

Tip Sheet
Ontario Regulation 137/15
Child Care and Early Years Act, 2014 (CCEYA)
Requirements for August 29, 2016 Implementation

Effective August 29, 2016	Requirements for Licensees
Requirements for Home Child Care	
<ul style="list-style-type: none"> ▪ Removal of home visitor cap for home child care agencies (ss. 6(5)) 	<ul style="list-style-type: none"> ▪ Home child care agencies must update: <ul style="list-style-type: none"> ○ the list of home visitors in CCLS when changes to staffing are made ○ the list of home child care providers in CCLS when changes to the list are made and prior to submitting their licence renewal application and fee
<ul style="list-style-type: none"> ▪ Furniture for sleep in home child care (ss. 27(3)(2)) 	<ul style="list-style-type: none"> ▪ Home child care agencies may request director approval in writing for the use of resting mats for children 18 months of age up to and including five years of age ▪ Where director approval is granted, the agency licence will be amended to add the director approval
<ul style="list-style-type: none"> ▪ Bodies of water in home child care (S.30.1) 	<ul style="list-style-type: none"> ▪ Ensure that no child under six years old is permitted to use or have access to any standing or recreational body of water ▪ Where home child care agencies permit children who are six years old or older to use or have access to a standing or recreational body of water, a lifeguard is present ▪ Home child care agencies must develop written policies and procedures regarding children's use of and access to bodies of water
Requirements for Home Child Care and Child Care Centres	
<ul style="list-style-type: none"> ▪ New requirements around implementing, reviewing, updating etc., policies and procedures, and individualized plans for children (S.6.1) 	<ul style="list-style-type: none"> ▪ Licensees must ensure that all policies, procedures and individualized plans are: <ul style="list-style-type: none"> ○ implemented ○ reviewed by the licensee at least annually to ensure they are current ○ reviewed with employees, students and volunteers before they begin their employment, educational placement or volunteering; and annually thereafter and any other time when changes are made ○ reviewed with home child care employees, home visitors, home child care providers and persons who are ordinarily residents of the premises or regularly at the premises before employment or interacting with children; and annually thereafter and any other time when changes are made ▪ Licensees are required to keep a record with the date of each review conducted of the policies, procedures and individualized plans ▪ Develop and implement a written process that explains how compliance and contraventions with respect to all policies, procedures and individualized plans under the Regulation are

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	monitored on an ongoing basis, recorded and addressed
<ul style="list-style-type: none"> ▪ Requirements in regulation for serious occurrences (Section 38) 	<ul style="list-style-type: none"> ▪ The serious occurrence policy must be updated to reflect the regulatory requirements: <ul style="list-style-type: none"> ○ Definitions of a serious occurrence (Section 1) ○ How to respond to a serious occurrence ○ How and when to report a serious occurrence ▪ Conduct an analysis of all serious occurrences that occurred in the previous calendar year and record any actions taken in response to the analysis
<ul style="list-style-type: none"> ▪ New sleep supervision and position requirements (Section 33.1) 	<ul style="list-style-type: none"> ▪ Ensure that children under 12 months old are placed for sleep in a manner consistent with the recommendations set out in the Joint Statement of Safe Sleep, unless a child's physician recommends otherwise in writing ▪ Ensure that staff in child care centres and home providers in the home child care premises are periodically performing direct visual checks of sleeping children by being physically present and checking for indicators of distress or unusual behaviours ▪ Ensure that there is sufficient lighting in the sleep room or area to conduct the direct visual checks ▪ Develop written policies and procedures with respect to sleep that include the following regulatory requirements: <ul style="list-style-type: none"> ○ Children will be assigned to individual cots or cribs (or mats where a director approval has been granted for children 18 months to 5 years old) ○ provide that parents will be consulted respecting a child's sleeping arrangements at the time the child is enrolled and at any other appropriate time, such as at transitions between programs or rooms or upon a parent's request, ○ provide that parents of children younger than 12 months will be advised of the licensee's obligation to ensure that children under 12 months old are placed for sleep in a manner consistent with the recommendations set out in the Joint Statement of Safe Sleep (ss.33.1),(i.e., placed on their backs) ○ provide that parents of children who regularly sleep at the child care centre or home child care premises will be advised of the centre's or agency's policies and procedures regarding children's sleep, ○ provide that the observance of any significant changes in a child's sleeping patterns or behaviours during sleep will be communicated to parents and will result in adjustments to the manner in which the child is supervised during sleep, and ○ include details regarding the performance of direct visual checks including how frequently direct visual checks will be performed and how direct visual checks will be documented

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<ul style="list-style-type: none"> ▪ Prohibited practices (Section 48) 	<ul style="list-style-type: none"> ▪ Ensure that the following list of prohibited practices are not committed and update the program statement implementation policy and parent handbook to include the list: <ul style="list-style-type: none"> ○ corporal punishment of the child; ○ physical restraint of the child, such as confining the child to a high chair, car seat, stroller or other device for the purposes of discipline or in lieu of supervision, unless the physical restraint is for the purpose of preventing a child from hurting himself, herself or someone else, and is used only as a last resort and only until the risk of injury is no longer imminent; ○ locking the exits of the child care centre or home child care premises for the purpose of confining the child, or confining the child in an area or room without adult supervision, unless such confinement occurs during an emergency and is required as part of the licensee's emergency management policies and procedures; ○ use of harsh or degrading measures or threats or use of derogatory language directed at or used in the presence of a child that would humiliate, shame or frighten the child or undermine his or her self-respect, dignity or self-worth; ○ depriving the child of basic needs including food, drink, shelter, sleep, toilet use, clothing or bedding; or ○ inflicting any bodily harm on children including making children eat or drink against their will.
<ul style="list-style-type: none"> ▪ Amended requirements regarding first aid certification (Section 58(2) & (3)) 	<ul style="list-style-type: none"> ▪ By September 1, 2016: Every licensee of a child care centre or home child care agency shall ensure that the following persons have a valid certification in standard first aid, including infant and child CPR, issued by a training agency recognized by the Workplace Safety and Insurance Board: <ol style="list-style-type: none"> 1. Every supervisor of a child care centre. 2. Every employee of a child care centre who may be counted for the purposes of meeting the ratios required under section 8. 3. Every provider of home child care or in-home services. ▪ Where a person is not able to obtain the standard first aid certification with infant and child CPR due to a disability, the licensee must request an exemption letter from the Ministry director and retain the letter on file for review.
<ul style="list-style-type: none"> ▪ Amended requirement regarding renewal dates of offence declarations (Section 62(2)) 	<ul style="list-style-type: none"> ▪ Licensees must obtain a new vulnerable sector check (VSC) or offence declaration (OD) as required under the Regulation no later than 15 days after the anniversary date of the previous VSC or OD

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<ul style="list-style-type: none"> ▪ Regulatory requirement regarding supervision of students and volunteers (Section 11.1) 	<ul style="list-style-type: none"> ▪ Licensees must ensure that every volunteer or student at a child care centre or home child care premises <ul style="list-style-type: none"> ○ is supervised by an employee at all times ○ is not permitted to be left alone with any child ▪ Update the Supervision of Volunteers and Student Policy to include: <ul style="list-style-type: none"> ○ requirements noted above ○ roles and responsibilities of the licensee and supervising employees ○ roles and responsibilities of volunteers and students
<ul style="list-style-type: none"> ▪ Requirement for number of resource teachers is amended - not mandatory (Section 10(1)) 	<ul style="list-style-type: none"> ▪ Licensees may employ a resource teacher to plan and implement individual or small group experiences for children with special needs but hiring a resource teacher is no longer a requirement
<ul style="list-style-type: none"> ▪ New immunization exemption forms for new staff, new home child care providers and newly-enrolled children (Section 57(3 and 4) & Section 35(2 and 3) respectively) 	<ul style="list-style-type: none"> ▪ Objections or exemptions obtained as of August 29, 2016 or after must be completed on the ministry-approved form and retained in the children or staff record ▪ Statement of Conscience or Religious Belief forms for religious/conscience objections must be completed by a “commissioner for taking affidavits” (i.e. must be notarized) ▪ Statement of Medical Exemption form for medical exemption to immunization must be completed by a doctor or nurse practitioner ▪ Written objections to immunization that have been obtained by the licensee prior to August 29, 2016 will be considered compliant; but must be replaced by an approved objection/exemption form and notarized as outlined above before September 1, 2017 ▪ Any written objection/exemption that was on file prior to August 29, 2016 but is missing must be replaced with one of the new ministry-approved forms
<ul style="list-style-type: none"> ▪ Records for children (Section 72(1)) 	<ul style="list-style-type: none"> ▪ In addition to current children’s records requirements, licensees shall ensure that children’s records also include, where applicable: <ul style="list-style-type: none"> ○ A copy of any individualized plan; ○ A copy of any written recommendation from a child’s physician regarding the placement of a child for sleep
Requirements for Child Care Centres	
<ul style="list-style-type: none"> ▪ Allergy postings (Section 43(3)) 	<ul style="list-style-type: none"> ▪ Ensure that allergy lists include the names of the children and their respective food allergies or restrictions ▪ Allergy list must be posted: <ul style="list-style-type: none"> ○ in each cooking and serving area ○ in each play area or play room; and ○ in any other area in which children may be present <p>Note: Where it is not practical to post a food allergy and restriction list</p>

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	in a particular area (such as an outdoor playground), the licensee must ensure that the list is brought to these areas and staff are aware of its location (e.g., attendance clipboard or emergency information binder).
<ul style="list-style-type: none"> ▪ Playground safety (Section 24(4)(5)) 	<ul style="list-style-type: none"> ▪ Ensure that any outdoor play space, fixed play structure and surfacing under those structures meets Canadian Standards Association (CSA) standard ▪ Update the playground safety policy to include the following requirements: <ul style="list-style-type: none"> ○ That CSA standards will be met ○ The roles and responsibilities of employees regarding safety on playgrounds ○ That daily, monthly and annual inspections are conducted in accordance to CSA standard ○ That a plan will be developed regarding issues or problems identified a playground inspection ○ That a playground log repair will be maintained
<ul style="list-style-type: none"> ▪ No reduced ratios permitted during outdoor play across all age groups, per existing policy. (Section 8(4)3) 	<ul style="list-style-type: none"> ▪ Ensure that reduced ratios are not used during outdoor play
<ul style="list-style-type: none"> ▪ New upper age limit for kindergarten age: category is 44 months or older but younger than 7 years (Schedule 1) 	<ul style="list-style-type: none"> ▪ Licensees may enrol children based on the room capacity to include children up to 7 years in a licensed kindergarten room
<ul style="list-style-type: none"> ▪ Other credentials for individuals working in groups serving only children ages 9–12 years (director approval not required) (Section 54(2)) 	<ul style="list-style-type: none"> ▪ For licensed junior school age groupings, individuals with diplomas or degrees in child and youth care, or in recreation and leisure services, or are members in good standing with the Ontario College of Teachers are considered qualified program staff and do not need to submit a request for director approval ▪ Licensees may request a director approval for an individual who does not have these qualifications to take place of a RECE or those described in 54(2) through CCLS
<ul style="list-style-type: none"> ▪ Mixed age approval may be granted by the 	<ul style="list-style-type: none"> ▪ If a licence has conditions that specify rooms for mixed age approval, licensees must contact their program advisor to request the removal of those conditions from the licence

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director in more than one room. (Section 8(2))	
<ul style="list-style-type: none"> ▪ Mixed age approval in kindergarten age groups for up to 25% of younger children who are 3 years old, or will attain the age of 3 in that year. (Section 8(3)(2)) 	<ul style="list-style-type: none"> ▪ In a licensed kindergarten group, and where mixed age grouping approval has been granted, licensees may enrol up to 25% of children who are between 2 years 8 months of age to 44 months of age, if care is provided after the first day of school and all other children are between 44 months and 7 years of age, while maintaining the ratio, maximum group size and proportion of qualified employees for the kindergarten group.

More Information:

[Phase 2 regulations timeline](#) shows the various implementation dates for new “Phase 2” regulations under the Child Care and Early Years Act, 2014.