



OCBCC response to Regulatory Registry Posting Related to the Child Care and Early Years Act, 2014 and the Education Act: Phase 2 Regulations.

WHO WE ARE

The Ontario Coalition for Better Child Care is Ontario's central advocacy group for a universal, affordable, high quality system of early childhood education and care. Formed in 1981, the OCBC is a member organization comprised of non-profit child care centres, local and provincial groups and individuals from all across Ontario. Our members are early childhood educators and parents, centre directors and trade unionists, and most importantly people who care about child care.

INTRODUCTION AND GENERAL COMMENTS

In response to the Regulatory Posting of February 1, 2016, the Ontario Coalition for Better Child Care began a process to inform, consult and engage our members on all the proposals contained in the posting. Our members and the broader early childhood community have been eager to discuss these proposals with us, and on several proposals we have widespread consensus as to our response. On other proposals there is a range of perspectives. In this response we will limit ourselves to those areas in which we have broad consensus and those of deepest concern to the community. The areas that this response focuses on are: age groupings, ratios, maximum group size; authorized recreation and skill building programs, BASP; tiered licensing - term of a license; and home visitors.

We have urged all members and supporters to send feedback into the Ministry directly to help ensure a rich and thorough community response. We have also appended a copy of our Open Letter to Premier Kathleen Wynne that has been endorsed by thousands of concerned Ontarians - organizations, child care service providers, sector leaders, academics, educators and parents. The OCBC and our partners will be compiling the feedback that we have received into a *What We Heard*-style report that we will be releasing publicly. We challenge the government to take a similarly transparent approach to these consultations.

Before delving into each of the proposal areas, we would like to address a broader issue. We were privileged to take part in the government's consultations on child care regulations. Many in the child care community count on us to be their voice during such processes and we do our utmost to represent their perspectives through our enthusiastic involvement. However, we are dismayed with the limitations of this consultation process. Many of the current regulation proposals, especially those around age ranges, ratios and group sizes hold little connection to what was communicated during these sessions, not only by us, but by many of our colleagues.

Moreover, following the last proposed changes to ratios and group sizes (in 2014), there were public assurances from the government, even by the Premier herself, that proposals to weaken ratios and group sizes for our youngest children would be set aside – that the community concern had been heard. To find ourselves, just two years later, once again forced to defend quality child care does not feel like consultation at all. The time and effort spent by countless ECEs, centre Directors and parents to gather community responses and to communicate their heartfelt concerns is experienced by many to be a frustrating process when instead we should be working together to build and strengthen child care in Ontario.

We urge the government to undertake a broader and more transparent policy process. The challenges, such as accessibility, that the Ministry is attempting to address in this proposal through regulation alone cannot be divorced from issues of funding, system building, workforce development and planning. We reiterate our call for a comprehensive policy process with the explicit goal of developing, over time, a quality, universal early childhood education and care system. There is no better time to begin this work.

AGE RANGES, GROUP SIZE AND RATIOS

By far the proposals that have garnered the most response, concern and condemnation from our members and supporters are those regarding age ranges, ratios and group sizes. These are being opposed for reasons of both quality and access.

The proposed redefinition of age groups for infant, toddler and preschool programs would result in some younger children being placed in larger groups with fewer staff per child. This is a proposal that is indefensible by a government that has committed itself to “a system of responsive, safe, high quality and accessible child care and early years programs”. Under the proposals:

- Children as young as 12 months of age would be redefined as “toddlers” and placed into rooms with a staff to child ratio of 1:4 and a group size of 12.
- Children as young as 24 months would be redefined as “preschoolers” and placed into groups with a staff to child ratio of 1:8 and a group size of 24.

A Canadian Paediatric Society Position Statement¹, reaffirmed on February 1st, 2016, sets out recommended ratios and group sizes for the provision of quality care. Ontario’s proposed ratios do not fare well in comparison:

	For 11 month old			For 13 month old		For 25 month old	
	Ratio	Max	group	Ratio	Max group	Ratio	Max group
Ontario current		1:3	10	1:3	10	1:5	15
Ontario proposed		1:3	9	1:4	12	1:8	24
Recommended - Canadian Paediatric Society		1:3	6	1:4	8	1:4/1:5	8/10

¹ Canadian Paediatric Society (2008, 2016). Health implications of children in child care centres. Part A: Canadian trends in child care, behaviour and developmental outcomes. Available online at: <http://www.cps.ca/documents/position/child-care-centres-trends-behaviour-development>

We also support the position that the Inclusive Early Childhood Service System Project (IECSS) articulated in their recent Briefing Note:²

The proposed changes to age-range and group size for toddler and preschool rooms are inadequate to support the diversity of children in child care. The reality is that all classrooms have children with diverse developmental trajectories and disabilities. Classroom composition must honour the commitment to equity, inclusiveness, and diversity for all children.

The potential impact of these proposals on child care spaces and access has also been widely discussed and analyzed by child care service providers across the province. The Ministry has argued that the proposed changes would increase accessibility, especially for those over the age of one year. The Minister was quoted in the media saying that due to maternity/parental leave provisions it is at the age of one year “when the demand (for child care) takes off....What we're actually trying to do is create categories that actually fit the demand.”³

Taking into consideration the quality concerns raised above, we feel it is important to stress that promising access while weakening quality is not an acceptable proposal to address Ontario’s child care shortage. Quality vs. accessibility is a false choice when clearly both are needed to reap the economic and social benefits that early learning and child care can provide.

Many centres that we have spoken to have voiced concerns that these proposals will mean the closure of infant rooms, as the limited age range and high cost will make them unviable. The government’s assumption that current provisions of maternity and parental leave are sufficient to meet the needs of Ontario parents is extremely biased. Student parents, self-employed and part-time workers, low-wage workers, and those that simply need infant child care deserve just as much thought and consideration from their government as those searching for child care after a year of parental leave. These proposals leave those families behind.

Given the overall paucity of spaces in Ontario, with licensed child care for only 23% of children 0-5 years in the province, it seems perverse to suggest that a shortage of spaces for one age group could best be remedied by taking spaces away from another age group. As one community member of the Minister’s Advisory Committee commented, this amounts to nothing more than “playing checkers with children” and hardly gets us very far in addressing the real issue of child care accessibility. Many centres and some service system managers (notably the City of Toronto) have warned that these changes may also lead to fewer spaces for other age groups as well; in short that these proposals even fail to meet the government’s own objective of increasing spaces overall.

² Inclusive Early Childhood Service System Project (2016). Policy Brief No.4 Response to proposed regulations and changes to the Child Care and Early Years Act 2014. Available online at: http://inclusiveearlychildhood.ca/files/2016/03/IECSS_policy-brief_4.pdf

³ CBC News (Mar 10, 2016). Proposed Ontario daycare centre changes concern local parents. Available online at: <http://www.cbc.ca/news/canada/kitchener-waterloo/proposed-ontario-daycare-centre-changes-concern-local-parents-1.3485365>

Part of the government's proposals for age ranges, ratios and group sizes includes increasing the number of qualified staff required in programs. In response to the 2014 regulatory proposals many in the community pointed to the need to increase the numbers and proportion of trained staff. However, it must be understood that an increase in trained staff is not a trade-off for decent ratios and group sizes.

Staffing is also a topic that drives home the argument that we cannot consider regulation changes in isolation from questions of funding and workforce development. Finding and retaining qualified staff is already one of the biggest challenges facing centres, especially in rural and Northern settings. Also, increases in numbers of trained staff could (and indeed should) increase the cost of staffing programs. However, without additional funding into the child care system increased staffing costs will ultimately be passed along to parents through higher parent fees. Similarly, proposals to remove "reduced ratios", while unassailable from a quality perspective, will significantly increase staffing costs and in turn parent fees, making child care even less affordable than it is now for many parents. It is for exactly these reasons that we recommend a much fuller policy process that can allow for these issues to be properly addressed.

AUTHORIZED RECREATION AND SKILL BUILDING AND BASP PROGRAMS

Many in the child care community have shared with us their concerns that recreation programs' financial advantage of both significant funding and fewer quality standards allowing them to operate at low cost, creates a two tier system for out-of-school services. While the Ministry's regulation proposals include assurances that they will be "supplemented by ministry policy, which would include direction regarding assessing the quality of programs/services for the purposes of authorizing a program" we do not think that enough information has been provided to determine whether these processes will be sufficient to ensure quality programming. Recent media stories⁴ about recreation programs run by the City of Richmond Hill that offer gender segregated and gender stereotyped summer camps, illustrates that there is good reason for concern and to call for stronger measures to ensure high quality programs for school-aged children.

We recommend that the Ministry commit to ensuring more quality licensed school-aged child care. In addition, we do not support changes to ECE staffing requirements for children aged 6-8 years. We believe that these younger school-aged children need the professional skills and child development knowledge that ECE-trained staff can provide.

TIERED LICENSING

Through our conversations with members and supporters the concept of tiered licensing has been met mostly with confusion, as many parts of the proposals are still very vague and undefined. For some high quality licensees, who find the current problem-based licensing system cumbersome, the prospect of a two year license is tempting. However, when viewed from a sector-wide perspective many issues with tiered licensing emerge.

⁴ CBC News (Mar 31, 2016) Richmond Hill summer camp touting "girl-friendly fun" draws ire of parents. Available online at: <http://www.cbc.ca/news/canada/toronto/richmond-hill-summer-camp-1.3514543>

The tiered licensing model proposed in the regulatory posting would reduce the amount of oversight for centres placed in both the top and middle tiers. In the proposals, the middle tier is defined as those with “low to moderate non-compliance”, which does not set a sufficient bar for a reduction in monitoring to an “abbreviated” license inspection. The proposals suggest that those in receipt of enforcement actions will be provided with additional support. While it might seem worthwhile to attempt to bring low compliance centres up to moderate, we are concerned that this allows us to settle at moderate, when full compliance with licensing standards should really be the floor not the ceiling. We need an expansion of high quality programs that go above and beyond licensing standards.

The posting states that further information on tiered licensing will be released in Winter-Spring 2016. A Ministry letter dated March 1, 2016 provides some further details on tiered licensing but also raises more concerns. There are several proposals to reduce the amount of publicly available information on the licensed child care database, including a proposal that under a tiered system it would not be publicly known into which tiers centres had been placed – a backtrack on transparency and public accountability.

Overall, the Ministry has provided too little rationale, evidence or detail to support a tiered licensing model for child care. Assurances that it is widely used in the United States are insufficient, as the U.S. has a notoriously weak regulatory system that should hardly serve as an aspirational model for Ontario.

REGULATED HOME CHILD CARE – HOME VISITOR CAP

We do not support elimination of the caseload of 25 homes per home visitor in regulated home child care. Reviewing this literature, a recent Briefing Note⁵ from the Childcare Resource and Research Unit concluded:

This proposal is of concern for two main reasons:

a) Research shows that support for care providers is one of the main predictors of quality in home child care. Frequent home visiting by well-trained specialist visitors is specifically identified as key by Bromer, Van Haitsma, Daley & Modigliani, 2009;

b) Agency home visitors are the mechanism by which regulated home child care is monitored in Ontario. Reducing their capacity to monitor regulated homes by eliminating the specified caseload is ipso facto reducing public oversight of regulated home child care.

The Bromer et al study recommended a caseload of 12 providers per home visitor and 10 visits every six months while the Home Child Care Association of Ontario has noted that—based on their experience, a full time visitor can carry between 18-25 homes.

5. Child Care Resource and Research Unit. (2016). Proposed changes to child care regulations - Ontario 2016. Available online at: <http://www.childcarecanada.org/publications/briefing-notes/16/03/proposed-changes-child-care-regulations-ontario-2016>

ALTERNATIVES AND REAL ALTERNATIVES

In response to the community's criticism of these regulation proposals, especially of those around age ranges, ratios and group sizes, Ministry officials have urged the child care community to propose alternative models. Debate and discussion has emerged over what a workable alternative to the proposals for age ranges, ratios and group sizes might look like.

While it might be possible to discuss hypothetical alternative groupings, and some might be workable provided sufficient support, it is of little value to discuss these alternatives outside of a wider conversation that includes the topics of funding, system and infrastructure building, and a workforce strategy. Any changes to ratios and group sizes will carry with it costs to change centre space and staffing. Without funding support these costs will be passed along to parents.

We urge the government to set aside its proposals in the areas that we have identified in this response and instead begin a more comprehensive policy process with the aim of building an early learning and child care system that provides quality services that all families can afford and trust and decent work for the early childhood workforce.

There has never been a better opportunity to move forward on developing an early childhood education and care system in Ontario given the federal commitment to work together with provinces, territories and Indigenous governments to build a National Early Learning and Child Care Framework. This is the willing federal partner that Ontario has been waiting for. Ontario must seize the opportunity to be a leader on this framework and to push for a strong principles-based agreement. It is a time to move forward on early learning and child care rather than backwards on both quality and access.

In response to this federal commitment, the Child Care Advocacy Association of Canada (our federal counterpart), in collaboration with community partners from across the country, has developed a *Shared Framework for Building an Early Childhood Education and Care System for All*.⁶ This Shared Framework is designed to facilitate a collaborative intergovernmental and community process and serve as a foundation for a program that will grow, over time, to meet the needs of families, children and the child care workforce in all regions.

To help guide its policy process we recommend that the Ontario government adopt the principles of the *Shared Framework for Building an Early Childhood Education and Care System for All* and immediately begin a process to transform Ontario's current child care market patchwork into a comprehensive system. The preamble to the *Child Care and Early Years Act 2014* commits Ontario to "a system of responsive, safe, high quality and accessible child care and early years programs and services that will support parents and families, and will contribute to the healthy development of children". Now is the time to begin in earnest the policy process that will make that commitment a reality.

⁶ Child Care Advocacy Association of Canada (2016). *Shared Framework for Building an Early Childhood Education and Care System for All*. Available online at: https://ccaacacpsge.files.wordpress.com/2016/01/sharedframework_jan2016.pdf