

Ontario legislation gives inspectors power to crack down on dangerous daycares ^[1]

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EXCERPTS

In an effort to crack down on dangerous and unregulated home daycares, Ontario will introduce legislation that gives inspectors new powers to close unsafe locations "on the spot" and give hefty fines to caregivers who break the rules.

The proposed changes will also create an incentive for unregulated daycare to become licensed, create new space in existing licensed home-based care by allowing caregivers who meet standards to watch an additional child, and require school boards to provide before and after school programs for students between the ages of six and 12, where there is "sufficient" demand.

Under the amendments, provincial officials would be able to levy fines of up to \$100,000 for each infraction, and up to \$250,000 if they choose to prosecute serious violations. Under existing daycare legislation, the province has to go to court to close a daycare - even in cases where a child had died - and the maximum fine is \$2,000 for each day a violation wasn't fixed.

"We are introducing huge teeth into the inspection process," Education Minister Liz Sandals told the Globe and Mail in advance of her morning announcement. "We are going to see a childcare system where we have much improved capacity to enforce the rules."

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An overhaul to province daycare act is long overdue - it has been decades since any changes have been made - and many of the changes are what child care experts have wanted the province to make. But the amendments fall short of the big-picture improvements that many advocates argued is needed for a better child-care system, including caps on parent fees, and, for younger children, better access to affordable, centre-based care, which is considered by experts around the world to be the highest quality and best for child development. In a system with too few spots families are often beholden to whatever care they can find, even if it means paying the price of a year's university tuition for basement-level care provided by someone without credentials.

Still, child-care advocates agree that one of the first steps to a better system is creating more spaces in licensed care, where caregivers must follow provincial standards and are subject to regular inspections. The changes, Ms. Sandals says, will eventually create "thousands" of new licensed spots in home settings by allowing caregivers to look after more children if they comply with regulations.

A glaring problem with Ontario's current law is that it creates stricter child-caregiver ratios for regulated home daycares, thereby creating a disincentive for caregiver to get a license. In the past, all home daycares have been limited to five children, but license caregivers had additional age restrictions and had to count their own children in the total number - making it more profitable to remain outside the regulated system.

For instance, says Ms. Sandals, a mom with three young children offering unlicensed care, could "just line up five cribs and fill them all up, and you could have eight kids, the majority of whom are under two years of age. So actually, the way it's set up, there's a financial incentive right now to not be licensed. We are going to flip that."

Under the new legislation, all home daycare providers will have to follow the same age rules and include their own children in the total, but licensed caregivers will be allowed to care for six children instead of five. "When we look at the homecare provider ratios across the country, we find that six kids in licensed care is quite within the normal experience of other provinces."

Other details in the proposed legislation:

- The amendments will clarify which types of care do not require a license, including care by relatives, babysitting, short-term care in malls or gyms, nannies and camps for school-aged children. All private schools that care for more than five children under the age of four will need to be licensed.

- School boards will be required to provide before and after programs, where demand is "sufficient" either directly, or through third party contracts for students Grade 1 to Grade 6. Currently, although schools may have programs for older children, school boards are required only to provide care for full-day kindergarten students. It is not clear, however, what will count as "sufficient demand."

- The province will also have the authority to accredit early childhood education programs, and will make it mandatory that membership to the College of Early Childhood Educators is revoked if a member is found guilty of sexual abuse or crimes related to child pornography.

The proposed changes focus on enforcement issues, and the province has already announced its is creating a special team of inspectors to enforce daycare regulations, and creating a database so that parents can more easily search for a "verified complaints" about daycares.

To reduce the waiting list that families currently face, and create more licensed child care spots, Ms. Sandals says, will require help from Ottawa. Although the number of licensed spots have increased by almost 100,000 spaces in the last ten years, according to government statistics, there are still only enough regulated spots in Ontario for about 20 per cent of children under the age of five. Ms. Sandals points out that in that same time frame, the province has increase funding for child care by 90 per cent to roughly \$1-billion in 2013. But to create more centre-based space at more affordable rates, she said, "we are going to need to see the federal government come to the table across the country and help the provinces."

- reprinted from the Globe and Mail

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