



Amendments to Nova Scotia's
Day Care Regulations

Consultation Summary

December 2008



Building strong, healthy communities together

“The Day Care Act and Regulations are long overdue for an overhaul. As these documents guide the development of and ongoing operations for child care services in the province, their importance cannot be underestimated.”

(Stakeholder Response to the Consultation Document, February 2008)

1 Background

In February 2008, the Department of Community Services held two consultation sessions to discuss the proposed amendments to the *Day Care Regulations*.

A two-hour interdepartmental consultation session was held on February 19, 2008. There were 21 participants in attendance at this session, representing the following government departments: Education, Health, Health Promotion and Protection, Agriculture, Environment and Labour, Justice and Community Services. In addition there were representatives from the Halifax Regional School Board and the Conseil scolaire acadien provincial. A second smaller consultation sessions was held in April with representatives from Health Promotion and Protection and other organizations with an interest in recreational and leisure time programs for children.

A daylong consultation session for the early childhood sector and Community Service’s staff members was held on February 21, 2008. In total, 87 participants attended this session. Included were 60 participants representing 27 stakeholder groups from the early childhood sector and 27 staff members from the Department of Community Services.

In advance of the consultation sessions, a consultation paper on the amendments was completed and circulated to participants in February 2008. The paper was also available on the Department of Community Services website. All directors and operators of licensed child care centres received notification that the consultation paper was available for review. Responses to the consultation paper were accepted by the Department until March 28, 2008. An e-mail address and a toll-free telephone number were provided for those who wished to respond. During this period nine written responses and three voice mails were received.

The consultation sessions proved to be effective in eliciting feedback and comments on the proposed amendments. Although it was indicated that, at times, it was difficult to hear the speakers at the early childhood sector session, the participant evaluations were positive in nature and indicate that participants were pleased with the opportunity to attend. This is indicated in the following statements, which are taken from the Participant Evaluation Forms and reflect responses to the a question on the benefits of the consultation session:

“As someone working directly with children, I feel today was an amazing experience. A great opportunity to be with professional ECEs and related professionals coming together for the future of child care.”

“[The session] gave the opportunity to meet different levels and department representatives of the profession. To hear and share the thoughts of each person, group, etc, which will help in strengthening the profession to move forward.”

“Thank you for the opportunity to have these discussions, it has been a positive experience and a very inclusive one.”

The information collected has been instrumental in continued work on the amendments. Below is a summary of the information gleaned from both the consultation sessions and the written responses with respect to the consultation paper. The summary has been organized under the same headings that were used in the February 2008 Consultation Document and are as follows:

- Services Exempted from Licensing
- Classes of Licence
 - Provision of Care for School Age Children
 - Part-Day and Full-Day Programs
- Licensing and Compliance Expectations
- Improved Information for Parents
- Qualifications

2 Discussion Topics

2.1 Services Exempted from Licensing

Both interdepartmental and sector representatives agreed on the importance of clarity in definitions and, particularly, in identifying those services exempted from licensing. In considering exemptions, all participants indicated the need to ensure children’s well-being and safety are not compromised in unregulated programs.

2.2 Classes of Licence

In general, the idea that program requirements under the regulations should reflect the specific ages and needs of the children, as well as the length of time children attend a program, was received positively.

Participants highlighted the importance of clearly defining each type of program and each class of license. There were questions as to how the class of license issued and the programs offered would reflect each other. Some participants expressed concerns about the notion that one facility might require more than one license to offer multiple program types.

With this in mind, the amendments will clearly identify child care program types. The program types will remain as follows:

- Early childhood part-day program: the facility offers care for children who are at least 30 months old, are not yet attending school and attend for four consecutive hours or fewer per day.
- Early childhood full-day program,(with the option of extended hours): the children in the facility are five years old or younger, are not attending school, and attend for more than four consecutive hours per day.
- School age program (with the option of extended hours): the children are five years old by December 31 of the school year and are attending school.
- Option to offer extended hours: an operator must submit a proposal and receive approval from the Director of Early Childhood Development Services in order to offer extended hours care, defined as more than 12 consecutive hours per day or to offer evening and weekend care.

In order to provide any of the child care programs described above, child care centre operators will be required to apply for a license to operate a child care centre. The license issued will clearly identify the types of programs that may be offered.

The class of license required to operate a child care program will reflect the total number of hours that a facility wishes to operate and will be defined as either part-day or full-day.

Participants indicated the need to recognize that, in many cases, facilities that provide part-day child care are open on a full-day basis and require staff to work full-day hours. In recognition of this, the amendments will identify both the class of license required to operate and the types of programs that may be offered under the license. The class of license required will be identified as follows:

Full-day license

A full-day licensed would be required when:

- ▶ The facility operates for more than 30 hours per week; and/or
- ▶ The facility offers child care for more than four consecutive hours per day.

A part-day license would be required when:

- ▶ The facility is open for 30 hours or fewer per week; and/or
- ▶ The children attend for four or fewer consecutive hours per day.

The class of license will reflect the facility's operational hours and the types of programs offered would be identified on the license.

2.3 *Licensing and Compliance*

Both Department staff and the sector suggested that limiting the occurrences of short-term licenses is a shared goal. To some extent this goal has been supported through consultation and through continued interdepartmental work to develop clear lines of communication with other departments such as the Office of the Fire Marshal and the Department of Agriculture.

Community Services is committed to improving upon and enhancing licensing processes and will strive to ensure that the length of a license term reflects a facility's compliance history. The introduction of colour coded licenses will not be included in the amendments. There is sufficient reason to believe that the goals of eliminating the number of short-term licenses and recognizing a facility's positive compliance history in the licensing recommendation process, can be reached without colour-coded licenses. The amendments will support flexibility of license terms and will allow for the possible issuance of licenses for terms that extend beyond a year or two, when facilities maintain compliance.

2.4 *Improved Information for Parents*

Participants supported the notion of improved communication between the Department of Community Services and parents of children in licensed child care facilities. The amendments will include a requirement around the formation of parent committees as a means of ensuring parents have information that is pertinent to the child care facility or approved family day care home that their children attend.

The term, "advisory", will not be used to describe the parent committee. The Department will require that all facilities have a parent committee that may be used a vehicle for sharing information on behalf of the Department. In a limited number of cases, where there is a history of ongoing non-compliance and when a facility has received a Written Directive, or where the facility may present a clear and present danger to children and staff, the Department will ensure that parents are aware of immediate concerns and may use the parent committee to share information. For the most part, however, the parent committee will serve as a means for the Department to convey information about policies, procedures and initiatives that are pertinent to parents and that are intended to support parents' access to and understanding of quality child care.

The Department will assist operators to form parent committees by providing clear guidelines for working with parents and expectations for meetings, roles and responsibilities. The purpose of the committees will be twofold:

- ▶ To provide the Department with a reliable means of communicating with parents, to support the sharing of information that is pertinent to them as parents of children in licensed child care.
- To convey information to parents when there are serious issues of non-compliance and a facility is at risk of losing its license.

2.5 *Qualifications*

During the discussion about qualifications, several participants suggested that a clear revision of the training requirements was required in order to attract and retain competent and knowledgeable child care staff. Although there appear to be clear issues with respect to recruiting and retaining staff, strengthening the training requirements was highlighted as a key factor in strengthening the child care workforce.

Since the consultation sessions, further review of the training requirements as related to equivalency is underway. This review, coupled with feedback from the consultation sessions, has led to a reworking of the current requirements under Section 21 A (5) in the *Day Care Regulations* with respect to training in Early Childhood Education. The proposed amendments will continue to allow for a combination of work experience and course work to be recognized for the purpose of meeting ratio requirements; however, the context of the work experience and the content of the course work will be spelled out more clearly to ensure that child care staff who choose to work towards equivalent training rather than a degree or diploma in ECE will have sufficient knowledge and experience to prepare them for working in a child care setting.

Over the next several months, Department staff will be working with the sector and recognized training institutions to develop the course work and the guidelines for workplace experience that will be used for the new equivalency process.

3 **Next Steps**

The draft amendments are now in the final stages. The revisions made since February 2008 reflect the discussions held during the consultation sessions and by way of the written responses to the Consultation Paper. Upon final approval of the new regulations by cabinet, a timeline for full implementation and compliance will be established.

Thank you to all who have contributed to the consultation process. Your expertise, knowledge and feedback are appreciated by the Department of Community Services.

Please forward any questions regarding the information presented in this report to the attention of:

Shelley Thompson
Coordinator, Child Care Centres Policy and Program Development
Department of Community Services
P.O Box 696, Halifax, NS, B3J 2T7
Telephone: 1-902-424-5761
Fax: 1-902-424-0708
E-mail: thompsse@gov.ns.ca