

CCEYA Phase Two Regulations

City of Hamilton Response – March 2016

Opening Statement

The City of Hamilton in its role as Consolidated Municipal Service Manager (CMSM) and lead to the Best Start Network invited all local child care and early years service providers to participate in a consultation session to discuss and review the proposed ***Child Care and Early Years Act, 2014 and the Education Act – Phase Two Regulations***. Approximately 80 people attended the session held on March 8th, 2016. Findings from this session and further analysis of the proposed regulations have informed the feedback provided in this summary report as well as the following position statement.

The proposed regulations under the Child Care and Early Years Act, 2014 (CCEYA) and the Education Act contain important changes that would help move Ontario forward in creating “*a system of responsive, safe, high quality and accessible child care and early years programs and services*” (Preamble to Bill 10). However, there are also serious shortcomings to the new regulations including the proposed changes to licensing, the regressive and punitive approach to enforcing the new requirements, and the regulations’ apparent disregard for and misalignment with the well-respected and evidenced-based provincial framework *How Does Learning Happen?: Ontario’s Pedagogy for the Early Years*.

These shortcomings would significantly hamper the quality of care available to children and families. Due to the significant and deep nature of these concerns the Hamilton child care and early years community cannot endorse the proposed regulations as written. We urge the Province to preserve the momentum and good faith created by its thoughtful process of modernizing the system to date and reconsider many of the proposed regulatory changes in the CCEYA, 2014.

Key Areas of Concern

Hamilton child care and early years providers thoughtfully reviewed and gave feedback on all the proposed changes to the regulations. There was much support for the enhanced role of the CMSM in developing integrated service system plans which Hamilton has been doing since 2005. There was also agreement that licensing clarity, particularly relating to the provision of recreational type programs as a choice for families with children 6 years and up is essential. These proposed changes align with one of the gaps identified in the 2012-2015 Early Years Community Plan for Hamilton.

With regard to the proposed licensing regulations, there was overarching support for the intention of these regulations to increase the number of registered ECEs per age group, to recognize family groupings and to enhance staff qualifications.

Most of the concerns focused on the licensing standards relating to age ranges, ratios and group sizes and the negative impact these requirements will have on quality, accessibility and affordability. The impact of the regulations pertaining to the Before- and After-School Programs for children age 6-12 years (BASP 6-12) were also reviewed in depth as this is a new area of focus reflected in the *Phase Two Regulations*. The following is an overview of the five areas of major concern and the associated implications.

Concern #1: Age Groupings, Group Sizes, and Allowances for Reduced Ratio

The newly defined age ranges, ratios and group sizes result in inappropriate groupings of children and larger groups of younger children. This will result in increased staff workloads, increased operating costs and decreased access and flexibility for parents.

Age Groupings: The proposed change to the toddler age group (from the current 18-30 months to 12-24 months) and the grouping of 12 month olds with 24 month olds does not take into account the substantial developmental differences between these two ages and stages. Twelve month old children are frequently still napping twice a day, require 3-4 snack/meal times and frequently run on their own schedules. A twenty-four month old child can far more easily follow a set program schedule with two snacks, a meal and a set nap time for all. There are also significant safety concerns grouping twelve month old children with more mobile twenty-four month old children. This mixing of walking/running and non-walking children is a considerable safety issue and could prove to be dangerous in a crisis situation (e.g. fire / emergency evacuation).

The proposed age groupings do not align with the Ministry's framework *How Does Learning Happen*. The developmental differences between 12 month old and 24 month old children will diminish the capacity of early learning educators to achieve many of the goals set out in that well-respected framework. Also, the new infant grouping creates yet another transition (with new caregivers and new environments) for the youngest children. Since 2014, operators and early years providers have invested time and resources in creating environments that ensure "every child is an active and engaged learner who explores the world with body, mind and senses."¹ These revised age groupings will make the achievement of that goal much less likely.

Furthermore, creating a learning environment and programming that can meet the diverse developmental needs of the proposed toddler and preschool age groupings will create a complicated and heavy workload for early learning educators. This could undermine the commitment to professionalism and quality care that has been growing within the child care and early years sector with the implementation of pillars identified in *How Does Learning Happen*.

The proposed age groupings also put infant spaces at risk by reducing the numbers of children who are eligible for infant spaces. This means for some operators there may not be enough children 0-12 months to support a viable infant program. This potential reduction in access to infant spaces could be problematic for some centres in Hamilton particularly where there are low income and/or single parent families who return to work or school within a few months of

¹ Ontario Ministry of Education. 2014. *How Does Learning Happen? Ontario's Pedagogy for the Early Years*. Page 35.

giving birth. These centres also accommodate children of families working with child protection agencies. Some of these children are placed in child care programs within two weeks of birth in order to help the integration of the child returning to the parental home. Ultimately, the new infant age grouping could restrict the child care access for our most vulnerable families.

Reduced Ratios: Decreasing staff to child ratios and the new restrictions on reduced ratios were viewed as problematic from many perspectives. Operators will require additional staff to accommodate “no reduced ratios” during sleep and transition times for infants and toddlers. This will have a direct impact in the centres’ ability to respond to parents’ choice and will significantly alter a centre’s capacity to provide flexible scheduling (e.g. occasional early drop-offs or late pick-ups).

From an operators perspective the ‘no reduction in ratios’ for infants, toddlers and family groupings will make scheduling more difficult and require longer working hours and possibly split shifts for staff. The staffing and financial logistics are at best unreasonable and at worst unattainable.

Concern #2: Physical Space Requirements

The enhanced requirements pertaining to physical space will make infant and toddler spaces more expensive and will be difficult if not impossible to implement in many centres. This will translate into higher parent fees and higher costs for the CMSM.

The proposed licensing standards include separate sleep area space for toddlers, increased play activity space for the new toddler age group, and diapering space for the new preschool group. In addition, the equipment required for 12 month olds is very different from the equipment required for 24 month olds. Given the diverse equipment and space requirements many centres will have very little space flexibility. For many centres this will be expensive to implement and /or difficult if not impossible to achieve.

Concern #3: Policy, Procedures & Planning Expectations

The new regulations identify new expectations pertaining to a range of comprehensive policies, procedures and plans that operators must have in place (i.e. medical conditions, emergency management plans). Developing these will take resources and specific expertise.

The proposed regulations require all licensed centers to develop policies and procedures in new areas to support the delivery of their programs. While the importance of these policies, procedures and plans are not contested it is important to acknowledge their development will take time and resources. Operators will require support to develop and/or update these policies, procedures and plans. Operators expressed an interest in receiving templates and tool kits as well as support to develop program specific plans. This will put increased pressure on the

CMSM to fund the development of these tools and resources and/or provide access to the required expertise.

Concern #4: Licensed Home Child Care Visitors

The removal of the caseload cap for home visitors (25) will reduce the capacity of home visitors to monitor regulated home child care. The proposed change will reduce public oversight which could diminish the quality of home child care.

Although the removal of the cap provides business flexibility to home care agencies, there is concern that its removal will mean fewer home visits, less educational-focused interactions between visitors and operators, and less overall monitoring of the quality of in home child care operators. This will have a direct impact on quality and safety. This proposed change – by potentially lowering the quality standards – is inconsistent with the overall provincial direction of promoting quality through encouraging participation in the licensed home child care sector.

Concern #5: Expanded Before and After School Programs (BASP 6-12)

Concerns pertaining to the new BASP (6-12) regulations focus on how programs will be assessed and monitored with respect to the relevant standards and quality. There is a need to clarify the CMSM role in planning, monitoring and setting these standards to ensure transparency and to support accessible quality programs throughout the city. There will be cost implications for the CMSM to assume this expanded role.

There is support for the requirement that all schools offer expanded BASP for 6 – 12 year olds. There was positive feedback with respect to offering multiple BASP options including those offered through partnerships in schools or off-site in community facilities. Eligibility of off-site recreational and skill building programs was also seen as positive provided they meet the required standards.

There were further concerns regarding how the costs associated with extended BASPs would be accommodated and questions as to whether this funding would come from the existing child care budget.

There are several challenges relating to BASP located within schools that these regulations fail to address. For example, rental fees for school-based programs are high and CMSMs are often requested to help operators cover the rising rental costs. Furthermore, schools often have priority usage of common space such as the stage and gymnasium. This frequently results in the loss of required play space for BASPs located within the school. And finally, while the importance of outdoor time is acknowledged the new outdoor time expectations will be difficult for some operators to achieve due to existing space restrictions (i.e., some operators do not have access to appropriate and safe outdoor play space).

The extension (6 – 12 year olds) of the BASPs in schools has the unintended consequence of creating two distinct sets of systems operating within one school. School programs and the BASP programs serve the same children, frequently in the same room, using the facilities. However the two programs have different expectations and different rules apply.

Implications

The following summarizes the feedback received regarding the implications of the proposed legislative changes. Key areas of impact include quality of care, accessibility, staffing, financing and transitions.

1. Quality

The proposed regulations – especially those pertaining to age groupings and group sizes – could threaten the quality of Hamilton’s early childhood programs.

Research shows that staff-to-child ratios are one of the most important elements of quality especially for infants and toddlers; better ratios are associated with more interaction between staff and children, more responsive care, and better academic, cognitive and social outcomes.² The proposed changes to age group composition and group size will have the effect of reducing the staff to child ratio (i.e., more children per adult) and thus erode quality of care.

Additional proposed changes including the removal of the cap on the number of licensed home child care providers that agency home care visitors are required to supervise and increased workload for staff through reduced ratios, new age grouping and sleep supervision are inconsistent with the focus on quality promoted in *How Does Learning Happen?*

2. Accessibility and Affordability

Many of the new requirements outlined in the proposed regulations could have the unintended impact of decreasing access, parent choice and affordability.

The proposed infant age grouping (with a younger, narrower age range at a very high fee), new staffing requirements (i.e., qualifications, reduced ratios, sleep supervision, etc.) and physical space requirements (i.e., separate sleep area for toddlers, play activity space, and outdoor time) will result in increased costs for operators. Without adequate financial supports these new requirements could translate to increased child care fees for families and/or loss of infant classrooms both resulting in decreased accessibility of early childhood programs especially for our youngest children.

3. Staffing

The proposed changes will lead to increased workload for staff and further exacerbate existing workforce challenges including morale, recruitment, retention and remuneration.

It has been shown that staff-to-child ratios have a direct impact on employee working conditions including staff morale, stress levels, recruitment and retention; better ratios are associated with

² Childcare Resource and Research Unit. March 2016. BRIEFing NOTES: Proposed changes to child care regulations – Ontario 2016. <http://childcarecanada.org/publications/briefing-notes/16/03/proposed-changes-child-care-regulations-ontario-2016>

better working conditions and less stress.³ Working conditions are also intertwined with program quality as experienced by children. The proposed changes to age groupings and group sizes will have the effect of reducing the staff-to-child ratio; this is again inconsistent with the focus on quality promoted in *How Does Learning Happen?*.

Furthermore, additional new requirements including no reduced ratios at transition times, sleep supervision, and expanded supervisory responsibilities (i.e., Section E3 - Licensee responsible) could also contribute to workforce burnout.

Finally, the Hamilton early years community continues to put significant time and emphasis on the issue of ECE wages and quality of work conditions. The proposed regulations will make it even harder to address the challenge of ECE remuneration since operators will be faced with rising staffing costs and capital expenditures and ECEs will be faced with increased workloads and/or split shift positions.

4. Financing

Better ratios, more highly trained staff, and appropriate physical environments are all found to be predictors of quality but they come with significant cost implications. There is no clear assessment of the financial supports available to operators, families and CMSMs.

The proposed changes will lead to increased operating costs (i.e., increased staffing costs due to increased qualifications, complement and ratios) and capital investments (i.e., expense of furnishing and retro-fitting rooms for new sleep and feeding arrangements, play space requirements, etc.). It is unclear how the already stretched early years system will fund these changes. Implications include higher costs to families through increased child care fees and higher costs for CMSMs through increased demand for supporting the system (i.e., assist operators with escalating costs).

The new expanded duty to provide before- and after-school / extended day / third party programs for 6-12 year olds also comes with financial implications. Concerns include the rising costs of renting school space as well as the fear that funding for the extended day programs will be drawn from the already stretched child care budget.

Finally, implementation of the proposed regulations will require an expanded system management role for the CMSM (i.e., monitoring recreation and skill building programs for BASP 6-12, assessing demand for and implications of expanded BASP 6-12, transitional supports for operators, etc.). This expanded role will have resource implications. Furthermore, CMSMs anticipate funding pressures as a result of the expansion to the child care/early years system (i.e., BASP 6-12, child care spaces in schools) as well as the anticipated requirement to increase financial supports to operators struggling to meet the new licensing requirements (i.e., increased staffing requirements, staff training, space, furnishings, etc.).

³ Childcare Resource and Research Unit. March 2016. Briefing NOTES: Proposed changes to child care regulations – Ontario 2016. <http://childcarecanada.org/publications/briefing-notes/16/03/proposed-changes-child-care-regulations-ontario-2016>

5. Transition Timelines & Supports

The overarching tone of the proposed regulations “*feels punitive*”. Emphasis is placed on enforcement with little consideration given to the transitional supports operators might require to meet the new requirements. Many operators are concerned that their relationships with Program Advisors will become more punitive / enforcement focused rather than a more collaborative and supportive approach whereby operator and Ministry work together – with the local CMSM – to transition to the new regulations. The enforcement tone of the proposed regulations is inconsistent with the values presented in the Ministry’s *How Does Learning Happen* policy document.

On a pragmatic level, the new regulations provide no clear assessment or indication of what transitional supports will be available to operators (i.e., financial, best practices resources, access to professional development, policy and planning templates or toolkits, etc.). Furthermore, there is confusion amongst operators around the interpretation of the proposed regulations (i.e., differing opinions and understandings as to group sizes and minimum staffing requirements, when specific regulations come into effect, to whom they apply, etc.), the timelines for the proposed changes, and whether grandfathering will be part of the transition plan (i.e., for operators who do not have access to secure outdoor play space). This speaks to the need for simplified communications or summaries that target operators as well as the importance of consistent messaging by the Ministry’s regional office (i.e., interpretation of new regulations especially those related to enforcement, decision making criteria and latitude for Program Advisors, escalation and appeals processes, mechanisms to ensure regulations are enforced in a consistent manner, etc.).

Thank you, for the opportunity to share our views. For more information please contact:

Grace Mater
Director, Children’s and Home Management Services

Community and Emergency Services Department
City of Hamilton
Phone: 905-546-2424 x4979
Email: Grace.Mater@hamilton.ca