

2014 Annual Report of the Office of the Auditor General of Ontario ^[1]

Chapter 3: Child care program (licensed daycare)

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AVAILABILITY

Full report available online ^[2]

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Response from the Ontario Coalition for Better Child Care ^[4]

Summary:

Given its responsibility for the Day Nurseries Act, the Ministry of Education needs to do significantly more to reduce the risk of and incidents of serious occurrences to ensure the health, safety and wellbeing of children in the care of licensed operators and private-home day care agencies. We believe that inspections and the related enforcement actions over centre-based child care operators and private-home day care agencies need to be strengthened in order to reduce the incidence and risk of serious occurrences affecting children in licensed child care facilities.

More than 29,000 serious occurrences (ranging broadly in severity) were reported to the Ministry by licensed child care operators and private-home day care agencies between January 1, 2009 and May 31, 2014 (see Figure 8). Serious occurrences include a serious injury to a child, the abuse of a child, any situation where a child has gone missing, a fire or other disaster, as well as physical or safety standard threats on the premises. As a result of our work, we are also concerned that operators are not reporting serious occurrences accurately, on a timely basis and, more importantly, may not be reporting all serious occurrences to the Ministry.

We noted cases where the same child health, safety and well-being concerns were observed on multiple inspections. Although legislation provides grounds for when the Ministry can revoke or refuse to renew a license, we noted that there are no guidelines to assist staff in determining when such courses of action are appropriate. The following are some of our significant concerns:

- **Inspections not conducted on a timely basis.** We noted many examples where operators with a history of non-compliance, considered to be high risk, were not being monitored more closely than well-run child care centres. For example, as of May 2014, one high-risk child care centre had not been inspected since November 2012 despite recent non-compliance issues including a lack of child supervision due to inadequate staff, improper food storage practices and failing to restrict children's access to cleaning products and knives. Overall, in the last five years, program advisors have not inspected approximately one-third of child care operators before the expiry date of their child care licence. As well, we assessed a sample of operators with provisional licences, which are considered to be high risk, and found that more than 80% were inspected only after the expiry date on their licence.

- **Enforcement of inspection findings needs to be strengthened.** During our audit, we noted many instances where concerns relating to child health and safety were not addressed by child care operators on a timely basis. We also noted that operators that repeatedly contravened the Act were issued successive provisional licences with no further enforcement action. Over the last five years, only 18 enforcement actions were taken against child care operators.

- **Criminal reference check practices need review.** During our audit, we noted that the Ministry did not always verify that a criminal reference check had been obtained by child care operators for themselves and their staff who have direct access to children. As well, the Ministry does not require child care operators and their staff to obtain vulnerable sector checks. A vulnerable sector check is designed to

identify and screen individuals who have a history of questionable or abusive behaviours and who wish to work with children or anyone else considered vulnerable or at greater risk than the general population. It is more thorough than a criminal reference check and includes additional searches such as restraining orders, pardoned convictions and police contacts for threatening or violent behaviour. Both Alberta and Saskatchewan require child care staff to obtain vulnerable sector checks as does Ontario's Ministry of Health and Long-Term Care for people seeking employment in nursing homes or long-term care facilities. Several Ontario school boards also require a vulnerable sector check from people volunteering or seeking employment in elementary and secondary schools.

- **Caseload of program advisors increasing.** Since 2005, the number of child care operators has increased from 3,900 to 5,200 or 33%, while the number of program advisors is relatively unchanged. As a result, there has been a similar increase in the average caseload of program advisors. Half the advisors were responsible for the inspection and oversight of more than 100 child care centres. This increased caseload is in addition to program advisors' other duties such as licensing and following up on serious occurrences and complaints. Consequently, the Ministry needs to review its staffing to ensure that thorough inspections are conducted so that children are effectively cared for in a safe and healthy environment.

- **Risk of inconsistent oversight of child care operators.** Program advisors issuing licences and conducting inspections recommending the licensing of child care operators exercise a great deal of discretion when conducting their work because ministry policies and guidelines are often vague or non-existent. The risk exists that work is performed inconsistently. For example, there were no guidelines on how to verify that medications, cleaning supplies and other hazardous substances were properly stored and inaccessible to children. We observed that program advisor verification ranged from minimal (check a few cupboards) to thorough (check all cupboards and storage areas).

- **Improved management information required.** At the start of our audit, we asked the Ministry's head office to provide various management reports that we would consider necessary to ensure effective oversight of licensed child care operators. We found that data was not collected on the number of children enrolled in licensed care; a record of the status of facility inspections was not maintained; complaint logs had to be consolidated from various sources; and information on serious occurrences would have to be extracted from the computer systems and obtained from a municipal service manager. As a result, we concluded that, even though the Ministry implemented a new system during the audit that will provide a variety of management reports, management did not have the information necessary to properly oversee the child care program.

- **Serious occurrence oversight needs improvement.** Child care operators have reported more than 29,000 serious occurrences to the Ministry in the last five years. By definition, these are very serious incidents that often involve medical attention, children's aid and/or emergency services. We found that many of these incidents were not being reported to the Ministry within 24 hours as required, including a case of alleged physical abuse by a child care employee that was witnessed by another staff member. We also concluded that program advisors were not adequately reviewing the operators' serious occurrence policies because we noted that some policies in our sample did not properly identify what constitutes a serious occurrence and that half the policies did not state all of the requirements regarding reporting these occurrences to the Ministry.

Related link: Auditor general raps Liberal government for tardy daycare inspections ^[5]

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