

# Unlicensed daycare crisis: Ontario inspections reveal numerous violations <sup>[1]</sup>

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EXCERPTS

Children sleep in an airless room that is so damp, the floor is wet and the bedding is soggy.

A caregiver's husband drinks beer in the driveway while two preschoolers are alone in the house. His wife is out picking up eight more kids.

An unattended toddler rides a toy car into a busy intersection and is rescued by an alarmed motorist.

These are among the scenes depicted in provincial investigations of almost 300 complaints about unlicensed child care in the year before 2-year-old Eva Ravikovich died in an illegal home daycare, found to be filthy and overcrowded, in Vaughan last July.

Ministry of Education files, obtained by the Star, show in about 40 per cent of cases, caregivers were looking after more than five children under age 10, not including their own, in violation of Ontario's Day Nurseries Act.

Ontario education ministry investigators noted health and safety hazards in unregulated home daycares between July 2012 and July 2013. Officials found listeria in the Vaughan home where Eva Ravikovich died.

The violations ranged from caregivers with six kids, eight kids, 11 kids, and as many as 14 children in a Toronto home last April when ministry officials visited.

The caregivers' names and street addresses were blanked out of the reports to protect the privacy of the children.

"This is just the homes where there have been complaints," said Andrea Calver of the Ontario Coalition for Better Child Care. "What's going on in the thousands of unregulated homes that government officials never see?"

Although the lack of government oversight of unlicensed daycare has been criticized for nearly three decades, it is a question child care advocates, parents and politicians have been asking with renewed vigour since little Eva died in a home where police found 27 children. A total of 35 kids were signed up for care and health inspectors found potentially deadly listeria bacteria in the kitchen. Officials also discovered 14 dogs in the home next door, where they said some of the children were likely receiving care.

The Ministry of Education, responsible for child care in the province since January 2012, doesn't track unlicensed daycare businesses, and only visits them if someone complains about the number of kids in care. Even then, visits don't always happen.

The ministry has admitted it failed to look into four complaints against the Vaughan home before Eva's death last July. According to statistics published on the ministry website after the tragedy, 25 of 448 complaints went unanswered between January 2012 and July 18, 2013.

Eva's death prompted an outcry over how the provincial government ensures kids in unlicensed care are safe. Just days earlier another toddler, 2-year-old Allison Tucker, was found dead in a bathtub while in unlicensed care in North York. Then on Nov. 13, a third child, this time a 9-month-old baby girl, Aspen Juliet Moore, was found lifeless in an unlicensed home daycare business in Markham. A funeral was held Friday for Aspen.

No charges have been laid in any of the cases as the coroner and police continue to investigate the deaths.

Provincial Ombudsman Andre Marin is probing the ministry's handling of complaints. His report is expected early next year, while the minority Liberal government has said it is planning to introduce changes to child care legislation this fall. The ministry is also working to improve coordination between its inspectors - who only have power over the number of kids at unlicensed daycare businesses - and Children's Aid, local public health and bylaw officers.

Meantime, ministry documents from July 2012 to July 2013, obtained by the Star under a freedom of information request, provide a glimpse of what goes on behind the closed doors and curtains of unlicensed child care providers in Ontario, and how the province's 54 inspectors apply their limited authority in this unregulated sector.

About 60 per cent of the complaints - more than 180 - were concentrated in the GTA, the province's population centre.

Violations were noted in 70 of the GTA cases. Peel and Toronto had the most violations with 22 and 20, respectively. Durham had 12 and York had 11.

Halton had five violations, including an Oakville caregiver and her daughter who in November 2012 were looking after 11 kids under age 6.

The complainant saw "clearly under-aged" children being driven in the front seat of trucks and cars. A follow-up visit by the ministry found 13 children under age 10, including nine hiding downstairs.

Despite penalties of up to \$2,000 a day for operating illegally, the mother and daughter providing care in the Oakville home were fined a total of just \$1,500 last April, according to a ministry spokeswoman. It was the only fine levied as a result of the 289 investigations logs from the year before Eva died.

Advocates say fines are no deterrent.

"The financial incentive to add another child is huge," said Calver. At as much as \$70 a day for 250 days, one extra child could reap an extra \$17,500 a year. Even at just \$30 a day, a caregiver stands to earn another \$7,500.

"There is a lot of money to be made in unlicensed daycare," she adds. "You need no skills, no qualifications, no experience . . . All you need to do is post a flyer in a grocery store charging \$5 less than the going rate and you will be full in a month."

The ministry documents back up advocates' belief that lax government enforcement allows a "wild west" atmosphere in the unregulated sector.

Investigation reports show a lack of consistent documentation and oversight. Many are not signed by supervisors for months, if ever. Some investigations were carried out over the phone, or don't seem to have been followed up after businesses were deemed illegal. Ministry officials are required to conduct a site visit within five business days of all complaints regarding unlicensed homes with more than five children under age 10. A follow-up visit for those in violation must occur within a month of the first visit.

In at least a dozen cases, the documents reveal, managers didn't sign off on months-old investigations until alarm bells rang after Eva's death on July 8.

One illegal home, for example, was visited in November 2012, but didn't get the mandatory follow-up visit until eight months later, on July 16, 2013. Another was deemed illegal in August 2012, but wasn't inspected again until after Eva died in July 2013.

In emails sent July 15, a week after Eva's death and renewed pressure over unanswered complaints, an inspector north of Toronto emailed his colleagues, acknowledging holes in their oversight: "Look through all hard copy and electronic fills (sic) to dig up as much of the missing information as you can find."

Sources told the Star two ministry staff were suspended in the wake of her death.

Health and safety hazards that would be unacceptable in licensed daycare settings are routinely noted in the documents, although it is often unclear whether public health or Children's Aid actually looked into these concerns.

In Bowmanville last July, 12 children, including the caregiver's own two kids, were being cared for in a home with a backyard pool.

The caregiver left the patio door open to the backyard (and the pool) during the visit, investigators noted. "Children were going to different areas of the house and the caregiver did not seem concerned," they added.

There is no record of what happened when bylaw officials were called about the unfenced pool or when CAS was contacted about lack of supervision.

The documents also show instances where parents became upset about losing the only care they could find or afford, as a result of ministry intervention.

Last April, officials visited a Thunder Bay home and found a backyard pool with no fence and 12 children. Parents said they were very unhappy their daycare was busted and asked officials "what the ministry of education was going to do to fix this," according to their report. One parent threatened legal action because the ministry was "impacting his ability to work."

Given that there are only enough spots in licensed daycare for about 20 per cent of Ontario kids, there is pressure on unlicensed child care businesses to accept more than the legal limit.

An illegal care provider in Toronto began to cry during an inspection last July, stating that she knows the rules, but a nearby school keeps sending parents to her. "She said she has people knock at her door every day asking her if she can take care of their children," inspectors noted.

Ministry inspection notes indicate many caregivers think they can have more than five children if more adults are in the home.

Unlike municipal public health and bylaw inspectors who cannot enter a private home uninvited, ministry officials have a legal mandate to gain access to homes suspected of breaking the law. But their notes show they are sometimes barred from entry.

In January 2013, officials had to call police to help them inspect an Oshawa home where they noted a child was left crying in a crib in a darkened bedroom with the door closed. The back door was blocked, causing a safety hazard if there was a fire or other emergency, they also wrote in their report.

Most troubling in the documents is evidence that some of the homes deemed legal were still frightening places for children.

The home with the soggy bedding was one of them. In addition to the dank sleeping area and concerns about mould, ministry officials who visited the North Bay home last June found a broken crib and playpen with large holes, broken window blinds with dangling cords, a broken, unsanitary high chair in the kitchen and uncovered electrical outlets.

Officials ordered the caregiver to clean the kitchen and sleeping area and install a dehumidifier.

Children's Aid and public health officials visited two days later by which time the caregiver had installed ceiling fans, a dehumidifier and "windows were opened allowing for a nice draft," according to the upbeat inspection notes.

Mould was found on the window frames, but the caregiver was instructed on how they could be easily cleaned. Ministry and CAS officials returned a week later and reported: "Site clean, well ventilated and only three children in care. CAS closing the file."

And that was the end of it.

In another example, a legal daycare home in Chatham-Kent had children in a backyard wading pool with "pale green" water, while inspectors described the yard as littered with garbage, old magazines, a butter knife and other debris, including several bleach bottles that might have contained chemicals.

Health and Children's Aid officials visited later and said they were satisfied there weren't any child protection issues, according to inspection notes. That's where the document ends.

The issue of oversight in the unlicensed child care realm has been addressed by four public inquiries since the 1980s. In 1995, 13-month-old Mercedes Fraser was strangled on her undershirt when it caught on a bolt in a defective playpen in an unregulated Cambridge home. The inquest that year heard two complaints had been lodged against the operator in the previous two years and neither was adequately followed up.

A jury recommendation called for surprise inspections for two years when operators have violated the Day Nurseries Act., but it was never acted on.

As part of its current legislative review, the education ministry has promised to create a database on its website, where parents will be able to find information on whether unlicensed care providers have ever been caught with too many kids. It will include information back to January 2012, and is expected to be ready for winter 2014, according to a ministry spokesperson.

However, the database will not include any information gleaned from investigation documents, such as health or safety concern, or even the illegal number of children in the home.

- reprinted from the Toronto Star

**Region:** Ontario <sup>[2]</sup>

**Tags:** quality <sup>[3]</sup>

health <sup>[4]</sup>

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