

**Ministry of Education
Early Learning Division**

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**Ministère de l'Éducation
Division de l'apprentissage des
jeunes enfants**

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Queen's Park
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DATE: April 29, 2013

MEMORANDUM TO: Private-Home Day Care Agencies and Licensed Day Nurseries

FROM: Jim Grieve
Assistant Deputy Minister
Early Learning Division

RE: **Standing and Recreational Bodies of Water in Licensed Private-Home Day Care and Best Practices for Water Safety in All Regulated Child Care Settings**

PURPOSE

With the arrival of swimming season and summer break, clarity is required regarding the use of standing and recreational bodies of water for children in regulated child care in the interest of keeping children as safe as possible.

The purpose of this memorandum is to notify you of consistent, province-wide requirements being implemented by the Ministry of Education regarding standing and recreational bodies of water (i.e., ponds, pools, etc) in licensed private-home day care.

The memorandum also outlines best practices regarding water safety for children in all regulated child care settings.

MINISTRY REQUIREMENTS

Effective immediately, licensed private-home day care agencies (PHDC agencies) must:

- **Prohibit the use of and access to** all standing bodies of water (e.g., ponds) and recreational in-ground / above-ground swimming, portable / “kiddie” / inflatable wading-type, and hydro-massage pools, hot tubs, and spas located **on the premises of any single or multi-dwelling private residence, including a provider’s own house, townhouse complex or apartment building where the provider resides**, for children under the supervision / care of the contracted private-home day care provider in his / her capacity as a child care provider during operating hours.

- Continue to ensure that, where applicable, all PHDC homes that have standing bodies of water / swimming pools are in compliance with local by-laws requiring private residences with standing bodies of water / pools etc in their catchment area to have an enclosure (e.g., fence and a latched gate).

By June 1, 2013, licensed PHDC agencies must:

- **Develop a policy or update an existing policy** that reflects the ministry requirements regarding standing and recreational bodies of water.
- **Review the policy** with PHDC agency visitors, agency providers, students/volunteers, and all adults regularly present in the home;
- **Update their parent / guardian handbook / program statement** to include information about the policy requirements and review the update with all parents/guardians;
- **Add an item** regarding pools and fencing to the private-home day care agency **visitor checklists**, where applicable, to ensure initial assessment of new PHDC homes and ongoing monitoring; and
- **Email their Ministry of Education program advisor** to confirm that all compliance requirements have been met.

RATIONALE

The safety and well-being of children is a priority for the Ministry of Education.

In Ontario in 2010, there were 167 drowning deaths. Of these, 19 occurred in private backyard swimming pools and eight involved children less than five years of age.¹ The use of unregulated standing bodies of water (e.g., ponds), as well as portable / “kiddie” / inflatable wading-type used in homes can pose a drowning risk to children.

The 2010 Chief Coroner’s *Drowning Review*, as well as the 2012 Chief Coroner Inquest into the drowning death of Jérémie Audette, made recommendations regarding access to water by young children.

WATER SAFETY BEST PRACTICES FOR ALL LICENSED CHILD CARE OPERATORS

- The ministry supports play-based learning and sensory exploration and encourages the use of **on-premise splash pads, sprinklers, hoses or water tables**, under close supervision of adults at all time, as safer alternatives during cooling or play / sensory activities.
- Child care operators may decide to have children attend and use public pools (e.g. for swimming lessons). In this case, it is **strongly recommended that children attend regulated “public**

¹ Lifesaving Society. December 2012. *Jeremie Audette Coroner’s Inquest Recommendations*.

pools” (see the *Health Promotion and Protection Act*, and Regulation 565 (Public Pools) where:

- there is a qualified life-guard(s) on duty at all times in accordance with Regulation 565;
 - the rules of the public pool are followed;
 - the children are accompanied and directly supervised by adults at all times (e.g. a person who is 18 years or older);
 - *Day Nurseries Act* ratios / maximum number of children receiving care in the PHDC home location are maintained at all times; and
 - parents / guardians are advised of the field trip and have signed a consent form.
- All child care operators are encouraged to familiarize themselves with basic water / swimming safety tips – some sources of information regarding recommended enclosure specifications, safer water / swimming practices include:

<http://www.lifesavingsociety.com/>

<http://www.safekidscanada.ca/Professionals/Advocacy/Documents/26866-SaferPoolFencingKeyFeatures.pdf>

http://www.caringforkids.cps.ca/handouts/water_safety

<http://www.safekidscanada.ca/Parents/Safety-Information/Drowning-Prevention/Backyard-Pools/Backyard-Pool.aspx>

COMPLIANCE WITH THE PHDC POLICY

This ministry policy supersedes and replaces any previously issued directive(s) related to access to and use of water bodies and is applicable to **all** licensed PHDC agencies and their contracted private-home day care providers in the province.

This policy supports and is an addition to the existing requirements for licensed PHDC agencies and individuals associated with these agencies as outlined in all relevant legislation, regulation, service guidelines, and policy directives.

Ministry licensing staff will monitor and support compliance with the new requirements effective immediately.

WATER SAFETY ROUNDTABLE

As part of ongoing efforts to modernize child care, the ministry will be establishing a roundtable with stakeholders and experts to further explore issues related to water safety in regulated child care settings and during outings.

ADDITIONAL RESOURCES

- Contact information for municipalities is available at:
<http://www.mah.gov.on.ca/Page1591.aspx>

- The *Health Promotion and Protection Act, 1990* and Regulation 565 (Public Pools) are available on the Ontario e-laws website at:
http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900565_e.htm
http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h07_e.htm
- Recreational water bodies other than public pools such as public wading pools and splash pads are not regulated, but they are inspected by public boards of health per the *Recreational Water Protocol*, under the Safe Water Program of the Ontario Public Health Standards. The protocol is available at:
http://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/recreational_water.pdf

Ministry licensing staff are available to answer any questions you may have about this policy.

Sincerely,



Jim Grieve
Assistant Deputy Minister, Early Learning Division
Ministry of Education

APPENDIX 1

Questions and Answers

Q1. What does this policy require private-home day care (PHDC) agencies and the providers associated with the agencies to do?

A1. Effective immediately, licensed PHDC agencies must:

- **Prohibit the use of and access to** all standing bodies of water (e.g., ponds) and recreational in-ground / above-ground swimming, portable / “kiddie” / inflatable wading-type, and hydro-massage pools, hot tubs, and spas located on the premises of any single or multi-dwelling private residence, including a provider’s own house, townhouse complex or apartment building where the provider resides, for children under the supervision / care of the contracted private-home day care provider in his / her capacity as a child care provider during operating hours.
- Continue to ensure that, where applicable, all PHDC homes that have standing bodies of water / swimming pools are in compliance with local by-laws requiring private residences with standing bodies of water / pools etc in their catchment area to have an enclosure (e.g., fence and a latched gate).
- Follow this link for contact information for municipalities:
<http://www.mah.gov.on.ca/Page1591.aspx>

By June 1, 2013, licensed PHDC agencies must:

- **Develop a policy / update an existing policy** that reflects the ministry requirements regarding standing and recreational bodies of water.
- **Review the policy** with private-home day care agency visitors, agency providers, students/volunteers, and all adults regularly present in the home;
- **Update their parent / guardian handbook / program statement** to include information about the new policy requirements and review the update with all parents/guardians;
- **Add an item** regarding pools and fencing to the private-home day care agency **visitor checklists**, where applicable, to ensure initial assessment of new PHDC homes and ongoing monitoring; and
- **Email their Ministry of Education program advisor** to confirm that all compliance requirements have been met.

Q2. What do you mean by prohibited “access”?

- A2.** Children in the care of contracted private-home day care providers with licensed private-home day care agencies must have no access to all standing bodies of water (e.g., ponds) and recreational in-ground / above-ground swimming, portable / “kiddie” / inflatable wading-type, and hydro-massage pools, hot tubs, and spas located on the premises of any single or multi-dwelling private residence, including a provider’s own house, townhouse complex or apartment building where the provider resides. This is an important step in accident prevention.

Every PHDC agency should evaluate the premises to confirm that no child has access to standing and/or recreational bodies of water on the property of the provider’s home.

Regulation 262 under the *Day Nurseries Act* requires that every operator of a private-home day care agency shall ensure that each home location complies with local by-laws. Every PHDC agency with homes that have standing bodies of water / swimming pools is to continue to ensure that the providers are in compliance with the local by-laws requiring standing water / pool enclosures (e.g., fence and a latched gate), if applicable.

Whether or not the municipality has by-laws regarding pool / standing water enclosures, access to all standing and recreational bodies of water on the premises of private-home day care homes is prohibited.

Q3. What are some safer water-based activities?

- A3. The ministry acknowledges that physical exercise, play-based learning, and sensory exploration are important to children’s healthy development. The ministry encourages the use of on-premise splash pads, sprinklers, hoses or water tables, under close supervision of adults at all time, as safer alternatives during cooling or play / sensory activities.

Q4. Why is the ministry implementing this new policy?

- A4. Access to back-yard standing and recreational bodies of water can pose a significant drowning risk to children.

Q5. Does the new policy apply to unlicensed / informal home-based child care providers?

- A5. As the ministry does not have a licensing relationship under the *Day Nurseries Act* with informal care providers, the ministry does not have authority to direct the informal child care sector regarding the use of pools etc on the premises of private residences used as informal child care settings. There are municipalities in the province that have by-laws regarding enclosures for pools in private homes; informal care providers living in such areas are subject to these by-laws where they exist.

For all child care providers, preventing risk of drowning, injury and disease transmission for children should be a priority.

Q6. Why is the government establishing a water safety roundtable?

- A6. As part of ongoing efforts to modernize child care and to support this new policy, the ministry will be establishing a roundtable with stakeholders and experts to further explore issues related to water safety in regulated child care settings and during outings.

For more information on child care modernization, please refer to the Ontario Early Years Policy Framework. The framework provides a vision and strategic direction for an increasingly integrated, high quality, seamless early years system in Ontario, and one of the priority areas for action is the stabilization and transformation of the child care system. The framework is available at: <http://www.edu.gov.on.ca/childcare/OntarioEarlyYear.pdf>