

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11

Schedule 1

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Part I: Purposes and Interpretation

Category of Act	Regulations	Points for Consideration
<p>Purpose of Act</p>	<p>1. (1) The purposes of this Act are to foster the learning, development, health and well-being of children and to enhance their safety. (2) In order to fulfil the purposes set out in subsection (1), this Act, (a) provides a framework for the regulation of, (i) the provision of child care, and (ii) the operation of child care and early years programs and services; (b) establishes a licensing and compliance scheme relating to the provision of child care; (c) sets out requirements in relation to the funding and resourcing of child care and early years programs and services; (d) facilitates and supports the local planning and implementation of child care and early years programs and services by municipalities, district social services administration boards, First Nations and prescribed local authorities; (e) provides access to information that, (i) supports the ability of parents to evaluate and choose child care and early years programs and services, and (ii) increases understanding about child development and improves the ability to evaluate the effectiveness of the child care and early years programs and services; and (f) facilitates and supports the coordination of provincial planning and policy development</p>	<p>The purpose of this Act is to foster the learning, development, health and well-being of children and enhance their safety by providing a framework for the regulations; establish a licensing and compliance scheme; facilitate and support planning and implementation by municipalities, district social services, administration boards and First Nations; improve access to information; and facilitate and support the coordination of provincial planning and policy development</p> <p>Impact on: across sector</p>
<p>Definition</p>	<p>2. (1) “Authorized recreational and skill building programs” are programs that meet the description set out in subsection 6 (4)</p>	<p>6 (4): 1. The primary purpose of the program is to provide child care 2. The program includes, as a complementary purpose, activities that promote recreational, artistic, musical or athletic skills or provide religious, cultural or linguistic instruction. 3. The program is not operated at a person’s home 4. The child care is provided only for children who, (i) are six years old or older, or (ii) if the child care is provided on or after</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
		<p>September 1 in a calendar year, will attain the age of six in that year. 5. The program meets any other criteria prescribed by the regulation</p> <p>Impact on: recreational and skill building programs</p>
Definition	"Child" refers to anyone under the age of 13 years	Impact on: across sector
Definition	"Child care" has the meaning set out in section 3	<p>Section 3: The provision of temporary care for or supervision of children in any circumstance other than in exempt circumstances</p> <p>Impact on: across sector</p>
Definition	"Child care and early years programs and services" are programs or services that (a) include the provision of child care, or (b) are early years programs and services	Impact on: across sector
Definition	"Child care and early years programs and services plan" is a plan established and approved under section 51	<p>Includes the required content, other requirements, consultation and approval of the plan</p> <p>Impact on: across sector</p>
Definition	"Child care centre" means a premises operated by a person licensed under this Act to operate a child care centre at the premises	Impact on: across sector
Definition	"Criminal reference check" is a document that (a) was prepared by a police force or service from the national data on the Canadian Police Information Centre system, and (b) contains information concerning the individual's criminal history	<p>On a day to be named by proclamation of the Lieutenant Governor, the definition of "criminal reference check" is repealed</p> <p>Impact on: across sector</p>
Definition	"Designated senior employee" is a person who is employed in the Ministry as a deputy minister, associate deputy minister or assistant deputy minister, or in a position prescribed by the regulations	Impact on: across sector
Definition	"Director" is someone who is appointed under section 66	<p>Section 66: The Minister shall appoint, in writing, one or more persons employed in the Ministry to</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
		<p>be directors for the purposes of this Act. A director shall have the powers and duties set out in this Act and such other powers and duties as may be prescribed by the regulations.</p> <p>Impact on: across sector</p>
Definition	“District social services administration board” is a board that is established under the District Social Services Administration Boards Act	Impact on: across sector
Definition	“Early years programs and services” are programs and services for children or parents that are specified or meet the description set out in the regulations, which (a) involve or relate to the learning, development, health and well-being of children, (b) do not provide child care and are not extended day programs, and (c) are funded wholly or partly by the Ministry	Impact on: across sector
Definition	“Exempt circumstances” are circumstances set out in section 4 in which temporary care for and supervision of children are provided	<p>Section 4: Temporary care for and supervision of children are provided in exempt circumstances if it meets the requirements under the following subsections: 1. Relatives, 2. Services of Patrons, 3. Homes, 4. Schools, 5. Extended Day Programs, 6. Private Schools, 7. Recreational Programs, 8. Academic Programs, 9. Camps, 10. Residential or Foster Care, 11. Prescribed Circumstances, Third Party Programs and Camps with Specific Exceptions</p> <p>Impact on: across sector</p>
Definition	“Extended day program” has the same meaning as in the Education Act	<p>A program operated by a board under section 259 or 259.1 of the <i>Education Act (Ontario, Education Act, R.S.O. 1990, c. E.2, 2016)</i></p> <p>Impact on: across sector</p>
Definition	“First Nation” means a band as defined in the Indian Act (Canada)	A body of Indians

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
		<p>(Canada, Indian Act (r.S.C., 1985, c. I-5), 2016)</p> <p>Impact on: across sector</p>
Definition	<p>“Home child care” is child care that meets the description set out in paragraph 1 of subsection 6 (3)</p>	<p>6 (3): One child care provider for no more than six children at any one time, or, if the regulations allow, two providers for no more than twice the number of children applies. There is an agreement between the agency and the provider that provides for the agency’s oversight of the provision of care. The agency has been advised of all of the children at the premises, and the group of children do not include more than two children under the age of two, unless otherwise approved by a director</p> <p>Impact on: across sector</p>
Definition	<p>“Home child care agency” is a person that is licensed as a home child care agency under this Act</p>	<p>Impact on: across sector</p>
Definition	<p>“In-home services” refers to child care that meets the description set out in paragraph 3 of subsection 6 (3)</p>	<p>In-home services: The child care is provided for a child at their home, or at another place where residential care is provided; there is an agreement between a home child care agency and the child care provider that provides for the agency’s oversight of the provision of care; the agency has been advised of all of the children at the premises; financial assistance is provided under this Act for the child</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
		<p>care; and the child care meets any other criteria prescribed by the regulations</p> <p>Impact on: across sector</p>
Definition	“Justice” means a provincial judge or justice of the peace	Impact on: across sector
Definition	“Licence” is a licence issued under this Act and, unless indicated otherwise, includes a provisional licence	Impact on: across sector
Definition	“Licensed child care” means child care that (a) is provided at a child care centre, (b) is home child care or (c) is in-home services	Impact on: across sector
Definition	“Licensee” refers to an individual who holds a licence issued under this Act	Impact on: across sector
Definition	“Minister” refers to the Minister of Education or other member of the Executive Council to whom the administration of this Act may be assigned under the Executive Council Act	Impact on: across sector
Definition	“Operator” refers to a person who has control or management of a premises, agency, program or service, and “operate” has corresponding meaning	Impact on: across sector
Definition	“Parent” includes an individual who has lawful custody of a child or a person who has demonstrated a settled intention to treat a child as a child of his or her family	Impact on: across sector
Definition	“Personal information” refers to personal information within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act and section 28 of the Municipal Freedom of Information and Protection of Privacy Act	Impact on: across sector
Definition	“Police record check” is a police record check within the meaning of the Police Record Checks Reform Act, 2015	<p>On a day to be named by proclamation of the Lieutenant Governor, the definition of “Police record check” is added</p> <p>Impact on: across sector</p>
Definition	“Prescribed” means prescribed by the regulations	Impact on: across sector
Definition	“Prescribed local authority” is a person or entity prescribed by the regulations	Impact on: across sector
Definition	“Regulations” are any regulations made under this Act	Impact on: across sector
Definition	“Relative” with respect to a child, refers to a person who is the child’s parent, sibling, grandparent, great-uncle, great-aunt, uncle, aunt, cousin or such other person prescribed by the regulations, whether by blood, through a spousal relationship or through adoption	Impact on: across sector
Definition	“School” has the same meaning as in the Education Act	<p>The body of elementary or secondary students that are organized as a unit for educational purposes, or any students enrolled in elementary or secondary courses operated by the Government of Ontario. This includes extended day programs, teachers, early childhood educators, and other associated staff members</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
		<p>(Ontario, Education Act, R.S.O. 1990, c. E.2, 2016)</p> <p>Impact on: across sector</p>
Definition	<p>“School board” is a board as defined in subsection 1 (1) of the Education Act</p>	<p>A district school board or a school of authority</p> <p>(Ontario, Education Act, R.S.O. 1990, c. E.2, 2016)</p> <p>Impact on: across sector</p>
Definition	<p>“Service area”, in relation to a service system manager, means the geographic area specified by the regulations as the service area of that service system manager, in accordance with subsection 65 (2)</p>	<p>65 (2): The regulation shall specify the geographic area that is the service area of each service system manager for the purposes of this Act.</p> <p>Impact on: across sector</p>
Definition	<p>“Service system manager” refers to a municipality or district social services administration board designated by the regulations as a service system manager in accordance with subsection 65 (1)</p>	<p>65. (1): The regulations shall designate the municipalities and district social services administration boards that are service system managers for the purpose of this Act</p> <p>Impact on: across sector</p>
Definition	<p>“Temporary care for or supervision of a child” refers to providing for a child’s safety, well-being or development, in the absence of the child’s parent and for a continuous period that does not exceed 24 hours</p>	<p>Impact on: across sector</p>
Definition	<p>“Tribunal” means the Licence Appeal Tribunal</p>	<p>Impact on: across sector</p>
Definition	<p>“Weekday” means any Monday, Tuesday, Wednesday, Thursday or Friday that is not a holiday</p>	<p>Impact on: across sector</p>
Interpretation, home child care agency	<p>2. (2). Nothing in this Act is intended to imply that a home child care agency is an employer of a person who provides home child care or in-home services</p>	<p>Impact on: across sector</p>
Meaning of “child care”	<p>3. For the purposes of this Act, child care means the provision of temporary care for or supervision of children in any circumstance other than in exempt circumstances</p>	<p>Impact on: across sector</p>
Exempt Circumstances	<p>4. (1). 1. The person providing the care or supervision is a relative of all the children for whom it is provided.</p> <p>2. The care or supervision is provided as a service at a premises for guests, visitors or patrons who, (i). use the service on an irregular basis, (ii). remain at the premises for the duration of the time during which they use the service, and (iii). are readily available to attend to children.</p>	<p>Section 4: Temporary care for and supervision of children are provided in exempt circumstances if it meets the requirements</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
	<p>3. The care or supervision is at a child's own home and is not provided, (i) for any other children who do not reside at that home, or (ii) pursuant to an agreement described in paragraph 2 of section 7</p> <p>4. The care or supervision is provided as a service or part of a program operated by a school board or by the Government of Ontario, and the program or service (i) has a primary purpose that is instructional or extracurricular in nature, and (ii) is provided only for pupils enrolled in the primary division or a higher division in a school.</p> <p>5. The care or supervision is provided as part of an extended day program.</p> <p>6. The care or supervision (within a private school) is provided as a service or part of a program operated by a person operating the school (within the meaning of the Education Act) and only pupils enrolled in the school who, (i) are four years old or older, or (ii) if the care or supervision is provided on or after September 1 in a calendar year, will attain the age of four in that year.</p> <p>7. The care or supervision is provided as part of a program that promotes recreational, artistic, musical or athletic skills or to provide religious, cultural or linguistic instruction.</p> <p>8. The care or supervision is provided as a service or part of a program that assists children with their academic studies and skills.</p> <p>9. Subject to subsection (3), the care or supervision is provided as part of a camp, (i) that is not operated for more than 13 weeks in a calendar year, (ii) that is not operated on school days, (iii) not operated at a person's home, and (iv) where the care or supervision is provided only for children who, A. are four years old or older, or B. If the care or supervision is provided on or after September 1 in a calendar year, will attain the age of four in that year.</p> <p>10. Care or supervision is provided in the course of providing residential or foster care for the child under the authority of another Act.</p> <p>11. Care or supervision is provided by a person, at a premises, as part of a program or service or in any other circumstance prescribed by the regulations. (2). The temporary care or supervision described in paragraph 4 of subsection (1) does not include temporary care or supervision provided as part of a third party program within the meaning of the Education Act, or at a child care centre operated by a board under paragraph 49 of subsection 171 (1) of that Act. (3). Paragraph 9 of subsection (1) does not include temporary care for or supervision of children that is provided as part of a camp, (a) that is operated by a person who, (i) stopped operating a child care centre at a premises for the purpose of operating the camp at the premises, (ii) stopped providing home child care at a premises for the purpose of operating the camp at the premises, (iii) stopped providing child care described in paragraph 2 of subsection 6 (3) at a premises for the purpose of operating the camp at the premises, or (iv) stopped operating any other child care program or service prescribed by the regulations at a premises for the purpose of operating the camp at the premises, and (b) that is operated during the same or similar hours as before the operation of the camp and where the child care provided is otherwise of the same nature as before the operation of the camp</p>	<p>under the following subsections: 1. Relatives, 2. Services of Patrons, 3. Homes, 4. Schools, 5. Extended Day Programs, 6. Private Schools, 7. Recreational Programs, 8. Academic Programs, 9. Camps, 10. Residential or Foster Care, 11. Prescribed Circumstances, Third Party Programs and Camps with Specific Exceptions</p>

Part II: Protective Measures

Category of Act	Regulations	Points for Consideration
Application of	5. (1) . Subject to subsection (2) , this Part does not apply to a person who, in an exempt circumstance, (a) provides temporary care for or supervision of	Section 11 is defined as:

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
part- exempt circumstances	children; (b) operates a premises where temporary care for or supervision of children is provided; or (c) arranges or oversees the provision of temporary care for or supervision of children. (2) Subsection (1) does not apply with respect to sections 11, 16 and 17 and any other provision prescribed by the regulations	Prohibition- use of terms regarding licensing Section 16 is defined as: Accrediting programs and services Section 17 is defined as: Use of terms regarding accreditation Impact on: Those who are deemed as an exempt circumstance
Prohibition-operation of child care centre	6. (1) . No person shall operate a premises where child care is provided except under the authority of a licence to operate a child care centre	Impact on: across sector
Prohibition-operation of child care centre, premises specified in licence	6. (2) . Subject to section 26 , a person who holds a licence to operate a child care centre is authorized to operate the centre only at the premises specified in the licence	Section 26 is defined as: Temporary change in location, child care centre Impact on: across sector
Exceptions	6. (3) . Subsection (1) does not apply in respect of the provision of child care in any of the following circumstances: 1. The child care provided at the premises meets the following criteria: (i) the child care is provided, A. by one child care provider for no more than six children at any one time or, if a lesser number is prescribed in accordance with subsection (6) , no more than the prescribed number of children at any one time, or B. if the regulations so provide, by two child care providers for no more than twice the number of children that applies for the purposes of sub-subparagraph A or, if a lesser number is prescribed, no more than the prescribed number of children, (ii) there is an agreement between a home child care agency and the child care provider that provides for the agency's oversight of the provision of care, (iii) the home child care agency has been advised of all of the children at the premises, (iv) the group of children does not include, A. in the circumstances described in sub-paragraph (i) A, more than two children who are younger than two years old, B. in the circumstances described in sub-paragraph (i) B, more than four children who are younger than two years old, or if a lesser number is prescribed, more than the prescribed number, or C. if the director authorizes under section 27 the provision of child care for more children who are younger than two years old than the number that applies for the purposes for sub-subparagraph A or B, more than the number specified by the director. 2. The child care provided at the premises meets the following criteria: (i) the child care is provided for no more than five children at any one time or, if a lesser number is prescribed, no more than the prescribed number of children at any one time, (ii) there is no agreement between a home child care agency and the child care provider that provides for the agency's oversight of the provision of care, (iii) the group of children does not include more than two children who are younger than two years old. 3. The child care provided at the premises meets the following criteria: (i) the child care provided is at their house, or another place where residential care is provided for the child, (ii) there is an agreement between a home child care agency and the child care provider that provides for the agency's oversight of the provision care, (iii) the home child care agency has been advised of all the children at the premises, (iv) financial assistance is provided under this Act for the child care, (v) the child care meets any other criteria prescribed by the regulations. 4. The child care is provided by a person, at a premises, as part of a program or service or in any other circumstance prescribed by the	Subsection 6 (1) does not apply to any child care if they meet the noted requirements pertaining to each of the following circumstances: 1. Home child care, 2. Unlicensed child care, five children or less, 3. In-home services, 4. Prescribed circumstances Impact on: across sector

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
	regulations	
Exceptions, authorized recreational and skill building programs	<p>6. (4). If the regulations so provide, subsection (1) does not apply if the child care is provided as part of a program that meets the following criteria:</p> <ol style="list-style-type: none"> 1. The primary purpose of the program is to provide child care. 2. The program includes, as complementary purpose, activities that promote recreational, artistic, musical or athletic skills or provide religious, cultural or linguistic instruction. 3. The program is not operated at a person's home. 4. The child care is provided only for children who, (i) are six years old or older, or (ii). if the child care is provided on or after September 1 in a calendar year, will attain the age of six in that year. 5. The program meets any other criteria prescribed by the regulations 	<p>Requirements for recreational and skill building programs</p> <p>Impact on: recreational and skill building programs</p>
Children of the provider	<p>6. (5). For the purposes of counting children at a premises under paragraphs 1 and 2 of subsection (3), a child care provider's own children who are on the premises must be counted into ratio, except as follows:</p> <ol style="list-style-type: none"> 1. Any child who is six years old or older. 2. If the child care provider provides child care for fewer than two children under the age of two years old and the child care provider meets the prescribed criteria, (i). a child who is enrolled in and regularly attends full day junior kindergarten or full day kindergarten operated by a school board shall not be counted on any day within the school year. (ii). A child who is of an age such that he or she would meet the eligibility requirements for enrolment in a full day kindergarten class operated by a school board and who is instead enrolled in and regularly attends a full day program administered by a First Nation or by the Government of Canada for the First Nation children shall not be counted on any day within the school year that applies for the purposes of the program, other than a day or part of a day prescribed by the regulations 	<p>Subsection (3) paragraph 1: home child care 2. Unlicensed child care, five children or less.</p> <p>The child care provider's own children must be counted into the ratio</p> <p>Impact on: home child care</p>
Home child care, number of children	<p>6. (6). Regulations made for the purposes of sub-subparagraph 1 (i) A of subsection (3) shall ensure that the number of children prescribed is more than the number of children for whom child care may be provided under subparagraph 2 (i) of subsection (3)</p>	<p>Home child care: no more than 6 children</p> <p>Impact on: home child care</p>
Home child care, number of children, interpretation	<p>6. (7). Nothing in this section shall be interpreted as preventing an agreement between a home child care agency and a provider of home child care that provides that the number of children for whom the care is provided shall be less than the number of children that applies for the purposes of subparagraph 1 (i) of subsection (3)</p>	<p>Nothing in this section shall be interpreted as preventing an agreement between a home child care agency and a provider that provides care for no more than six children</p> <p>Impact on: home child care</p>
Paragraph 2 of subsection (3), interpretation	<p>6. (8). The number of child care providers at a premises shall not affect the number of children for whom child care may be provided in circumstances set out in paragraph 2 of subsection (3)</p>	<p>The number of adults does not affect the maximum number for unlicensed</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
		child care; five children or less Impact on: unlicensed home child care
Exception regarding unlicensed child care	<p><u>6. (9)</u>. If, on the day that the <i>Child Care Modernization Act, 2014</i> receives Royal Assent, a child care provider provides child care for children at a premises in the circumstances described in subparagraphs 2 (i) and (ii) of <u>subsection (3)</u>, then until the date mentioned in <u>subsection (10)</u>, subparagraph 2 (iii) of subsection (3) and <u>subsection (5)</u> do not apply to the person in respect of those children</p>	Subsection (10): January 1, 2016 Subparagraph 2 (iii) of subsection (3): The agency has been advised of all children at the premises Subsection (5): counting provider's own children into ratio Impact on: unlicensed home child care
Exception regarding unlicensed child care	<p><u>6. (10)</u>. For the purposes of <u>subsection (9)</u>, the date is January 1, 2016 or, if a different date is prescribed by the regulations, the prescribed date</p>	If, on the day that the <i>Child Care Modernization Act, 2014</i> receives Royal Assent, a child care provider provides child care for children at a premises in the circumstances described in subparagraphs 2 (i) and (ii) of subsection (3), do not apply to the person in respect of those children Impact on: unlicensed home child care
Prohibition-operation of home child care agency	<p><u>7</u>. No person shall do any of the following except under the authority of a licence as a home child care agency:</p> <ol style="list-style-type: none"> 1. Enter into an agreement with the parent of a child that arranges for a third person to provide child care for the child at a premises that is not the child's own home. 2. Enter into an agreement with the parent of a child that arranges for a third person to provide child care for the child that meets the criteria set out in subparagraphs 3 (i), (iv) and (v) of <u>subsection 6 (3)</u>. 3. Enter into an agreement with a child care provider to oversee the provision of child care by performing functions such as monitoring the operation, providing administrative services or imposing standards or requirements in relation to the provision of care 	No person shall enter into an agreement with a parent that arranges for a third person to provide child care, except under the authority of a licence as a home child care agency Impact on: home child care

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
Prohibition-operation of multiple unlicensed premises	8. No person shall operate more than one premises where child care is provided in a circumstance described in paragraph 2 of subsection 6 (3)	In regards to unlicensed child care Impact on: unlicensed home child care
Prohibition-past conduct, child care providers, etc.	9. (1). No individual shall provide child care, operate a premises where child care is provided or enter into an agreement described in section 7 if: 1. The individual has been convicted of any of the following offences: (i). an offence under this Act. (ii). an offence under any of the following sections of the Criminal Code (Canada) : A. Section 151 (sexual interference) . B. Section 163.1 (child pornography) . C. Section 215 (duty of persons to provide necessities) . D. Section 229 (murder) . E. Section 233 (infanticide) (iii) any other federal or provincial offence prescribed by the regulations. 2. The individual has been found guilty of professional misconduct under the Early Childhood Educators Act, 2007 , the Ontario College of Teacher Act, 1996 , the Social work and Social Service Work Act, 1998 or another prescribed Act, and based on that finding, (i). the individual's membership under that Act was revoked and has not been readmitted since that time. (ii). a certificate or documentation issued to the individual under that Act that authorized the individual to practice was revoked and not been reissued since that time, or (iii) the individual's authority to practice was restricted in any other way prescribed by the regulations. (2) If a corporation operates a premises where child care is provided or enters into an agreement described in section 7, all of its directors are deemed, for the purposes of subsection (1), to be operating the premises or to have entered into the agreement. (3) No corporation shall operate a premises where child care is provided or enter into an agreement described in section 7 if, (a) the corporation has been convicted of an offence referred to in subparagraph 1 (i) or (iii) of subsection (1); or (b) a director of the corporation is described in paragraph 1 or 2 of subsection (1). (4) Subsection (2) and clause (3) (b) do not apply if the corporation is a municipality, school board or district social services administration board	No individual shall provide or operate a premises that provides child care if they have been convicted of a criminal offence or if the corporation is convicted of an offence. Subsection (2) and clause (3) (b) do not apply if the corporation is a municipality, school board or district social services administration board. (2) Is defined as directors of corporations (3) Is defined as corporation (4) Is defined as municipalities and school boards Impact on: across sector
Prohibition-preventing parental access	10. (1). No person providing child care, or operating a premises at which child care is provided, shall prevent a parent from having access to his or her child except, (a) if the person believes on reasonable grounds that the parent does not have a legal right of access to the child; or (b) in the circumstances prescribed by the regulations. (2) No person providing child care or operating the premises, shall prevent a parent from entering the premises while child care is provided there for his or her child except, (a) if the person believes on reasonable ground that the parent does not have a legal right of access to the child, (b) if the person believes on reasonable grounds that the parent could be dangerous to the children at the premises; (c) if the parent is behaving in a disruptive manner; or (d) in the circumstances prescribed by the regulations	No person providing child care shall prevent a parent from having: (1) Access to a child (2) Access to the premises Impact on: child care centres and home child care
Prohibition- use of terms regarding licensing	11. (1). No person shall use the following terms in connection with a program or service that includes the provision of temporary care for or supervision of children, or a premises where such a program or service is provided, unless the temporary care for or supervision of children is licensed child care: 1. Child care centre 2. Licensed child care centre 3. Licensed child care 4. Licensed day care 5. Home child care agency 6. Licensed home child care agency 7. Licensed home child care 8. Any other term prescribed by the regulations. (2) Subsection (1) also applies to the use of, (a) a variation, an abbreviation or an abbreviation of a variation of a term listed in subsection (1); or (b) an equivalent in another language, (i) of a term listed in subsection (1), or (ii) of a variation, an abbreviation or an abbreviation of a variation of such a term. (3) No person shall represent or hold out expressly or by	No person shall use the following terms, unless the care is a licensed child care: child care centre, licensed child care centre, licensed child care,

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
	<p>implication that he, she or it is licensed to operate a child care centre or as a home child care agency, unless the person is licensed under this Act. (4) No person who provides temporary care for or supervision of children shall represent or hold out expressly or by implication that the care or supervision is overseen by a home child care agency unless it is in fact overseen by a home child care agency that is licensed under this Act. (5) This section does not apply in the circumstances prescribed by the regulations</p>	<p>licensed day care, home child care agency, licensed home child care agency, licensed home child care</p> <p>(3) Is defined as holding out as licensed (4) Is defined as holding out as licensed, home child care agency (5) Is defined as application, prescribed exemptions</p> <p>Impact on: across sector</p>
<p>Duty to disclose if not licensed</p>	<p>12. (1). Any person who does not hold a licence shall, before providing child care in a circumstance described in paragraph 2 or 4 of subsection 6 (3), or subsection 6 (4), disclose to the parent that the person does not hold a licence. (2) A person who makes a disclosure in accordance with subsection (1) shall retain a record of the disclosure for at least two years or for the prescribed time period</p>	<p>Any person who does not have a licence, must disclose that they do not hold a licence</p> <p>(2) Is defined as duty to retain record of disclosure</p> <p>Impact on: unlicensed child care providers</p>
<p>Duty to act in accordance with regulations</p>	<p>13. (1). Any person who provides child care, operates a premises where child care is provided or enters into an agreement described in section 7 shall do so in accordance with the regulations. (2) If the regulations impose requirements in relation to the qualifications of a child care provider, the requirements are deemed to include membership in the College of Early Childhood Educators, unless otherwise provided by the regulations</p>	<p>Any person providing, operating, or entering into an agreement described in section 7 shall do so in accordance with the regulations</p> <p>(2) Is defined as prescribed qualifications, member of College of Early Childhood Educators</p> <p>Impact on: across sector</p>
<p>Posting, returning and copying licences</p>	<p>14. (1). A licensee shall post a copy of a licence in a conspicuous place at the child care centre or the premises where the home child care agency is located, as the case may be, together with any other information or signage prescribed by the regulations. (2) A home child care agency shall post any information or signage prescribed by the regulations in a conspicuous place at each premises where the agency oversees the provision of child care. (3) Subsections (1) and (2) do not apply during the prescribed time periods. (4) If the prescribed conditions apply, subsection (2) does not apply with respect to premises where in-home services are provided. (5) If a licence or any other signage has been provided to a person for the purposes of this</p>	<p>A copy of the licence shall be posted in a conspicuous place</p> <p>(2) Is defined as duty to</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
	Act, the person shall not make copies of the licence or signage, except as required for the purposes of this section, as otherwise required by law, or as permitted by the regulations. (6) If a licence or any other signage has been provided to a person for the purposes of this Act, the person shall return the licence or signage to a director in the circumstances prescribed by and in accordance with the regulations	<p>post information at home child care premises (3) Is defined as exceptions (4) Is defined as exceptions (5) Is defined as prohibition regarding making copies (6) Is defined as duty to return licence and signage</p> <p>Impact on: child care centres and home child care</p>
Duty to provide receipt for payment	15. Upon request, any licensee or child care provider must provide a receipt for payment to a person who pays for child care, and the receipt shall be provided free of charge and in accordance with the regulations	<p>A receipt shall be presented upon request free of charge</p> <p>Impact on: child care centres and home child care</p>
Accrediting programs and services	16. If the regulations so provide, no person shall provide a child care or early years program or service with an accreditation, certification or other designation indicating that the program or service meets certain standard or requirements, except in accordance with the regulations	<p>No program or service shall post an accreditation, certification or other designation without meeting the regulations</p> <p>Impact on: across sector</p>
Use of terms regarding accreditation	17. (1). If the regulations so provide, no person shall use, in connection with a child care or early years program or service, a term prescribed by the regulations indicating that the program or service has been provided with an accreditation, certification or other designation, except in accordance with the regulations. (2) Subsection (1) also applies to the use of, (a) a variation, an abbreviation or an abbreviation of a variation of a term referred to in subsection (1); or (b) an equivalent in another language, (i) of a term referred to in subsection (1), or (ii) of a variation, an abbreviation or an abbreviation of a variation of such a term. (3) If the regulations so provide, no person shall represent or hold out expressly or by implication that a child care or early years program or service has been provided with an accreditation, certification or other designation indicating that it meets certain standards or requirements, except in accordance with the regulations	<p>No person shall use a term prescribed by the regulations indicating that the program or service has been provided with an accreditation, certification or other designation, except in accordance with the regulations.</p> <p>(3) Is defined as holding out as accredited</p> <p>Impact on: across sector</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
Duty to report certain matters to director	<p>18. (1) If, in the course of employment, it comes to the attention of a person prescribed by the regulation that there are reasonable grounds to suspect that there is an imminent threat to the health, safety or welfare of any child for whom child care is provided, the person shall immediately report the suspicion and the information on which it is based to a director. (2) If a suspicion is reported to a director under subsection (1), the director shall have an inspector conduct an inspection or make inquiries for the purpose of ensuring compliance with this Act and the regulations. (3) Nothing in this section abrogates any privilege that may exist between solicitor and solicitor's client. (4) Nothing in this section affects the duty to report a suspicion under section 72 of the Child and Family Services Act</p>	<p>If it comes to the attention of an imminent threat to the health, safety or welfare of any child, the person shall immediately report the suspicion to a director</p> <p>(2) Is defined as investigation (3) Is defined as solicitor-client privilege (4) Is defined as duty to report under <i>Child and Family Services Act</i></p> <p>Impact on: across sector</p>
Publication of Information	<p>19. (1) The Minister shall publish the following on a government website: 1. A summary of each compliance order made under section 36. 2. A summary of each protection order made under section 37. 3. A summary of each notice of administrative penalty issued under section 39, unless the notice was rescinded or overturned. 4. A summary of each conviction for an offence listed under section 78 and the penalties imposed. (2) The Minister may publish the following on a government website: 1. A summary of each proposal to refuse to issue or renew a licence or to revoke a licence under section 23, unless the refusal or revocation was not carried out. 2. A summary of each restraining order made under section 38. 3. Any other information prescribed by the regulations. (3) A director may publish anything set out in subsection (1) or (2) in any other manner or medium that the director considers appropriate. (4) A summary required to be published under this section shall include any information prescribed by the regulations. (5) The following rules apply with respect to the timing of the publication of information under subsection (1) or (2): 1. A summary of a compliance order shall be published within 30 days after the day the order is made. 2. A summary of a proposal to refuse to issue or renew a licence or to revoke a licence shall not be published before the time for requiring a hearing as provided for under subsection 23 (4) expires, or, if a hearing is required, until the matter in issue has been finally determined. 3. A summary of an administrative penalty shall not be published before, (i) the time for requiring a review as provided for under subsection 39 (7) expires, or (ii) if a review is required, until the designated senior employee has made a decision. (6) The following rules apply for determining how long the information described in subsection (1) shall remain on the website: 1. A summary described in subsection (1) shall remain on the website for at least 12 months after the day it is published, subject to paragraph 2. 2. If the order, penalty or conviction to which a summary relates is rescinded or overturned, the summary described in subsection (1) shall be removed from the website promptly. 3. After the expiry of the 12 month period referred to in paragraph 1, a summary described in subsection (1) may be removed from the website, subject to paragraph 4. 4. Summaries described in subsection (1) shall not be removed from the website in the prescribed circumstances. (7) A director may post a copy of a summary described in subsection (1) or (2) in a conspicuous place at a child care centre, the premises where a home child care agency is located or any other premises where child care is provided if the subject matter of the publication is connected to the centre, agency or other premises. (8) Subsection (5) does not apply to a summary posted under subsection (7). (9) No person, other than a director or inspector, shall remove a summary posted under subsection (7) unless the person is authorized to do so by a director or inspector, or the circumstances prescribed by the regulations exist. (10) Despite anything in this section, the Minister or a director shall not publish the identity, or any information that could disclose the identity, of a child who was allegedly, (a) sexually abused; or (b) the subject of any other physical or psychological harm. (11) For the purposes of paragraph 2 of subsection (5), a matter in issue has not been finally determined if a right of appeal exists and the time for appealing has not expired</p>	<p>The Ministry shall post any information that is relevant to the operation of a child care centre</p> <p>(3) Is defined as other publication (4) Is defined as content (5) Is defined as timing (6) Is defined as length of publication' (7) Is defined as posting of information' (9) Is defined as removal of posted information (10) Is defined as Prohibition – identifying child (11) Is defined as final determination</p> <p>Impact on: across sector</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Part III: Licensing

Category of Act	Regulations	Points for Consideration
Issuance and renewal of licence	<p>20. (1). A person may apply for a licence or the renewal of a licence to operate a child care centre or as a home child care agency by submitting to a director, (a) an application in a form approved by the Minister; (b) an attestation, that is to be completed by the applicant in a form approved by the Minister, confirming that the applicant is not prohibited from operating a child care centre or a home child care agency under section 9; (c) any other information or documentation that may be specified by the Minister; and (d) payment of the fee prescribed by the regulations. (2) A person who applied for a licence or renewal of a licence shall comply with any other requirements prescribed by the regulations that relate to the application process, unless the person withdraws the application. (3) For the purposes of section 62, the director may send a copy of an application to a service system manager, First Nation or prescribed local authority and, if the service system manager, First Nation or prescribed local authority provides advice to the director in respect of the application, the director shall consider the advice for the purposes of clause 23 (1) (f). (4) The director shall issue or renew a licence if the applicant applied in accordance with subsection (1) unless, (a) the director refuses to do so in accordance with section 23; (b) the applicant is under 18 years old, is a partnership or is an association of persons; or (c) a licence held by the applicant has been revoked, or the issuance or renewal of such a licence has been refused, and the time period prescribed by the regulations has not elapsed since the day of the revocation or refusal. (5) A licence is not transferable. (6) Where the licensee is a corporation, the licensee shall notify a director in writing within 15 days of any change in the officers or directors of the corporation</p>	<p>Application, additional requirements, advice from service system manager, First Nation or prescribed local authority, director's duty to issue or renew, not transferable, notice of change & corporations</p> <p>Impact on: across sector</p>
Conditions of licence	<p>21. (1). A licence is subject to any conditions imposed on it by a director or the Tribunal. (2) Upon issuing or renewing a licence or at any other time, the director may impose on the licence the conditions that the director considers appropriate. (3) The director may, at any time, amend the condition imposed on the licence. (4) Every licensee shall comply with the conditions imposed on a licence</p>	<p>A licence is subject to any conditions imposed on it by a director or the Tribunal</p> <p>(4) Is defined as licensee must comply</p> <p>Impact on: across sector</p>
Term of licence	<p>22. (1). A licence shall be issued or renewed, (a) for a term specified by the director in accordance with the regulations; or (b) if there are no regulations governing the term, for a term specified by the director that does not exceed one year. (2) A licence expires at the end of its term. (3) Nothing in this section prevents a licence from being revoked or suspended</p>	<p>A licence can be issued, renewed, revoked or suspended</p> <p>(2) Is defined as expiry at end of term</p> <p>(3) Is defined as revocation for cause</p> <p>Impact on: across sector</p>
Refusals and revocations	<p>23. (1). A director may propose to refuse to issue a licence if, in the director's opinion, (a) any of the following are not competent to operate a child care centre or home child care agency, as the case may be, in a responsible manner in accordance with this Act and the regulations: (i) the applicant or any employee of the applicant, (ii) if the applicant is a corporation, the officers, directors or employees of the corporation or any other person with a controlling interest in the corporation, and (iii) if the person with a controlling interest referred to in subclause (ii) is a corporation, the officers, directors or employees of that corporation; (b) the past conduct of any person set out in clause (a) affords reasonable grounds to believe that the child care centre or home child care agency will not be operated in accordance with the law and with honesty and integrity; (c) a building or other accommodation where the application indicates that child care will be provided would not comply with this Act and the regulations and any other applicable Act, regulation or municipal by-law; (d) any person has made a false statement in the application for the licence, or the applicant or any person acting on behalf of the applicant has made a false statement in any report, document or other information required to be furnished by this Act or the regulations or any other</p>	<p>A director may propose to refuse to issue a licence</p> <p>(1) Is defined as proposal to refuse to issue'</p> <p>(2) Is defined as proposal to revoke or refuse to renew</p> <p>(3) Is defined as notice of</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
	<p>Act or regulation that applies to the child care centre or home child care agency; (e) a licence held by the applicant has been revoked or the renewal of such a licence has been refused and there has been no material change in the applicant's circumstances; (f) advice provided by a service system manager, First Nation or prescribed local authority under section 62 affords reasonable grounds to believe that the licence would authorize the provision of child care in a service area that is inconsistent with the service system manager's, First Nation's or prescribed local authority's child care and early years programs and services plan with respect to, (i) the demand for child care, and (ii) the capacity and locations of existing child care centres and premises where home child care is provided; or (g) the applicant failed to comply with the requirements prescribed by the regulations for the purposes of subsection 20 (2). (2) A director may propose to revoke or refuse to renew a licence if, in the director's opinion, (a) any of the following persons have failed to comply with, or have knowingly permitted any person under the control of or direction of or associated with that person to fail to comply with, any provision of this Act or the regulations or of any other Act or regulation that applies to the child care centre or home child care agency, or any condition of the licence: (i) the licensee or any employee of the licensee, (ii) if the licensee is a corporation, the officers, directors or employees of the corporation or any other person with a controlling interest in the corporation, and (iii) if the person with a controlling interest referred to in subclause (ii) is a corporation, the officers, directors or employees of that corporation; (b) the conduct of any person set out in clause (a) affords reasonable grounds to believe, (i) that the person is not competent to operate a child care centre or home child care agency in a responsible manner in accordance with this Act and the regulations, (ii) that the child care centre or home child care agency is not being or will not be operated in accordance with the law and with honesty and integrity, or (iii) that the child care centre is being operated or will be operated, or the home child care is being provided or will be provided, in a manner that is prejudicial to the health, safety or welfare of the children for whom the care is provided; (c) a building or other accommodation where the application indicates that child care is being or will be provided does not comply with this Act or the regulations or any other applicable Act, regulation or municipal by-law; (d) any person has made a false statement in the application for the licence or renewal of the licence, or the licensee or any person acting on behalf of the licensee has made a false statement in any report, document or other information required to be furnished by this Act or the regulations or any other Act or regulation that applies to the child care centre or home child care agency; (e) the licensee failed to comply with an order issued by a director or an inspector under Part V; (f) the licensee failed to pay a penalty imposed by a notice of administrative penalty issued under section 39; or (g) the licensee failed to comply with the requirements prescribed by the regulations for the purposes of subsection 20 (2). (3) The director shall notify the applicant or licensee, in writing if the director proposes to (a) refuse to issue a licence; (b) refuse to renew a licence; or (c) revoke a licence. (4) The notice of proposal shall set out the reasons for the proposed action and shall state that the applicant or licensee is entitled to a hearing by the Tribunal if the applicant or licensee, within 15 days after the service of the notice, serves a written request for a hearing on the director and the Tribunal. (5) If a director proposes to refuse to renew a licence or revoke a licence, he or she, (a) shall post a notice of the proposal, in a manner approved by the Minister, at the premises where the child care is provided under the authority of a licence; and (b) may provide notice of the proposal to the parents of the children for whom the care is provided. (6) No person, other than a director or inspector, shall remove a notice posted under clause (5) (a) unless the person is authorized to do so by a director or inspector of the circumstances prescribed by the regulations exist. (7) If the applicant or licensee does not request a hearing in accordance with subsection (4), the director may carry out the proposal. (8) If the applicant or licensee requests a hearing, the Tribunal shall appoint a time for and hold the hearing. (9) After holding the hearing, the Tribunal may, (a) by order, direct the director to carry out the proposal, with or without amendments, or substitute its opinion for that of the director; and (b) by order, direct the director to take such action as the Tribunal considers he or she should take in accordance with this Act and the regulations. (10) Sections 201 and 202 of Part IX of the Child and Family Services Act apply with necessary modifications to proceedings before the Tribunal, its powers and appeals of its orders. (11) Subject to section 37, if a licensee has applied for the renewal of a licence in accordance with subsection 20 (1) before the licence has expired, or within such other time period prescribed by the regulations, the term of the licence is deemed to be extended, (a) until the day the director grants the renewal; or (b) if the director proposes to refuse to grant the renewal, until the time for requesting a hearing has expired or, if a hearing is requested, until the Tribunal makes a decision. (12) If a licensee appeals an order of the Tribunal, the order takes effect immediately but the Tribunal may grant a stay until the disposition of the appeal</p>	<p>proposal to applicant or Licensee (4) Is defined as contents of notice (5) Is defined as notice to parents, etc. (6) Is defined as removal of posted notice (7) Is defined as if no request for hearing (8) Is defined as hearing (9) Is defined as tribunal (10) Is defined as application of <i>Child and Family Services Act</i> (11) Is defined as continuation of licence pending renewal (12) Is defined as appeals from orders of the Tribunal</p> <p>Impact on: across sector</p>
<p>Provisional licence</p>	<p>24. (1). Despite anything else in this Act or the regulations, a director may issue a provisional licence to a person who applies for a licence or for the renewal of a licence in accordance with subsections 20 (1) and (2) if, (a) the person or a premises operated by the person has been the subject of an inspection under Part IV and, (i) the inspection revealed that the person or premises is not in compliance with all the requirements under this Act or the regulations and requires time to meet with such requirements, (ii) the director is satisfied that the non-compliance will not result in an imminent threat to</p>	<p>A director may issue a provisional licence to a person who applies for a licence or for the renewal</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
	<p>the health, safety or welfare of any children, and (iii) in the director's opinion, the non-compliance will be remedied within the time period prescribed by the regulations; (b) the person is not described in clause 20 (4) (b) or (c); and (c) any other criteria or conditions prescribed by the regulations are met. (2) A director may change the status of a person's licence issued under section 20 to a provisional licence in the circumstances set out in subsection (1). (3) If the director imposes conditions on a provisional licence or amends the conditions imposed on a provisional licence, the licensee is not entitled to a hearing by the Tribunal, despite section 25. (4) A provisional licence may be issued for a term specified by the director that does not exceed the prescribed time period. (5) If the holder of a provisional licence fails to remedy the non-compliance because of which the licence was issued as or changed to a provisional licence, but the director is satisfied that the licensee's failure to do so was due to circumstances beyond his, her or its control, the director may renew the provisional licence, once only, for a term specified by the director that does not exceed the prescribed time period. (6) A provisional licence shall set out the non-compliance revealed by the inspection and any measures that the licensee has been ordered to take under this Act to remedy the non-compliance. (7) When a licensee is issued a provisional licence or a licence is changed to a provisional licence, the licensee shall promptly notify the parents of the children who receive child care under the authority of the licence that is provisional, and the notice shall be in a manner approved by the Minister and in accordance with any other requirements prescribed by the regulations. (8) At any time during the term of a provisional licence, the director may change it to a licence that is not provisional. (9) The director may propose to revoke a provisional licence in accordance with section 23. (10) If the term of a provisional licence expires and it is not renewed under subsection (5), the director shall, (a) if the provisional licence was issued to a person who applied for a licence or renewal of a licence, (i) issue or renew a licence under subsection 20 (4), or (ii) propose to refuse to issue or renew the licence in accordance with section 23; and (b) if the status of a licence was changed to a provisional licence, (i) change the status back to a licence that is not provisional, or (ii) propose to revoke the licence in accordance with section 23. (11) For greater certainty, the issuance of a provisional licence does not confer any right on a person to have a licence renewed under section 20</p>	<p>of a licence in accordance with subsections 20 (1) and (2)</p> <p>(2) Is defined as provisional licence, status change</p> <p>(3) Is defined as conditions</p> <p>(4) Is defined as term of licence</p> <p>(5) Is defined as renewal of licence</p> <p>(6) Is defined as contents of licence</p> <p>(7) Is defined as notice to parents</p> <p>(8) Is defined as issuance of non-provisional licence</p> <p>(9) Is defined as revocation</p> <p>(10) Is defined as action upon expiry, etc.</p> <p>(11) Is defined as no right to licence</p> <p>Impact on: across sector</p>
<p>Notice of change in status or conditions</p>	<p>25. (1). A director shall notify a licensee in writing if the director makes any of the following changes with respect to a licence: 1. Changes the status of the licence to a provisional licence. 2. Imposes conditions on the licence. 3. Amends the conditions imposed on the licence. (2) The change is effective immediately upon service of the notice and is not stayed by a request for a hearing by the Tribunal. (3) The notice shall set out the reasons for the change and shall state that the licensee is entitled to a hearing by the Tribunal if the licensee, within 15 days after service of the notice, serves a written request for a hearing on the director and the Tribunal. (4) If the licensee requests a hearing, the Tribunal shall appoint a time for and hold the hearing. (5) After holding the hearing, the Tribunal may, (a) order that change to be continued, with or without amendments, or substitute its opinion for that of the director; and (b) by order, direct the director to take such action as the Tribunal considers he or she should take in accordance with this Act and the regulations. (6) Subsections 23 (10) and (12) apply for the purposes of this sections</p>	<p>A director shall notify a licensee in writing if the director makes any changes with respect to a licence</p> <p>(2) Is defined as change or conditions effective upon notice</p> <p>(3) Is defined as contents of notice</p> <p>(4) Is defined as hearing</p> <p>(5) Is defined as powers of Tribunal</p> <p>(6) Is defined as application of subsections 23 (10) and (12)</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
		Impact on: across sector
Temporary change in location, child care centre	26. A director may authorize a licensee, in writing and in accordance with the regulations, to operate a child care centre at a premises other than the one specified in the licence for a temporary period that does not exceed the time specified by the director	For example, renovations to the child care centre Impact on: across sector
Authorization, request by agency	27. (1). A home child care agency may make a written request to a director to authorize it to provide home child care at a premises for more children who are younger than two years old than the number that applies for the purposes of sub-subparagraph 1 iv A or B of subsection 6 (3) . (2) A director may provide the requested authorization, in writing, in accordance with the regulations and may impose conditions on the authorization. (3) The home child care agency shall comply with the conditions imposed on the authorization	A home child care provider may request, in writing, to be authorized to provide child care for more children who are younger than two years old (3) Is defined as agency shall comply Impact on: home child care

Part IV: Inspections

Category of Act	Regulations	Points for Consideration
Appointment of inspectors	28. (1). The Minister shall appoint employees of the Government of Ontario as inspectors for the purposes of this Act. (2) A director is, by virtue of his or her office, an inspector. (3) An inspector shall have the powers and duties set out in this Act and such other powers and duties as may be prescribed by the regulations. (4) The Minister may restrict an inspector's powers of entry and inspection to specified premises. (5) The Minister shall issue to every inspector a certificate of appointment which the inspector shall produce, upon request, when acting in the performance of his or her duties	Employees of the Government of Ontario may be appointed as inspectors for the purpose of this Act (2) Is defined as a director is an Inspector (3) Is defined as powers and duties (4) Is defined as restrictions (5) Is defined as certificate of appointment Impact on: across sector
Purpose of inspection	29. An inspector shall conduct inspections for the purpose of enforcing this Act and the regulations	An inspection is to ensure that the Act and regulations are being implemented Impact on: across sector

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
Inspections without warrant	<p>30. (1). An inspector may, at any reasonable time and without a warrant, enter and inspect, (a) a child care centre; (b) a premises where in-home services are provided; (c) a premises where home child care is provided; (d) a premises where a home child care agency is located; (e) a premises where the inspector suspects on reasonable grounds that a person is not complying with this Act or the regulations; or (f) a premises where the inspector suspects on reasonable grounds that child care is provided. (2) The power to enter and inspect a premises described in clause (1) (f) without a warrant shall not be exercised to enter and inspect a premises that is used as a dwelling, except with the consent of the occupier of the premises</p>	<p>An inspector may enter and inspect any premises where child care is being provided without a warrant</p> <p>(2) Is defined as dwellings</p> <p>Impact on: child care centres and home child care centres</p>
Powers on inspection	<p>31. (1). An inspector conducting an inspection may, (a) examine a record or other thing that is relevant to the inspection; (b) demand the production for inspection of a document or other thing that is relevant to the inspection; (c) on issuing a written receipt, remove for review and copying a record or other thing that is relevant to the inspection; (d) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business on the premises; (e) take photographs, video recordings or other visual or audio recordings that are relevant to the inspection, including photographs or recordings of a child or other person at the premises; and (f) question a person on matters relevant to the inspection. (2) A photograph or recording made under clause (1) (e) must be made in a manner that does not intercept any private communication and that accords with reasonable expectations of privacy. (3) A demand that a record or other thing be produced for inspection must be in writing and must state, (a) the nature of the record or thing required; and (b) when the record or thing is to be produced. (4) If an inspector demands that a record or other thing be produced for inspection, the person having custody of the record or other thing shall produce it for the inspector within the time provided for in the demand, and shall, upon the inspector's demand, (a) provide whatever assistance is reasonably necessary to produce a record in a readable form, including using a data storage, processing or retrieval device or system; and (b) provide whatever assistance is reasonably necessary to interpret a record for the inspector. (5) An inspector who questions a person under clause (1) (f) may exclude from the questioning any person except counsel for the individual being questioned. (6) A record or other thing that has been removed for review and copying, (a) shall be made available to the person from whom it was removed on request and at a time and place that are convenient for the person and for the inspector; and (b) shall be returned to the person within a reasonable time. (7) In this section, "record" means any document or record of information, in any form, including a record of personal information</p>	<p>An inspector may examine a record, ask for a specific document, review and copy a record, use data storage, and information</p> <p>(2) Is defined as limitation regarding photographs and recordings</p> <p>(3) Is defined as written demand</p> <p>(4) Is defined as obligation to produce and assist</p> <p>(5) Is defined as power to exclude persons</p> <p>(6) Is defined as return of things</p> <p>(7) Is defined as definition of record</p> <p>Impact on: child care centres and home child care centres</p>
Warrants	<p>32. (1). An inspector may, without notice, apply to a justice for a warrant under this section. (2) A justice may issue a warrant authorizing an inspector named in the warrant to enter the premises specified in the warrant, and to exercise any of the powers mentioned in section 31, if the justice is satisfied on information under oath or affirmation, (a) that, (i) the premises is a child care centre, (ii) in-home services are provided at the premises, (iii) home child care is provided at the premises, (iv) a home child care agency is located at the premises, (v) the inspector suspects on reasonable grounds that a person at the premises is not complying with this Act or the regulations, or (vi) the inspector suspects on reasonable grounds that child care is provided at the premises; and (b) that, (i) the inspector has been prevented from exercising a right of entry to the premises under section 30 or a power under subsection 31 (1), or (ii) there are reasonable grounds to believe that the inspector will be prevented from exercising a right of entry to the premises under section 30 or a power under subsection 31 (1). (3) The power to enter a premises described in subsection (2) with a warrant shall not be exercised to enter a premises that is used as a dwelling, except where, (a) the justice is informed that the warrant is being sought to authorize entry into a dwelling; and (b) the justice authorizes the entry into the dwelling. (4) Despite subsection (3), the power to enter a premises described in subclause (2)</p>	<p>An inspector may apply for a warrant without notice</p> <p>(2) Is defined as issuance of warrant</p> <p>(3) Is defined as dwellings</p> <p>(4) Is defined as subclause (2) (a) (vi)</p> <p>(5) Is defined as expert help</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
	<p>(a) (vi) with a warrant shall not be exercised to enter a premises that is used as a dwelling. (5) The warrant may authorize persons who have special, expert or professional knowledge to accompany and assist the inspector in the execution of the warrant. (6) A warrant issued under this section shall name a date on which it expires, which shall be no later than 30 days after the warrant is issued. (7) A justice may extend the date on which a warrant issued under this section expires for an additional period of no more than 30 days, upon application without notice by the inspector named in the warrant. (8) An inspector named in a warrant issued under this section may use whatever force is necessary to execute the warrant and may call upon a police officer for assistance in executing the warrant. (9) A warrant issued under this section may be executed between 8 a.m. and 8 p.m. only, unless the warrant specifies otherwise. (10) <u>Subsections 31 (3) to (7)</u> apply, with necessary modifications, with respect to the exercise of the powers mentioned in subsection (4) under a warrant issued under this section</p>	<p>(6) Is defined as expiry of warrant (7) Is defined as extension of time (8) Is defined as police assistance, etc. (9) Is defined as time of execution (10) Is defined as other matters</p> <p>Impact on: child care centres and home child care centres</p>
<p>Inspection report</p>	<p>33. (1). After completing an inspection, an inspector shall prepare an inspection report and give a copy of the report to a director and, (a) if the report is in respect of a child care centre, to the licensee or an employee of the licensee who is in charge of the child care centre; (b) if the report is in respect of home child care or in-home services, to the relevant home child care agency; or (c) in any other case, to a person who provides child care at the premises inspected. (2) A home child care agency shall provide a copy of an inspection report to the provider of any home child care or in-home service that is the subject of the report</p>	<p>An inspector report shall be completed after each inspection and a copy is given to the appropriate parties</p> <p>(2) Is defined as copy to provider</p> <p>Impact on: child care centres and home child care centres</p>
<p>Admissibility of certain documents</p>	<p>34. A copy made under <u>subsection 31 (1)</u> that purports to be certified by the inspector as being a true copy of the original is admissible in evidence in any proceeding to the same extent as, and has the same evidentiary value as, the original</p>	<p>A copy made under subsection 31 (1) is admissible in evidence and has the same evidentiary value as the original</p> <p>Impact on: child care centres and home child care centres</p>
<p>Criminal reference checks</p>	<p>35. (1). A director or an inspector may require any of the following persons to provide him or her with the results of a police check concerning the person: 1. A licensee or person who has applied for a licence, or an employee of the licensee or applicant. 2. If the person described in paragraph 1 is a corporation, an officer, director or employee of the corporation or any other person with a controlling interest in the corporation. 3. A person who provides home child care or in-home services. 4. Any other person prescribed by the regulations. (2) If a director or inspector believes on reasonable grounds that a person is contravening <u>section 9</u>, the director or inspector may require the person to provide him or her with the results of a police check concerning the person. (3) A police record check, (a) must have been prepared within the period of time prescribed by the regulations; and (b) must meet any other requirements prescribed by the regulations, including requirements relating to the type of police record check. (4) The person shall provide the director with the results of the police record check as soon as reasonably possible or within such other time period prescribed by the</p>	<p>A director or an inspector may require a person to provide him or her with the results a police record check concerning the person</p> <p>(2) Is defined as person in</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
	regulations	violation of section 9 (4) Is defined as duty to comply Impact on: child care centres and home child care centres

Part V: Enforcement

Orders

Category of Act	Regulations	Points for Consideration
Compliance orders	36. (1). If a director or inspector believes on reasonable grounds that a person is not in compliance with a provision of this Act or the regulations, the director or inspector may make a compliance order, (a) ordering the person to comply with the provision; (b) ordering the person to do or refrain from doing anything specified in the order; and (c) specifying dates by which the person is required to do or refrain from doing the things specified. (2) Without limiting the generality of subsection (1), a compliance order may include, (a) a requirement that the person submit a plan to the director specifying the steps the person will take to come into compliance and to maintain compliance; and (b) a requirement that the person, or any employee of the person, complete specified educational courses or training. (3) A compliance order shall include the information prescribed by the regulations. (4) The order shall be served on the person whom the director or inspector believes is not in compliance with this Act or the regulations (5) If a director or inspector makes an order under subsection (1), he or she may amend or revoke it. (6) Upon amending or revoking an order under subsection (5), the director or inspector shall give written notice of the amendment or revocation to the person to whom the order is directed	If a director or inspector believes on reasonable grounds that a person is not in compliance with this Act or the regulations, the director or inspector may make a compliance order (2) Is defined as requirements (3) Is defined as content of order (4) Is defined as service (5) Is defined as amendment or revocation of order (6) Is defined as notice Impact on: across sector
Protection orders	37. (1). If, upon conducting an inspection, a director or an inspector believes on reasonable grounds that there is an imminent threat to the health, safety or welfare of any children for whom child care is provided, the director or inspector shall make a protection order as follows: 1. If the child care is provided at a child care centre, the order, (i). shall order the licensee to stop operating the child care centre until the director is satisfied that the order has been complied with, (ii). Shall order the licensee to eliminate the threat by taking any steps set out in the order, and (iii) shall suspend the licence. 2. If the child care is home child care or an in-home service, the order, (i). shall order the child care provider to stop providing the child care until the director is satisfied that the order has been complied with, (ii). shall order the child care provider and the home child care agency to eliminate the threat	If a director or inspector believes there is an imminent threat to the health, safety or welfare of any child, he or she shall make a protection order

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
	<p>by taking any steps set out in the order, (iii). may order the home child care agency to stop operating until the director is satisfied that the order has been complied with, and (iv). may suspend the home child care agency's licence. 3. If paragraphs 1 and 2 do not apply, the order, (i). shall order the child care provider to stop providing the child care that is the subject of the order until the director is satisfied that the order has been complied with, and (ii). shall order the child care provider to eliminate the threat by taking any steps set out in the order. (2) A protection order may be made under this section for the purpose of, (a) eliminating the threat to the health, safety, or welfare of the children; or (b) protecting the children from such threat. (3) A protection order shall, (a) set out the reasons for the order; (b) state that the person who is required to comply with the order is entitled to a hearing by the Tribunal if the person, within 15 days after receiving the order, serves a written request for a hearing on a director and the Tribunal; and (c) include any other information prescribed by the regulations. (4) The order shall be served on any person who is subject to the order. (5) A director or inspector, (a) shall post a notice of the order, in a manner approved by the Minister, at the premises where the child care is provided; and (b) may provide notice of the order to the parents of the children for whom the care is provided. (6) No person, other than a director or inspector, shall remove a notice posted under clause (5) (a) unless the person is authorized to do so by a director or inspector or the circumstances prescribed by the regulations exist. (7) The protection order is effective immediately upon the earlier of, (a) the posting of the notice of the protection order at the premises where the child care is provided; and (b) the day on which the protection order is served. (8) The protection order is not stayed by an appeal to the Tribunal. (9) The protection order may be lifted by the director at any time upon being satisfied that it has been complied with. (10) Subsections 23 (8) to (10) and (12) apply with necessary modifications to a hearing before the Tribunal and, for the purposes of clause 23 (9) (a), the Tribunal may order that the protection order be continued, with or without amendments, or substitute its opinion for that of the director or inspector</p>	<p>(2) Is defined as purpose of protection order (3) Is defined as content of order (4) Is defined as service (5) Is defined as notice to parents, etc. (6) Is defined as removal of posted notice (7) Is defined as protection order effective immediately (8) Is defined as protection order not stayed (9) Is defined as director may lift protection order (10) Is defined as hearing</p> <p>Impact on: across sector</p>
<p>Restraining orders by court</p>	<p>38. (1). If a director believes on reasonable ground that the provision of child care by a particular person poses an imminent threat to the health, safety or welfare of any child, the director may apply to the Superior Court of Justice for an order to restrain the person from providing child care. (2) In a proceeding under subsection (1), a judge may, on application of the director, grant an interim order described in that subsection if the judge believes, based on the evidence before him or her, that it is in the public interest to do so. (3) A judge may grant an interim order even though the director has not established that irreparable harm will be done if the order is not issued. (4) A judge shall not require the director to post a bond or give an undertaking as to damages when granting an interim order. (5) Any person may apply to the Superior Court of Justice for an order varying or discharging any order made under subsection (1)</p>	<p>If a director believes that a person poses an imminent threat to any child, the director may apply to the Superior Court of Justice for a restraining order</p> <p>(2) Is defined as interim order (5) Is defined as variations or discharge</p> <p>Impact on: across sector</p>

Administrative Penalties

Category of Act	Regulations	Points for Consideration
<p>Notice of administrative penalty</p>	<p>39. (1). A director or inspector may issue a notice in writing requiring a person to pay an administrative penalty in the amount set out in the notice if the director or inspector is of the opinion that the person has contravened this Act or the regulations. (2) A notice of administrative penalty may be issued under this section for the purpose of, (a) encouraging compliance with this Act and the regulations; or (b) preventing a person from deriving, directly or indirectly, any economic benefit as a result of a contravention of this Act or the regulations. (3) Subject to subsection (4), the amount of an administrative penalty in respect of a contravention, (a) shall not exceed \$100,000; (b) shall be determined by the director or inspector in accordance with the regulations; and (c) shall reflect the purpose referred to in subsection (2). (4) The director or inspector shall reduce the amount of an administrative</p>	<p>If a director believes a person has contravened this Act or the regulations, the director or inspector may issue a notice in writing requiring a person</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
	<p>penalty determined under clause (3) (b) if he or she determines that the amount is excessive in the circumstances or is, by its magnitude, punitive in nature having regard to all the circumstances. (5) A notice of administrative penalty shall not be issued under this section more than one year after the day the most recent contravention on which the notice is based first came to the knowledge of a director or inspector. (6) A notice of administrative penalty shall, (a) contain or be accompanied by information setting out the nature of the contravention including, if relevant, the date on which and location where the contravention occurred; (b) set out the amount of the penalty to be paid and specify the time and manner of the payment; and (c) inform the person of his, her or its right to request a review of the notice by a designated senior employee. (7) A person who receives a notice of administrative penalty may require a designated senior employee to review the notice by applying to the designated senior employee for a review in a form approved by the Minister, (a) within 15 days after the notice is served; or (b) within a longer period specified by the designated senior employee, if he or she considers it appropriate in the circumstances to extend the time for applying. (8) If a person who has received a notice of administrative penalty does not apply for a review under subsection (7), the person shall pay the penalty within 30 days after the day the notice was served. (9) If a person who has received a notice of administrative penalty applies for a review under subsection (7), the designated senior employee shall conduct the review in accordance with the regulations. (10) Within 30 days after serving a notice of administrative penalty, a director shall, (a) post a summary of the notice of administrative penalty, in a manner approved by the Minister, at the premises where the child care is provided; or (b) provide a summary of the notice of administrative penalty to the parents of the children for whom the care is provided. (11) No person, other than a director or inspector, shall remove a notice posted under clause (10) (a) unless the person is authorized to do so by a director or inspector or the circumstances prescribed by the regulations exist. (12) Upon a review, the designated senior employee may, (a) find that the person did not contravene the provision of this Act or regulations specified in the notice of administrative penalty, and rescind the notice; (b) find that the person did contravene the provision of this Act or regulations specified in the notice of administrative penalty and affirm the notice; or (c) find that the person did contravene the provision but that the penalty is excessive in the circumstances or is, by its magnitude, punitive in nature having regard to all the circumstances, and in that case the employee shall amend the notice by reducing the amount of the penalty. (13) The designated senior employee's decision is final. (14) The Statutory Powers Procedure Act does not apply to a decision made under subsection (4) or to a review conducted under subsection (9). (15) If the designated senior employee finds under clause (12) (b) or (c) that a person has contravened the provision of this Act or regulations specified in the notice of administrative penalty, the person shall pay the penalty required by the designated senior employee within 30 days after the day the decision was made. (16) A person who is required to pay an administrative penalty under this section shall pay the penalty to the Minister of Finance</p>	<p>to pay an administrative penalty (2) Is defined as purpose of administrative penalty (3) Is defined as amount of administrative penalty (4) Is defined as amount of administrative penalty, reductions (5) Is defined as one - year limitation (6) Is defined as content of notice of administrative penalty (7) Is defined as right to review (8) Is defined as if no review requested (9) Is defined as if review requested (10) Is defined as notice to parents, etc. (11) Is defined as removal of posted notice (12) Is defined as designated senior employee's decision (13) Is defined as decision final (14) Is defined as non-application of SPA (15) Is defined as payment after review (16) Is defined as payment to Minister of Finance</p> <p>Impact on: across sector</p>
<p>Enforcement of administrative penalty</p>	<p>40. (1). If a person who is required to pay an administrative penalty under section 39 fails to pay it within the time required under subsection 39 (8) or (15), the notice of administrative penalty or the designated senior employee's decision, as the case may be, may be filed with a local registrar of the Superior Court of Justice and may be enforced as if it were an order of the court. (2) Section 129 of the Courts of Justice Act applies in respect of a notice of administrative penalty or decision filed with the Superior Court of Justice under subsection (1) and, for the purpose, the date on which the notice of administrative penalty or decision is filed under subsection (1) is deemed to be the date of the order that is referred to in section 129 of the <i>Courts of Justice Act</i></p>	<p>If a person does not pay the administrative penalty under section 39 within the time required, it may be processed through the Superior Court of Justice</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
		and enforced as if it were an order of the court Impact on: across sector
Crown debt	41. An administrative penalty imposed under section 39 that is not paid within the time required under that section is a debt due to the Crown and enforceable as such	Impact on: across sector
Director may authorize collector	42. (1). A director may authorize any person to act as a collector for the purposes of this section and sections 43 and 44 and to exercise the powers that the director specifies in the authorization to collect administrative penalties owing under this Act. (2) Despite clause 22 (a) of the Collection Agencies Act , the director may also authorize a collector to collect a reasonable fee or reasonable disbursements or both from each person from whom the collector seeks to collect administrative penalties owing under this act. (3) The director may impose condition on an authorization under subsection (2) and may determine what constitutes a reasonable fee or reasonable disbursements for the purposes of that subsection. (4) The director shall not authorize a collector who is required to be registered under the <i>Collection Agencies Act</i> to collect disbursements	A person may be appointed by the director to act as a collector (2) Is defined as costs of collection (4) Is defined as exception regarding disbursements Impact on: across sector
Collector's powers	43. (1). A collector may exercise any of the powers specified in an authorization of a director under section 42. (2) If a collector is seeking to collect an administrative penalty owing under a notice of administrative penalty or decision of a designated senior employee, any fees and disbursements authorized under subsection 42 (2) are deemed to be owing under and are deemed to be added to the amount of the penalty set out in the notice or decision. (3) A collector shall pay the amount collected under this section with respect to the penalty to the Minister of Finance and may retain the amount collected with respect to the collector's fees and disbursements	The collector collects the money that is due for the administrative penalty (2) Is defined as fees and disbursements part of order (3) Is defined as distribution of money collected Impact on: across sector
Settlement by collector	44. (1). A collector may agree to a settlement with the person from whom he or she seeks to collect money, but only with the written agreement of a director. (2) The person who owes money under a settlement shall pay the amount agreed upon to the collector, who shall deal with it in accordance with subsection 43 (3)	A collector can agree to a settlement only with approval from a director (2) Is defined as payment Impact on: across sector

General

Category of Act	Regulations	Points for Consideration
Enforcement measures	45. The use of an enforcement measure provided for in this Act in respect of a contravention of this Act or the regulations does not prohibit the use, at the same time or different times, of any other enforcement measure or remedy provided for in this Act or otherwise available in law in respect of the same contravention	Multiple enforcement measures may be used in respect to this Act and the

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
		regulations
		Impact on: across sector
Consideration of past conduct	46. In making a decision under this Act, a director or the Tribunal may consider any person's current or past failures to comply with this Act or the regulations that the director or Tribunal considers relevant	Any person's current or past failures may be considered by the Tribunal or a director that comply with this Act or the regulations
		Impact on: across sector

Part VI: Service System for Child Care and Early Years Programs and Services

Category of Act	Regulations	Points for Consideration
Interpretation	47. (1). In this Part, despite the definition of "child care and early years programs and services" in subsection 2 (1) , references to that term apply only to, (a) programs and services that provide licensed child care; (b) authorized recreational and skill building programs; and (c) early years programs and services. (2) For the purposes of this Part, the power to establish, administer, operate or fund programs and services includes the power to do so directly or indirectly	Difference in definition of "child care and early years programs and services"
		Impact on: across sector
Non-application of Part V	48. Part V does not apply with respect to the enforcement of sections 49 to 62 or the regulations made for the purposes of those sections	Impact on: across sector

Provincial Interest

Category of Act	Regulations	Points for Consideration
Provincial interest	49. (1). It is a matter of provincial interest that there be a system of child care and early years programs and services that, (a) is focused on Ontario's children and families; (b) promotes the health, safety and well-being of children; (c) provides high quality experiences and positive outcomes for children with a provincial framework to guide pedagogy; (d) includes knowledgeable, self-reflective and qualified professionals and staff, including members of the College of Early Childhood Educators; (e) responds to communities' needs by, (i) providing services both for families who receive financial assistance for child care and for families who do not receive such financial assistance, (ii) providing a range of service options to support parents who are part of the workforce, such as options that address varied working hours and arrangements, and (iii) providing centre-based and home-based options for families in relation to the receipt of licensed child care; (f) respects equity, inclusiveness and diversity in communities and the particular qualities of, (i) Aboriginal, First Nations, Métis and Inuit communities, (ii) children with disabilities; (iii) Francophone communities, and (iv) urban, rural, remote and northern communities; (g) provides for strong and sustainable partnerships among the Province, service system managers and others in the community; (h) is co-ordinated with other community and human services; (i) is flexible and able to adapt to local circumstances; (j) supports the social and economic well-being of Ontarians; (k) ensures appropriate accountability for public funding; (l) supports the transition from child care and early years programs and services to school; (m) approaches pedagogy in child care and early years programs and services in a manner that supports the transition referred to in clause (l); (n) addresses any other aspect prescribed by the regulations. (2) The Lieutenant Governor in Council may, by	It is of provincial interest that there is a system for child care and early years programs and services
		(2) Is defined as additional matters declared by Lieutenant Governor in Council
		Impact on: across sector

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
	regulation, declare additional matters to be matters of provincial interest for the purposes of this Part	
Duty to co-operate	50. (1) . The Minister and service system managers shall co-operate with each other for the purposes of promoting the health, safety and well-being of children. (2) For the purposes of subsection (1), the duty to co-operate includes the duty to provide access to and share information relating to child care and early years programs and services	The Minister and service system managers shall co-operate to provide quality child care Impact on: across sector

Child Card and Early Years Programs and Service Plans

Category of Act	Regulations	Points for Consideration
Child care and early years programs and services plan	51. (1) . Each service system manager shall have a child care and early years programs and services plan for its service area. (2) The plan must, (a) address the matters of provincial interest under section 49 , including each aspect of the system described in subsection 49 (1) ; (b) be consistent with the policy statements issued under subsection 55 (2) ; and (c) include such other content as may be prescribed by the regulations. (3) The plan must comply with any procedural requirements prescribed by the regulations, including requirements relating to the frequency with which a plan must be developed, reviewed, updated or approved. (4) In developing the plan, the service system manager shall consult with school boards and other prescribed persons or entities in accordance with the regulations, and those persons or entities shall cooperate with the service system manager for that purpose. (5) A plan shall not be implemented before it is approved, (a) by the council of the municipality, if the service system manager is a municipality; and (b) by the members of a district social services administration board, if the service system manager is such a board	Each service system manager shall have a plan for its service area (2) Is defined as content (3) Is defined as other requirements (4) Is defined as consultation (5) Is defined as approval of plan Impact on: service system manager
Implementation of plan	52. (1) . A service system manager shall implement its child care and early years programs and services plan. (2) The service system manager, school boards and persons or entities prescribed for the purposes of subsection 51 (4) shall cooperate with each other for the purpose of implementing the plan	A service system manager shall implement their service plan (2) Is defined as duty to cooperate Impact on: service system manager, school boards, etc.

Minister's Role

Category of Act	Regulations	Points for Consideration
-----------------	-------------	--------------------------

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
Role of Minister	53. (1) . The role of the Minister includes, (a) developing and promoting an overview of the system of child care and early years programs and services and aspirational goals for the system; (b) supporting the provision of child care and early years programs and services across the province; (c) coordinating efforts with other ministries in relation to programs and services that support the learning, development, health and well-being of children. (d) encouraging high quality experiences that support children’s learning, development, health and well-being; and (e) administering the licensing framework set out in this Act and enforcing this Act. (2) For greater certainty, subsection (1) does not impose duties on the Minister or limit the generality of the powers conferred on the Minister by this or other Act	Description of the role of the Minister (2) Is defined as interpretation Impact on: across sector
General powers of Minister	54. (1) . The Minister may, (a) establish, administer, operate and fund child care and early years programs and services; (b) provide financial assistance for persons who are charged fees in respect of licensed child care, authorized recreational and skill building programs or extended day programs, in accordance with the regulations; and (c) fund and provide financial assistance for other programs or services prescribed by the regulations that provide or support temporary care for or supervision of children. (2) Without limiting the generality of clause (1) (a), the Minister’s powers under that clause include the power to fund capital projects and research and development. (3) The Minister may enter into agreements with service system managers, or any other persons prescribed by the regulations, for the purposes of subsection (1). (4) For greater certainty, this section does not limit the generality of the powers conferred on the Minister by this or any other Act	General description of the powers held by the Minister (2) Is defined as general powers of Minister, funding (3) Is defined as ministerial agreements (4) Is defined as interpretation Impact on: across sector
Minister’s policy statements-provincial interest, programming and pedagogy, etc.	55. (1) . The Minister may issue policy statements relating to the operation of child care and early years programs and services and any other matter dealt with under this Part. (2) For the purpose of guiding service system managers in developing and implementing their child care and early years programs and services plans, the Minister may issue policy statements on matters relating to child care and early years programs and services that are of provincial interest under section 49 , including policy statements addressing aspects of the system described in subsection 49 (1) . (3) For the purpose of guiding operators of child care and early years programs and services in developing their programs and services, the Minister may issue policy statements regarding programming and pedagogy that constitute high quality child care and early years programming and pedagogy that support children’s learning and development. (4) In developing policy statements under subsection (1), the Minister shall consider the interests and particular qualities of Aboriginal, First Nations, Métis and Inuit communities and Francophone communities. (5) The Minister may issue a policy statement alone or together with any other minister. (6) For greater certainty, Part III (Regulations) of the Legislations Act, 2006 does not apply to a policy statement made under this section	The Minister may issue policy statements relating to the operation of any programs and services related to child care and early years (1) Is defined as general (2) Is defined as matters of provincial interest (3) Is defined as programming and pedagogy (5) Is defined as joint issue (6) Is defined as <i>Legislation Act, 2006</i> Impact on: across sector

Roles of Service System Managers, First Nations and Prescribed Local Authorities

Category of Act	Regulations	Points of Considerations
-----------------	-------------	--------------------------

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points of Considerations
Duties of service system manager	56. In addition to any other duties under this Act, a service system manager shall, (a) develop and administer local policies respecting the operation of child care and early years programs and services; (b) administer the delivery of financial assistance provided by the Minister under clause 54 (1) (b), in accordance with the regulations; (c) coordinate the planning and operation of child care and early years programs and services with the planning and provision of other human services delivered by the service system manager; (d) assess the economic viability of the child care and early years programs and services in the service area and, if necessary, make or facilitate changes to help make such programs and services economically viable; (e) perform such other duties as may be prescribed by the regulations	Duties for the service system manager Impact on: service system manager
General powers of service system manager	57. (1). A service system manager may, (a) establish, administer, operate and fund child care and early years programs and services; (b) provide financial assistance for persons who are charged fees in respect of licensed child care, authorized recreational and skill building programs and extended day programs, in accordance with the regulations; (c) fund and provide financial assistance for other programs or services prescribed by the regulations that provide or support temporary care for or supervision of children; (d) provide assistance to persons who operate child care and early years programs and services to improve their capabilities in relation to matters such as governance, financial management and the planning and delivery of programs and services; (e) evaluate and assess the impact of public funding; and (f) exercise such other powers as may be prescribed by the regulations. (2) For greater certainty, a service system manager may use its powers under the following provisions for the purposes of this Act; 1. If the service system manager is a municipality, section 9 of the Municipal Act, 2001 or section 7 of the City of Toronto Act, 2006 2. If the service system manager is a district social services administration board, sections 15 of the Not-for Profit Corporations Act, 2010 . (3) Paragraphs 5 and 6 of subsection 11 (4) of the Municipal Act, 2001 do not apply with respect to a service system manager's powers under this section. (4) For the purposes of this Act, section 19 of the Municipal Act, 2001 does not limit a service system manager that is a municipality from exercising its power under this Act or under section 9 of the <i>Municipal Act, 2001</i> throughout its service area. (5) For the purposes of this Act, the following provision of the <i>Municipal Act, 2001</i> and the regulations that relate to those provisions apply, with necessary modifications, to a service system manager that is a district social services administration board; 1. Section 107 . 2. Subsections 110 (1), (2), (3), (4), (10) and (11) . 3. Subsections 417 (1), (2) and (3) . 4. Subsections 418 (1), (2), (3) and (4) . (6) Section 106 of the Municipal Act, 2001 and section 82 of the City of Toronto Act, 2006 do not apply with respect to assistance for child care and early years programs and services	General description of the powers held by the service system manager (2) Is defined as natural person powers (3) Is defined as powers not exclusive (4) Is defined as clarification on powers-municipal service system managers (5) Is defined as provision of <i>Municipal Act, 2001</i> -district social services administration board service system managers (6) Is defined as prohibition regarding assistance: does not apply Impact on: service system manager
Periodic reports to Minister	58. (1). At the times prescribed by the regulations, a service system manager shall give the Minister reports on the following: 1. The implementation of its child care and early years programs and service plan. 2. The service system manager's establishment, administration, operation and funding of child care and early years programs and services. 3. Such other matters as may be prescribed by the regulations. (2) The reports required under subsection (1) must be given in a manner authorized by the Minister and must include the prescribed information and the prescribed documents	At the prescribed times, the service system manager will give the Minister the appropriate reports (2) Is defined as manner and contents Impact on: service system manager
Other reports, etc., to Minister	59. (1). A service system manager shall give the Minister, (a) such reports as the regulations require; and (b) such reports, documents and information as the Minister requests. (2) A service system manager shall give reports, documents and information requested under clause (1) (b) at the times the Minister specifies at the times the Minister specifies. (3) The reports, documents and information required under subsection (1) must be given in a	A service system manager shall give any other document, reports and

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points of Considerations
	manner authorized by the Minister	information that are needed by the Minister (2) Is defined as timing (3) Is defined as manner Impact on: service system manager
General powers of First Nations	60. (1). A First Nation or group of First Nations may establish, administer, operate and fund child care and early years programs and services. (2) The Minister and a First Nation or group of First Nations may enter into an agreement for the purposes of subsection (1). (3) An agreement described in subsection (2) may provide that a First Nation may exercise and perform any powers or duties of a service system manager provided for under this Act. (4) A First Nation may delegate to another First Nation or to a person prescribed by the regulations, in writing, any of the First Nation's powers or duties provided for under this Act or under an agreement described in subsection (2)	General description of the powers held by First Nations (2) Is defined as agreements between Minister and First Nations (3) Is defined as powers and duties under agreement (4) Is defined as delegation by First Nation Impact on: First Nation
General powers of prescribed local authorities	61. (1). A prescribed local authority may establish, administer, operate and fund child care and early years programs and services. (2) A prescribed local authority may enter into an agreement for the purposes of subsection (1). (3) The Minister and a prescribed local authority may enter into an agreement for the purposes of subsection (1). (4) An agreement described in subsection (3) may provide that a prescribed local authority may exercise any powers and shall perform any duties of a service system manager that are provided for under this Act and specified in the agreement. (5) A service system manager shall not exercise the powers or perform the duties that are specified in an agreement under subsection (4). (6) For the purposes of this Part, a prescribed local authority shall have such other powers and duties as may be prescribed by the regulations	General description of the powers held by prescribed local authorities (2) Is defined as power to enter into agreements (3) Is defined as agreements between Minister and prescribed local authority (4) Is defined as powers and duties under agreement (5) Is defined as restriction on service system manager (6) Is defined as additional powers and duties Impact on: prescribed local authority

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points of Considerations
<p>Advice to director regarding licensing</p>	<p>62. (1). For the purposes of clause 23 (1) (f), a service system manager may provide advice to a director regarding the issuance of a licence if, in its opinion, the licence would authorize the provision of child care in the service area that is inconsistent with its child care and early years programs and services plan. (2) A First Nation or prescribed local authority may provide the advice described in subsection (1), if it is authorized or required by an agreement or the regulations to have a child care and early years programs and services plan</p>	<p>A service system manager may provide advice to a director regarding the issuance of a licence</p> <p>(2) Is defined as advice to director regarding licencing, First Nations and prescribed local authorities</p> <p>Impact on: service system manager and director</p>

Part VII: General

Category of Act	Regulations	Points for Consideration
<p>Non-application of Part V</p>	<p>63. (1). Part V does not apply with respect to the enforcement of sections 64 to 75, 77 to 80, 84 and 85 or the regulations made for the purposes of those sections. (2) Part V does not apply with respect to the enforcement of section 76, unless the person alleged to have contravened section 76 is a child care provider</p>	<p>Part V does not apply with sections:</p> <p>64: Administration of Act 65: Service System Managers 66: Directors 67: Delegation to Ministry Employees 68: Program Advisors 69: Protection from Personal Identity 70: Collection and Use of Personal Information - Minister 71: Collection and Use of Personal Information – Service System Manager, etc. 72: Assignment of Numbers 73: Privacy, Ontario Education Numbers 74: Service</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
		<p>75: Certain Child Care Centres in Schools: Building Requirements, etc. 76: Prohibition- Obstruction of Inspector 77: Prohibition- False or Misleading Information 78: List of Offences 79: Penalties for Offences 80: Minister's Review of Act 84: Public Consultation Before Making Regulations 85: Notice of Regulation on Website</p> <p>Impact on: across sector</p>

Administration

Category of Act	Regulations	Points for Consideration
Administration of Act	64. The Minister is responsible for the administration of this Act	Impact on: across sector
Service system managers	65. (1). The regulations shall designate the municipalities and district social services administration boards that are service system managers for the purposes of this Act. (2) The regulation shall specify the geographic area that is the service area of each service system manager for the purposes of this Act	<p>The regulations designate the municipalities and district school service administration boards that are service system managers</p> <p>(2) Is defined as service system managers</p> <p>Impact on: service system managers and municipalities</p>
Directors	66. (1). The Minister shall appoint, in writing, one or more persons employed in the Ministry to be directors for the purposes of this Act. (2) A director shall have the powers and duties set out in this Act and such other powers and duties as may be prescribed by the regulations. (3) A director's powers may be exercised and duties may be performed by an employee in the Ministry appointed as an acting director if, (a) the director is absent or unable to act; or (b) an individual who was appointed as a director has ceased to be a director and no new director has been appointed in his or her place. (4) An	One or more persons will be appointed as director by the Minister

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
	acting director shall be appointed by the Minister	<p>(2) Is defined as powers and duties (3) Is defined as acting directors (4) Is defined as acting directors, appointment</p> <p>Impact on: across sector</p>
Delegation to Ministry employees	<p>67. (1). The Minister may delegate to any person employed in the Ministry any of the Minister's powers or duties under this Act. (2) The delegation must be made in writing and is subject to such limitations, conditions and requirements as are set out in it. (3) In a delegation, the Minister may authorize a person to whom a power or duty is delegated to delegate the power or duty to other persons employed in the Ministry, subject to such limitations, conditions and requirements as the person may impose. (4) A person who purports to exercise a delegated power or perform a delegated duty shall be presumed conclusively to act in accordance with the delegation</p>	<p>The Minister may delegate, in writing, any person employed by the Ministry the powers or duties under this Act (3) Is defined as sub delegation (4) Is defined as presumption</p> <p>Impact on: across sector</p>
Program advisers	<p>68. (1). The Minister may designate, in writing, any person as a program adviser for the purposes of this Act. (2) A program adviser shall have such powers and duties as may prescribed by the regulations. (3) In a designation, the Minister may impose conditions or restrictions on a program adviser's powers and duties. (4) The remuneration and expenses of any person appointed under subsection (1) who is not a public servant employed under Part III of the Public Service of Ontario Act, 2006 shall be fixed by the Minister</p>	<p>The minister may delegate, in writing, any person as a program adviser (2) Is defined as powers and duties (3) Is defined as restrictions (4) Is defined as remuneration and expenses</p> <p>Impact on: across sector</p>
Protection from personal liability	<p>69. (1). No action or other proceeding may be instituted against the Deputy Minister, or any officer or employee who works in the Ministry, or anyone acting under the authority of the Minister or Deputy Minister, for any act done or omitted in good faith in the exercise or intended exercise of a power conferred under this Act or the regulations or in the execution or intended execution of a duty imposed under this Act or the regulations. (2) Despite subsections 5 (2) to (4) of the Proceedings Against the Crown Act, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which the Crown would otherwise be subject</p>	<p>No action or other proceeding may be instituted against the Deputy Minister, or any officer or employee who works in the Ministry, or anyone acting under the authority of the Minister or Deputy Minister (2) Is defined as crown liability</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
		Impact on: across sector

Personal Information and Ontario Education Numbers

Category of Act	Regulations	Points for Consideration
Collection and use of personal information- Minister	<p>70. (1). The Minister may collect personal information, directly or indirectly, for purposes related to the following matters, and may use it for those purposes: 1. Administering this Act and the regulations. 2. Ensuring compliance with this Act and the regulations. 3. With respect to child care and early year programs and services that the Ministry establishes, administers, operates or funds, in whole or in part, (i) planning, delivering, evaluating and monitoring the programs and services, (ii) allocating resources to the programs and services, and (iii) detecting, monitoring and preventing fraud and the unauthorized receipt of services and benefits related to the funding. 4. To determine or verify a person’s eligibility to participate in a child care or early years program or service or to receive financial assistance under this Act. 5. Implementing risk management, error management or activities to improve or maintain the quality of the programs and services that the Ministry provides or funds, in whole or in part. 6. Conducting evaluations of child care and early years programs and services. 7. Conducting research and analysis, including longitudinal studies, and statistical activities conducted by or on behalf of the Ministry for purposes that relate to, (i) child care and early years programs and services, (ii) education (iii) the transition from child care and early years programs and services to school, and the resulting outcomes, (iv) the matters of provincial interest under section 49 and (v) programs and services that support the learning, development, health and well-being of children, including programs and services provided or funded by other ministries. (2) The Minister shall not collect or use personal information if other information will serve the purpose of the collection or use. (3) The Minister shall not collect or use more personal information than is reasonably necessary to meet the purpose of the collection or use. (4) The Minister, the Minister of Finance and other ministers who may be prescribed by the regulations may disclose personal information to and indirectly collect personal information from each other for the purposes identified in paragraphs 3, 4 and 7 of subsection (1). (5) A disclosure of personal information under subsection (4) is deemed to be for the purposes of complying with this Act. (6) The Minister may require any of the following persons to disclose to him or her such personal information as is reasonably necessary for the purposes described in subsection (1): 1. A person who provides or operates a prescribed child care or early years program or service. 2. A person who has information that is relevant to any of the purposes described in subsection (1). (7) The Minister may specify the time at which and the form in which the personal information required from a person under subsection (6) must be provided and the secure method to be used in the transfer of the information. (8) If the Minister collects personal information indirectly under subsection (1), the notice required by subsection 39 (2) of the Freedom of Information and Protection of Privacy Act shall be given by, (a) a public notice posted on the Ministry’s website or the Government of Ontario’s website; or (b) any other method that may be prescribed by the regulations</p>	<p>The Ministry may collect information for administering this Act or regulations; ensuring compliance, planning, delivering and evaluating programs and services; verifying eligibility to participate in a child care program or service; implementing risk management; conducting evaluations; or conducting research</p> <p>(2) Is defined as limits on collection and use (4) Is defined as disclosure and sharing (5) Is defined as deemed compliance (6) Is defined as requiring disclosure (7) Is defined as time and form of disclosure (8) Is defined as notice required by section 39 of FIPPA (<i>Freedom of Information and Protection of Privacy Act</i>)</p> <p>Impact on: across sector</p>
Collection and use of personal information- service system	<p>71. (1). A service system manager, First Nation or prescribed local authority may collect personal information, directly or indirectly, for purposes related to the following matters, and may use it for those purposes: 1. With respect to child care and early years programs and services that the service system manager, First Nation or prescribed local authority establishes, administers, operates or funds, in whole or in part, (i) planning, delivering, evaluating and monitoring the programs and services, (ii) allocating resources to the programs and services, and (iii) detecting, monitoring and preventing fraud and the</p>	<p>A service system manager, First Nation or prescribed local authority may collect personal information and</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
manager, etc.	<p>unauthorized receipt of services and benefits related to the funding. 2. To determine or verify a person’s eligibility to participate in a child care or early years program or service or to receive financial assistance under this Act. 3. Implementing risk management, error management or activities to improve or maintain the quality of the programs and services that the service system manager, First Nation or prescribed local authority provides or funds, in whole or in part. (2) The service system manager, First Nation or prescribed local authority shall not collect or use personal information if other information will serve the purpose of the collection or use. (3) The service system manager, First Nation or prescribed local authority shall not collect or use more personal information than is reasonably necessary to meet the purpose of the collection or use. (4) The service system manager, First Nation or prescribed local authority may require any of the following persons to disclose to it such personal information as is reasonably necessary for the purposes described in subsection (1): 1. A person who provides or operates a prescribed child care or early years program or service. 2. A person who has information that is relevant to a determination or verification described in paragraph 2 of subsection (1). (5) The service system manager, First Nation or prescribed local authority may specify the time at which and the form in which the personal information required from a person under subsection (4) must be provided and the secure method to be used in the transfer of the information</p>	<p>use it for the following purposes: 1. The service system manager, First Nation or prescribed local authority establishes, administers, operates or funds, in whole or in part, planning, delivering, evaluating and monitoring the programs and services; allocating resources to the programs and services; and detecting, monitoring and preventing fraud and the unauthorized receipt of services and benefits related to the funding. 2. To determine or verify a person’s eligibility to participate in a child care 3. Implementing risk management</p> <p>(2) Is defined as limits on collection and use (4) Is defined as requiring disclosure (5) Is defined as time and form of disclosure</p> <p>Impact on: across sector</p>
Assignment of numbers	<p>72. (1). The Minister may assign an Ontario education number to a child who, (a) is registered or seeks to be registered in, (i) a program or service that includes the provision of licensed child care, or (ii) an early years program or service prescribed by the regulations; and (b) has not already been assigned an Ontario education number under the Education Act. (2) The persons described in subsection (3) are authorized to collect personal information, directly and indirectly, and to use and disclose personal information, for the purposes of, (a) assigning Ontario education numbers under subsection (1); and (b) validating and updating the numbers and the personal information associated with them. (3) Subsection (2) applies to, (a) the officers of and employees in the Ministry; and (b) persons who provide or operate programs and services described in subclauses (1) (a) (i) and (ii). (4) Subsection 39 (2) of the Freedom of Information and Protection of Privacy Act and subsection 29 (2) of the Municipal Freedom of Information and Protection of Privacy Act do not apply to a collection under subsection (2). (5) The disclosure of information under subsection (2) is deemed to be for the purposes of complying with this Act and the <i>Education Act</i></p>	<p>The Minister may assign an Ontario education number to a child who (a) is registered or seeks to be registered in (i) a program or service that includes the provision of licensed child care, or (ii) an early years program or service prescribed by the regulations; and (b) has not already been assigned</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
		<p>an Ontario education number under the <i>Education Act</i></p> <p>Officers and employees of the Ministry are authorized to collect information for the purpose of administering the Ontario education number</p> <p>Impact on: across sector</p>
<p>Privacy, Ontario education numbers</p>	<p>73. (1). No person shall collect, use or disclose or require the production of another person's Ontario education number, except as permitted by this section, by the <i>Education Act</i> or otherwise by law. (2) Despite subsection 266.3 (1) of the <i>Education Act</i>, a person who provides or operates any of the following programs or services may collect, use or disclose or require the production of a person's Ontario education number for purposes related to the provision of child care or early years programs or services to that person: 1. A program or service that includes the provision of licensed child care. 2. An early years program or service prescribed by the regulations. (3) Despite subsection 266.3 (1) of the <i>Education Act</i>, a person listed in subsection (4) may collect, use, disclose or require the production of Ontario education numbers for purposes related to, (a) the administration of child care and early years programs and services; (b) the funding of those programs and services and the provision of financial assistance with respect to them; and (c) planning, delivery and research with respect to them. (4) Subsection (3) applies to, (a) the Minister; (b) a person who provides or operates a prescribed child care or early years program or service; and (c) any other prescribed person or entity</p>	<p>No person shall use, collect or disclose another person's Ontario education number, unless permitted by this section, by the <i>Education Act</i> or otherwise by the law</p> <p>(2) Is defined as exception, regarding privacy</p> <p>Impact on: across sector</p>

Miscellaneous

Category of Act	Regulations	Points for Consideration
<p>Service</p>	<p>74. (1). Any notice, order or request made or issued under this Act is sufficiently given or served if it is delivered personally, sent by mail or sent or delivered by another method, if the sender can prove receipt. (2) If a notice, order or request is served by mail, the service is deemed to be made on the fifth day after the day of mailing unless the person on whom the document is served establishes that he, she or it did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive it until a later date</p>	<p>Any notice is sufficiently given or served, if the sender can prove a receipt.</p> <p>(2) Is defined as deemed service: the notice must be deemed five days after the day of mailing, unless it is proven they did not receive it.</p> <p>Impact on: across sector</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
Certain child care centres in schools: building requirements, etc.	75. (1). For the purposes of any standard or requirement in any Act, regulation or municipal by-law relating to the safety of buildings or other accommodations, a child care centre, or part of a child care centre, that is located in a school and is described in subsection (2) is deemed to be part of the school that is used to provide instruction to pupils and, as such, the same standards or requirements that apply to the school apply to the child care centre. (2) Subsection (1) applies to a child care centre or a part of a child care centre that provides child care only for children who, (a) are four years old or older; or (b) if the child care is provided on or after September 1 in calendar year, will attain the age of four in that year. (3) In the event of a conflict between subsection (1) and another Act, regulation or municipal by-law, subsection (1) prevails	If a child care centre or part of a child care centre is located in a school, the same standards or requirements of the school also apply to the child care centre (2) Is defined as application, age of children (3) Is defined as conflict Impact on: across sector
Prohibition-obstruction of inspector	76. No person shall, (a) hinder, obstruct or interfere with an inspector conducting an inspection; (b) refuse to answer questions on matters relevant to the inspection; or (c) provide the inspector with information on matters relevant to the inspection that the person knows to be false or misleading	No person shall do anything that interferes with an inspector when conducting an inspection Impact on: across sector
Prohibition-false or misleading information	77. (1). No person shall knowingly give false or misleading information to the Minister, a director, an inspector or a designated senior employee in respect of any matter related to this Act or the regulations. (2) No person shall knowingly include false or misleading information in any application, report or other document required to be given to the Minister, a director, an inspector or a designated senior employee under this Act	No person shall knowingly give false or misleading information to the Minister, a director, an inspector, or designated senior employee, or on any application, report or other document Impact on: across sector
List of offences	78. (1). Every person who contravenes or fails to comply with any of the following provisions of this Act is guilty of an offence: 1. Subsection 6 (1) (Prohibition regarding the operation of a child care centre). 2. Section 7 (Prohibition regarding operation of a home child care agency). 3. Section 8 (Prohibition regarding operating multiple premises). 4. Subsection 9 (1) or clause 9 (3) (a) (Prohibition regarding past conduct of provider). 5. Subsection 10 (1) or (2) (Prohibition regarding preventing parental access). 6. Subsection 11 (1), (3) or (4) (Prohibition regarding use of licensing terms, etc.) 7. Subsection 14 (6) (Duty to return licence and signage). 8. Section 16 (Accrediting programs and services). 9. Subsection 17 (1) or (3) (Prohibition regarding use of accreditation terms, etc.) 10. Subsection 73 (1) (Prohibition regarding Ontario education numbers). 11. Section 76 (Prohibition regarding obstruction of inspector). 12. Subsection 77 (1) or (2) (Prohibition regarding false or misleading information). 13. Any other provision of this Act or the regulations prescribed by the regulations. (2) Every person who fails to comply with an order made under section 36, 37 or 38 is guilty of an offence. (3) No proceeding under this section shall be commenced more than two years after the facts upon which the proceeding is based first came to the knowledge of the director or inspector	Every person who contravenes or fails to comply with any of the noted provisions of this Act is guilty of an offence (2) Is defined as offence regarding orders (3) Is defined as limitation period Impact on: across sector
Penalties for offences	79. A person convicted of an offence under this Act is liable to a fine of not more than \$250, 000, imprisonment for a term of not more than one year, or both	Fines under this Act will not exceed \$250,000, with

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
		imprisonment as a possibility Impact on: across sector
Minister's review of Act	80. (1). The Minister shall conduct a review of this Act within five years after this section comes into force. (2) The Minister shall, (a) inform the public when a review under this section begins; and (b) prepare a written report respecting the review and make that report available to the public	This Act will be in review in five years after August 31, 2015 Impact on: across sector

Regulations

Category of Act	Regulations	Points for Consideration
Regulations - Minister	81. (1). The Minister may make regulations, (a) governing all aspects of the provision of child care and the operation of child care and early years programs and services, other than anything referred to in subsection 82 (1) , including, (i) governing the management, operation and use of child care centres, (ii) governing the management, operation and functions of home child care agencies, (iii) governing the management and operation of child care and early years programs and services; (b) prescribing or otherwise providing for anything required or permitted under this Act, other than anything referred to in subsection 82 (1) , to be prescribed or otherwise provided for in the regulations, including governing anything required or permitted to be done in accordance with the regulations; (c) providing for forms and their use, including requiring the use of forms approved by the Minister. (2) Without limiting the generality of clause (1) (a), the power to make regulations under that clause includes the power to make regulations, (a) prescribing standards and requirements that apply to child care or early years programs or services, including standards and requirements relating to, (i) programming and pedagogy, (ii) the buildings and other accommodations where child care and early years programs and services are provided and the facilities, equipment and services that must be available at the buildings and other accommodations, (iii) any other health and safety matters; (b) requiring licensees, other operators or child care providers to ensure that the standards and requirements prescribed under clause (a) are met, (c) respecting the establishment, construction, alteration and renovation of premises where licensed child care is provided; (d) governing the circumstances in which and the ways in which operators of child care or early years programs or services shall engage parents in matters relating to the provision of those programs or services, including requiring operators of child care centres to ensure that parents are represented on a board of directors; (e) governing inspections conducted under Part IV ; (f) requiring licensees or other operators of child care and early years programs and services to, (i) ensure that specified screening measures are conducted before hiring staff and accepting volunteers, including requiring the licensees or operators to obtain police record checks with respect to those persons, (ii) obtain regular declarations from staff and volunteers, including declarations about criminal convictions from persons for whom a police record check was required	The Minister may make regulations governing all aspects of the provision of child care and operation of child care and early years programs and services, other than anything referred to in subsection 82 (1), including (i) governing the management, operation and use of child care centres (ii) governing the management, operation and functions of home child care agencies and (iii) governing the management and operation of child care and early years programs and services (2) Is defined as regulations- Minister regarding clause (1) (a) Impact on: across sector
Regulations- Lieutenant Governor in	82. (1). The Lieutenant Governor in Council may make regulations, (a) defining any term that is used in this Act and that is not defined in this Act; (b) clarifying whether or not an activity constitutes an exempt circumstance; (c) prescribing persons, premises, programs, services or circumstances for the purposes of paragraph 11 of subsection 4 (1) ; (d) respecting the number of children that may be at a child care centre and the number of child care	The Lieutenant Governor in Council may make regulations as defined in

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
Council	<p>providers that shall be at a child care centre, including prescribing requirements relating to the age of those children; (e) for the purposes of paragraph 1 of subsection 6 (3), (i) prescribing the number of children for whom home child care may be provided in the circumstances described in sub-subparagraph 1 (i) A of subsection 6 (3), in accordance with subsection 6 (6), (ii) authorizing child care to be provided in the circumstances described in sub-subparagraph 1 (i) B of subsection 6 (3) and prescribing the number of children for whom home child care may be provided in those circumstances, (iii) prescribing the number of children who are younger than two years old for whom home child care may be provided, for the purposes of sub-subparagraph 1 (iv) B of subsection 6 (3); (f) prescribing the number of children for whom child care may be provided for the purposes of subparagraph 2 (i) of subsection 6 (3). (g) prescribing criteria for the purposes of subparagraph 3 (v) of subsection 6 (3) or paragraph 5 of subsection 6 (4); (h) prescribing persons, premises, programs, services or circumstances for the purposes of paragraph 4 of subsection 6 (3); (i) respecting whether subsection 6 (1) applies in respect of the provision of child care if it is provided as part of an authorized recreational and skill building program; (j) exempting a person from the application of subsection 6 (1) on a temporary basis in circumstances where the person was providing home child care or in-home services that were overseen by a home child care agency and the agency's licence was suspended; (k) governing the qualifications of child care providers, including requiring operators of child care or early years programs or services to employ persons who have certain qualifications; (l) establishing training courses or prescribing training requirements that relate to the operation of child care or early years programs or services or home child care agencies; (m) requiring persons who operate the programs, services or agencies referred to in clause (1) to complete the training courses or requirements established or prescribed under that clause, including, if a person is a corporation, its officers, directors or employees or any other person with a controlling interest in a corporation; (n) governing the amount or the method of determining the amount that may be charged by a person for the provision of licenced child care; (o) governing the amount or the method of determining the amount that may be charged by a home child care agency to a child care provider for the provision of the agency's services; (p) governing accreditations, certifications and other designations indicating that certain standards or requirements are met by a child care or early years program or service, including, (i) prohibiting persons from providing such accreditations, certifications and other designations, (ii) prescribing requirements that apply to persons who provide such accreditations, certifications and other designations, (iii) prescribing criteria that must be met by programs or services that receive such accreditations, certifications or other designations; (q) governing the fees payable by applicants for licences or the renewal of licences; (r) governing administrative penalties and all matters necessary and incidental to the administration of a system of administrative penalties under this Act; (s) designating municipalities and district social services administration boards as service system managers; (t) specifying the geographic area that is the service area of each service system manager; (u) respecting the distribution of powers and duties among service system managers and prescribed local authorities if their powers or duties in relation to child care or early years programs or services overlap; (v) respecting funding agreements entered into under subsection 54 (3), including prescribing requirements or restrictions that apply to cost sharing arrangements; (w) governing the apportionment of costs incurred pursuant to a cost sharing arrangement included in an agreement under subsection 54 (3), including, (i) requiring specified municipalities to share in the apportionment of costs incurred by a service system manager or prescribed local authority, and respecting the manner in which that share shall be recovered by the service system manager or prescribed local authority, (ii) respecting the method of determining the apportionment of costs, (iii) authorizing the parties referred to in subclause (i) to determine, by agreement, the apportionment of costs and the manner in which the costs shall be recovered, and prescribing conditions that apply in such circumstances, (iv) providing for an arbitration process for determining the apportionment of costs, (v) requiring a municipality that fails to pay its portion of the costs to pay a penalty to the Province and governing the amount or the method of determining the amount of the penalty; (x) governing the provision of financial assistance provided for under this Act, including eligibility for, applications for and payment of the financial assistance; (y) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of sections 72 and 73 in relation to Ontario education numbers, including, (i) prescribing early years programs or services for the purpose of paragraph 2 of subsection 73 (2), (ii) prescribing persons or entities for the purposes of clause 73 (4) (c), (iii) regulating the manner in which personal information is collected, (iv) requiring persons who operate child care or early years programs or services to use Ontario education numbers for certain purposes; (z) governing a system for the establishment of records in respect of children registered in child care and early years programs and services, including requiring persons who operate child care and early years programs and services to establish, maintain, retain, transfer and dispose of the records. (2) In addition to its powers under subsection (1), the Lieutenant Governor in Council may make regulations doing anything that may be done by the Minister under section 81. (3) A regulation made under clause (1) (z) may require the disclosure of personal information</p>	<p>this section</p> <p>(3) Is defined as personal information</p> <p>Impact on: across sector</p>
Retroactivity	83. (1) A regulation under this Act is, if it so provides, effective with reference to a period before it is filed. (2) If a regulation made under this Act	A regulation under this Act

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
<p>and incorporation by reference: Retroactivity</p>	<p>incorporates a document by reference, in whole or in part, the documents may be incorporated as amended from time to time, whether the amendment was made before or after the regulation was made</p>	<p>is effective with reference to a period before it is filed (</p> <p>2) Is defined as rolling incorporation by reference</p> <p>Impact on: across sector</p>
<p>Public consultation before making regulations</p>	<p>84. (1). The Minister of the Lieutenant Governor in Council shall not make any regulation under section 81 or 82, as the case may be, unless, (a) the Minister has published a notice of the proposed regulation on a government website and in any other format the Minister considers advisable; (b) the notice complies with the requirements of this section; (c) the time period specified in the notice, during which members of the public may exercise the right described in clause (2) (b), has expired; (d) the Minister has considered whatever comments and submissions that members of the public have made on the proposed regulation in accordance with clause (2) (b) or (c); and (e) in the case of regulations made by the Lieutenant Governor in Council under section 82, the Minister has reported to the Lieutenant Governor in Council on what, if any, changes to the proposed regulation the Minister considers appropriate. (2) The notice mentioned in clause (1) (a) shall contain, (a) a description of the proposed regulation; (b) a statement of the time period during which members of the public may submit written comments on the proposed regulation to the Minister and the manner in which and the address to which the comments must be submitted; and (c) any other information that the Minister considers appropriate. (3) The time period mentioned in clause (2) (b) shall be at least 45 days after the Minister publishes the notice mentioned in clause (1) (a). (4) After considering the comments and submissions mentioned in clause (1) (d), the Minister, without further notice under subsection (1), may make the proposed regulations under section 81 with the changes that the Minister considers appropriate, whether or not those changes are mentioned in the comments and submissions. (5) Upon receiving the Minister’s report mentioned in clause (1) (e), the Lieutenant Governor in Council, without further notice under subsection (1), may make the proposed regulations under section 82 with the changes that the Lieutenant Governor in Council considers appropriate, whether or not those changes are mentioned in the Minister’s report. (6) The Minister may decide that this section should not apply to the power to make a regulation under section 81 or 82 if, in the Minister’s opinion, (a) the urgency of the situation requires it; or (b) the proposed regulation is of a minor or technical nature. (7) If the Minister decides that this section should not apply to the power to make a regulation under section 81 or 82, (a) this section does not apply to the power of the Minister or Lieutenant Governor in Council to make the regulation; and (b) the Minister shall give notice of the decision to the public as soon as is reasonably possible after making the decision. (8) The notice mentioned in clause (7) (b) shall include a statement of the Minister’s reasons for making the decision and all of other information that the Minister considers appropriate. (9) The Minister shall publish the notice mentioned in clause (7) (b) on a government website and in any other format the Minister considers advisable. (10) Subject to subsection (11), a court shall not review any action, decision, failure to take action or failure to make a decision by the Minister or the Lieutenant Governor in Council under subsections (1) to (9). (11) Any person resident in Ontario may make an application for judicial review under the Judicial Review Procedure Act on the grounds that the Minister has not taken a step required by subsections (2) to (9). (12) No person shall make an application under subsection (11) with respect to a regulation later than 21 days after the Minister publishes a notice with respect to the regulation under clause (1) (a) or subsection (9), where applicable</p>	<p>The Minister of the Lieutenant Governor in Council shall not make any regulation under section 81 or 82, unless specified in the clause</p> <p>(2) Is defined as contents of notice</p> <p>(3) Is defined as time period for comments</p> <p>(4) Is defined as discretion to make regulations, Minister</p> <p>(5) Is defined as discretion to make regulations, Minister, Lieutenant Governor in Council</p> <p>(6) Is defined as no public consultation</p> <p>(8) Is defined as contents of notice</p> <p>(9) Is defined as publication of notice</p> <p>(10) Is defined as no review</p> <p>(11) Is defined as exception</p> <p>(12) Is defined as time for application</p> <p>Impact on: across sector</p>
<p>Notice of regulation on website</p>	<p>85. Upon the making of a regulation under this Act, the Minister shall publish a notice of the regulation on a government website, together with a link to the regulation as published on the e-Laws website, for the prescribed time period</p>	<p>The Minister shall publish a notice of the regulation on a government website for the prescribed time period</p>

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
		Impact on: across sector

Part VIII: Transition and Consequential Amendment

Category of Act	Regulations	Points for Consideration
Payments under Day Nurseries Act: Sales, etc., of day nursery- where director's approval required	86. (1). No municipality, First Nation or approved corporation shall change the site, structure or use of, or sell, lease, mortgage or otherwise dispose of any part of or interest in any day nursery in respect of which the municipality, First Nation or approved corporation, as the case may be, received payment under section 9 of the Day Nurseries Act , without the approval in writing of a director, and such approval may be made subject to such conditions for repayment in whole or in part of any such payment as the director considers advisable. (2) Where a municipality, First Nation or approved corporation changes the site, structure or use of, or sells, leases, mortgages or otherwise disposes of any part of or interest in any day nursery without the approval of a director, or, where such approval has been given, is in default of any condition for repayment imposed under subsection (1), the whole or any part of any payment under section 9 or the <i>Day Nurseries Act</i> in respect of the day nursery may be recovered as a debt due to the Crown from the municipality, First Nation or approved corporation, as the case may be, (a) out of money payable by Ontario to the municipality, First Nation or approved corporation under the authority of any Act; or (b) by proceedings in any court of competent jurisdiction. (3) In this section, "approved corporation" and "day nursery" have the same meaning as in subsection 1 (1) of the Day Nurseries Act	No changes to the site, structure or use of, or sell, lease, mortgage or dispose of any part of any day nursery can be done without the approval in writing from a director (2) Is defined as recovery of whole or part of payment (3) Is defined as interpretation Impact on: across sector
Approvals of corporations under the Day Nurseries Act	87. Any approval of a corporation for the payment of grants granted by the Minister under subsection 6 (1) of the Day Nurseries Act ceases to have an effect on the day section 1 of Schedule 2 to the <i>Child Care Modernization Act, 2014</i> comes into force	6 (1): No person shall operate a premises where child care is provided except under the authority of a licence to operate a child care centre Impact on: across sector
Transitional regulations	88. (1). The Lieutenant Governors in Council may make regulations respecting transitional matters related to the implementation of this Act. (2) Without limiting the generality of subsection (1), the power to make regulations under that subsection includes the power to make regulations, (a) providing that the Day Nurseries Act , a provision of that Act, or an agreement made under that Act continues to apply, for a specified period of time and with necessary modifications, to specified things or in specified circumstances; (b) providing that licences issued under the <i>Day Nurseries Act</i> are deemed to have been replaced with licences issued under this Act; and (c) providing for and governing temporary permits that authorize a person whose application for a licence is being considered to operate a child care centre or a home child care agency on a temporary basis. (3) In the event of a conflict, a regulation made under this section prevails over this Act or the regulations, or any other Act or regulation administered by the Minister	The Lieutenant Governors in Council may make regulations on transitional matters related to the implementation of this Act. Impact on: across sector
	89. OMITTED (provides for amendments to this Act)	

Part IX (OMITTED)

--	--	--

Child Care and Early Years Act, 2014

S.O. 2014, Chapter 11, Schedule 1

Category of Act	Regulations	Points for Consideration
90. OMITTED (Provides for coming into force of provision of this Act)		
91. OMITTED (Enacts short title of this Act)		

References

Canada, G. o. (2016, June 21). Indian Act (r.S.C., 1985, c. I-5). Ottawa, Ontario, Canada. Retrieved July 25, 2016, from <http://laws-lois.justice.gc.ca/PDF/I-5.pdf>

Ontario, G. o. (2016, June 9). *Education Act, R.S.O. 1990, c. E.2*. Retrieved June 12, 2016, from Government of Ontario: <https://www.ontario.ca/laws/statute/90e02>

Ontario, G. o. (2015, December 3). *Child Care and Early Years Act, 2014, S.O. 2014, c. 11, Sched. 1*. Retrieved July 9, 2016, from Government of Ontario: <https://www.ontario.ca/laws/statute/14c11>