and licensed daycares must provide access to parents during operating hours.

The education ministry has created a dedicated enforcement team to investigate complaints against unlicensed providers suspected of breaking the rules. And it has introduced an online database of validated complaints, Minister Naidoo-Harris said.

But Flaherty and her licensed home child care agency want the government to do more to encourage unlicensed caregivers to join the licensed system.

Changing provincial regulations so unlicensed home daycares are allowed to care for just three children under age 6, would be more incentive for them to become licensed, said Flaherty who also runs Today's Family, a home child care agency serving Hamilton and Halton Region.

The association would also like to see municipalities pay home child care agencies directly for their oversight and support role. Currently, agencies take a percentage of parent fees and subsidies, which is a sticking point for many unlicensed operators, she said.

Unlicensed operators have also said they don't like some of the program advice they receive from agencies and they don't like having to bill parents for statutory holidays or when they take family vacations.

Direct funding may solve some of the billing issues, Flaherty said. But she has no sympathy for caregivers who oppose any oversight.

"These women are running businesses that are often very lucrative," she said. "Most businesses have to follow rules. Home daycare providers should not be exempt, especially when the health and safety of our children is at stake."

-reprinted from The Toronto Star

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