

Authorizing Recreational and Skill Building Programs A Resource for Service System Managers

PURPOSE:

Service system managers have the option to authorize recreational and skill building programs under the *Child Care and Early Years Act, 2014* (CCEYA) to meet child care needs of families in accordance with service system plans.

The document is divided into two sections.

- The first section provides an overview of the child care and early years legislative and regulatory framework, and describes how authorized recreational and skill building programs, and other programs and services fit into care options available to families.
- The second half of the document provides some guidance regarding elements a service system manager may want to consider if it chooses to exercise its authority to authorize recreational and skill building programs.

Common Terms:

A description of three key terms used throughout the document is provided below:

Recreational etc: Under the CCEYA, “recreational etc. programs” are programs whose primary purpose is to promote recreational, artistic, musical, or athletic skills or provide religious, culture or linguistic instruction. These programs are not considered child care under the Act and do not require a licence or authorization.

Authorized recreational and skill building programs: Under the CCEYA, these are programs whose primary purpose is to provide child care but also include, as a complementary purpose, activities that promote recreational, artistic, musical, or athletic skills or provide religious, culture or linguistic instruction. These programs are considered child care under the Act, however, if they meet certain criteria, they may operate without a licence in accordance with the Act and its regulations.

Service system manager: Service system managers are Consolidated Municipal Service Managers or District Social Services Administration Boards that have been designated under the CCEYA as service system managers for child care and early years programs and services for their designated geographic area. Service system managers have powers and duties under the CCEYA. This includes developing and administering local policies respecting the operation of child care and early years programs and services and developing service plans to address matters of provincial interest.

SECTION 1: LEGISLATIVE AND REGULATORY FRAMEWORK

The *Child Care and Early Years Act, 2014 (CCEYA)*

The CCEYA sets out what programs and services are not considered child care and do not require a child care licence or authorization.

Examples of programs that are not considered child care include:

- Nannies or babysitters that provide care to children in the children's home
- Care by relatives
- Day camps that only care for children aged 4 and over
- Before and After School Programs directly operated by School Boards for Kindergarten – Grade 6 (school board operated programs are regulated under the *Education Act*)
- [Recreational, etc](#) programs where the **primary purpose** is to promote skill-based sports and recreation

Recreational, etc.

Programs where **the primary purpose** is to promote skill-based sports and recreation are not considered child care and do not require a licence. This exemption is set out in the Act:

The care or supervision is provided as part of a program, the primary purpose of which is not to provide temporary care for or supervision of children but rather to promote recreational, artistic, musical or athletic skills or to provide religious, cultural or linguistic instruction. (Paragraph 7, Section 4(1) of the CCEYA)

These programs tend to be episodic programs and services of short duration and frequency. For example, this can include things such as:

- One hour lessons (e.g. dance, music, swimming)
- Team sports (e.g. hockey practice and games)
- Club activities that are offered once or twice a week (e.g. Girl Guides, 4-H)

The ministry looks at six factors to determine whether a program's primary purpose is recreational or child care (i.e. frequency and duration; ages of children; programming content including transportation; the facilities, equipment and furnishings; and whether registration and administration is coordinated with one or more other programs).

To determine whether a program falls under the recreation exemption, please email: information.met@ontario.ca with a description of the program in relation to the factors noted above.

More information about recreation and child care can also be found here:

<http://www.edu.gov.on.ca/childcare/PrimaryPurpose.html>

Types of Child Care

Where programs are not exempted from the meaning of child care, these programs must operate as one of the following types of care, and are subject to rules and regulations that govern how they operate:

1. Licensed Child Care Centre

- May serve children of any age (aged 0-12)
- Subject to additional rules and requirements set out under the Act and its regulations (e.g. age groupings, ratios, health, safety, administration, programming)
- Must display decal to be easily identifiable as licensed child care
- Applicants must enrol in the web-based Child Care Licensing System (CCLS) to submit an application. CCLS can be accessed through the [Early Years Portal](#). Click on the “Continue” link to begin the enrolment process. The [CCLS Registration Guide for New Applicants](#) provides step-by-step instructions on how to register with One-key and complete your CCLS registration.

2. Home Child Care (affiliated with a licensed home child care agency)

- Cares for no more than 6 children of any age (per home)
- No more than 2 children under the age of 2 (unless otherwise approved by EDU)
- Must include provider’s own children under the age of six when counting children in care (subject to exceptions)
- Subject to additional rules and requirements set out under the Act and its regulations (e.g. health, safety, administration, programming)
- Must display decal to be easily identifiable as licensed child care
- Providers interested in working with a home child care agency can contact the Home Child Care Association of Ontario through their website at <http://www.hccao.com>, to find home child care agencies.
- The ministry’s Licensed Child Care Website also provides information on licensed home child care agencies across the province at www.ontario.ca/licensedchildcare
- Applicants seeking a licence must enrol in the web-based CCLS to submit an application. CCLS can be accessed through the [Early Years Portal](#). Click on the “Continue” link to begin the enrolment process. The [CCLS Registration Guide for New Applicants](#) provides step-by-step instructions on how to register with One-key and complete your CCLS registration.

3. Unlicensed Child Care

- Cares for no more than 5 children
- No more than 2 children under the age of 2

- Must include provider's own children under the age of six when counting children in care (subject to exceptions)
- Must inform parents/guardians in writing that they are an unlicensed provider. This notification should say: "This child care program is not licensed by the Government of Ontario." Providers must keep a copy on file for two years.
- May not operate multiple premises.
- For more information on rules governing unlicensed child care, please see:
 - ["The New Child Care and Early Years Act: What Providers and Parents Need to Know"](#)
 - [Home Child Care and Unlicensed Child Care: How Many Children Are Allowed? \(PDF, 96.9 kb\)](#)

4. Authorized Recreational and Skill Building Programs

- Cares for children aged 6 and up (or turning six by the end of the year if the program is offered on or after September 1 of that year)
- Operates once a day for no more than 3 hours (e.g. after school) on **weekdays**
- Complementary to providing care, the program promotes recreational, artistic, musical or athletic skills or provides religious, cultural or linguistic instruction
- Is not operated in a person's home
- Is one of the following:
 - Operated by a school board, a First Nation, the Métis Nation of Ontario, or a municipality
 - An Ontario's After School Program funded by the Ministry of Tourism, Culture and Sport (MTCS)
 - A member of the YMCA or the Boys and Girls Clubs of Canada
 - A member of a provincial sport or multi-sport organization recognized by MTCS
 - Operated by an [agency or attraction of MTCS](#)
 - **Authorized by the service system manager** to offer child care in their service area provided that the provider can demonstrate to the service system manager that it offers programming that supports the health, safety, and well-being of children
 - Authorized by a First Nation to offer child care on their territory provided that the provider can demonstrate to the First Nation that it offers programming that supports the health, safety and well-being of children.

SERVICE SYSTEM MANAGER AUTHORITY

Authorizing recreational and skill-building programs is a discretionary power that service system managers may choose to exercise to meet needs of families in accordance with

service system plans. Service system managers are not required to authorize recreational and skill building programs.

The new regulations give service system managers power similar to local authorities that appointed recreation committees under [Regulation 797](#) of the [Ministry of Tourism and Recreation Act](#) to recognize children's recreation service providers, which were eligible to be exempt from licensing under the *Day Nurseries Act*.

What's Changed from Regulation 797?

Under Regulation 797, local authorities that appointed recreation committees could also recognize additional organizations as "children's recreation service providers" by resolution. Local authorities included councils of municipalities, band councils, school boards, and local services board as defined under the Northern Services Boards Act.

As part of Phase 2 regulations, authority was provided to service system managers to authorize recreational and skill building programs to support their role as service system managers responsible for child care and the early years for children aged 0-12.

Why Authorize Recreational and Skill Building Programs?

This optional authority allows service system managers to permit eligible programs to operate without a child care licence for up to 3 hours once a day (e.g. after school) and, beginning September 2017, is limited to services for children aged 6 and up (or turning six by the end of the year if the program is offered on or after September 1).

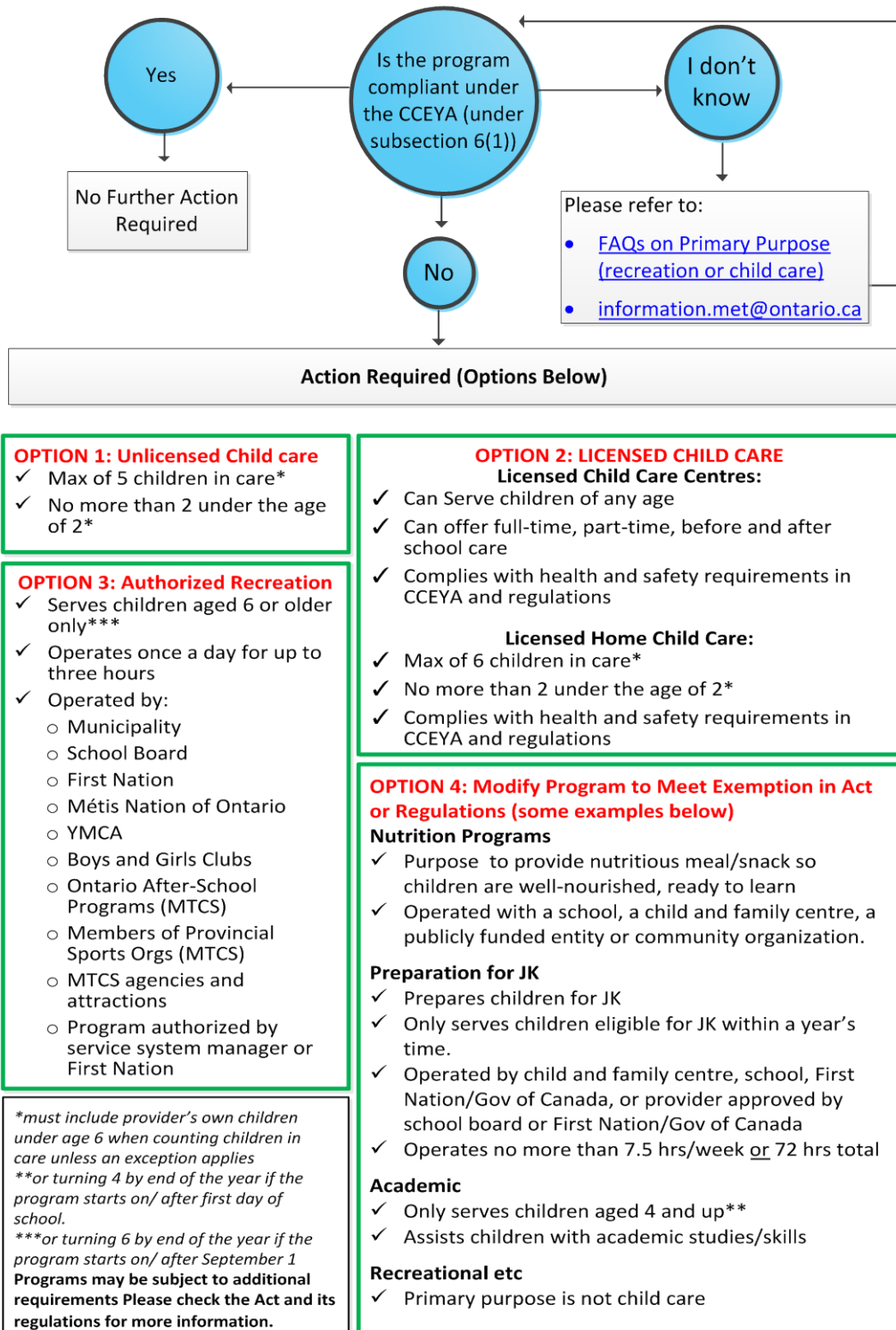
Where there is a need for after school care for children aged 6 and up (or turning six by the end of the year if the program is offered on or after September 1), service system managers may choose to authorize a recreational and skill building program to offer up to 3 hours of care to address this need.

Authorized recreational and skill-building programs are intended to provide options for families seeking care after-school. However, nothing in the Act or regulations prohibits an authorized recreational and skill building program from operating during another time of day (e.g. before school).

Authorizing recreational and skill-building programs is one of many different options that support access to after school care such as:

- Licensed child care centres
- Programs directly operated by school boards
- Other authorized recreational and skill building programs (e.g. programs operated by municipalities, the YMCA, Boys and Girls Clubs, MTCS After School programs).
- Unlicensed child care
- Home child care (i.e. affiliated with a licensed home child care agency).

Determining Whether a Program is Child Care: Compliance Under the CCEYA



SECTION 2: AUTHORIZING RECREATIONAL AND SKILL-BUILDING PROGRAMS

REQUIREMENTS TO AUTHORIZE RECREATIONAL AND SKILL-BUILDING PROGRAMS

In accordance with the legislation and regulations, if a service system manager wishes to authorize a recreational and skill-building program, the program **must meet all** of the following requirements:

- Complementary to providing care, the program promotes recreational, artistic, musical or athletic skills or provide religious, cultural or linguistic instruction
- Is not operated in a person's home
- Operates on weekdays once a day for no more than three consecutive hours after school
- Beginning September 2017, only serves children aged six years and older (or turning 6 by the end of the year if the program is offered after September 1 of that year)
- Demonstrates to the service system manager that it supports the health, safety and well-being of children

SUPPORTING HEALTH, SAFETY AND WELL-BEING OF CHILDREN:

The regulation requires that in order to be eligible to be authorized recreational and skill building program, a program **must demonstrate** to the service system manager that it offers programming that supports the **health, safety and well-being of children**.

It is up to the service system manager to determine whether, in each case, a program meets this standard. This document is intended only to provide guidance in making such a determination.

The considerations below were informed by existing standards and regulations for school-aged programs including licensed child care and the program guidelines for the Ministry of Tourism, Culture and Sport funded After-School Programs. The document was also informed by feedback and advice from the children's services sector including municipalities, recreation providers, and multi-service operators.

Service system managers may wish to consider requiring the following policies and procedures from programs seeking to become authorized recreational and skill building programs to demonstrate that they support the health, safety and well-being of children.

Service system managers may wish to consider whether programs have health and safety policies and procedures in place that are reviewed by staff on an annual basis or more frequently. These policies and procedures may include:

Plans for Children with Medical or Special Needs (e.g. Anaphylaxis)

- Provider works with parents to reduce risks and identify supports to accommodate needs of child

- Description of any supports, aids or medical devices and instructions for use, including administration of medicine
- Procedures to follow to respond to changes in condition (e.g. seizure, allergic reaction)
- Additional considerations where child may be off-site (e.g. field trip, evacuation)

In the Event of an Emergency

- Roles of staff member in the event of an emergency (e.g. fire)
- Procedure if premises must be evacuated so children are safe and supervised including consideration of special needs in case of emergency
- Designated off-site location in the event of evacuation
- Information for who to contact in case of emergency for each child
- Contact information for emergency services (.e.g. poison control, taxi service)
- Communication to parents, appropriate local authorities

First Aid, CPR and Accident and Injury Responses

- Having staff certified in Standard First Aid and CPR training
- Having first aid kit(s) on site
- How to respond to accidents/injuries
- Communication to parents in the event of an accident or injury
- Review of response following incident to assess practices moving forward

Condition and Safety of Equipment and Facilities

- Ensure materials equipment, and furnishings are maintained in a safe and clean condition and kept in a good state of repair
- Ensure hazardous and toxic materials and medications are not accessible by children
- If outdoor space is used, ensure it is safe and free of hazards

Safe Arrival and Departure of Children

- Daily sign-in/sign-out procedure so that staff are aware of children in attendance
- Response if child does not attend and staff have not been notified in advance
- How parents must inform the program who is or is not allowed to pick up children
- How parents must give their written consent for children of any age to sign themselves in and out

Nutrition, Safe Food Handling and Sanitation

- Food Handler Certification
- How the program is preventing food-borne illnesses
- Storage, cleanliness and preparation of food
- Adherence to local public health guidelines for sanitary practices
- Food meets guidelines set out in [Canada's Food Guide](#) or Canada's [Food Guide for First Nations, Inuit and Métis](#)

Vulnerable Sector Screening

- Vulnerable sector checks (VSCs) from staff, volunteers, and students before they interact with children
- Renewal of VSCs and offence declarations (e.g. VSC every five years, offence declaration annually)
- Procedures for persons in contact with children in their programs are appropriately screened or supervised

Protection and Privacy

- Measures to ensure the protection and privacy of children's records

Liability Insurance

- Comprehensive general liability coverage

Staff Qualifications

- Program has qualified and trained staff with the skills and experience to deliver programming, and support healthy child development
- Cultural competency of staff including staff working with Indigenous children and youth
- These staff could include graduates and students of degree and diploma programs in child and youth related fields (child and youth care, early childhood education, recreation and leisure) or other relevant training
- Program provides opportunities for ongoing learning for staff, volunteers

Supervision, Staffing Ratios and Group Size

- Ensures children are supervised by an adult at all times
- Programs have staff to child ratios that support positive interactions and adequate supervision
- Evidence suggests ratios of 1 staff to no more than 15 children as a best practice

- Small group sizes also support meaningful relationships and interactions with staff and children (e.g. max group size of 30)

Programming

- Programs are strengths-based, inclusive, and responsive to the varied abilities of children
- Programs support positive and meaningful interactions among children, parents, and staff
- Identifies prohibited practices that are detrimental to the health, safety and well-being of children
- Programs establish and maintain positive, harassment/discrimination free environments for optimal participant growth
- Culturally responsive programming such as trauma-informed spaces that responds to needs of all students, including indigenous students
- Program demonstrates values, goals and approaches that are consistent with view of children, foundations and approaches set out in [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#)
- Programs offer additional professional development, and/or participation in quality assurance programs (e.g. HIGH FIVE certification)

Additional Considerations when Authorizing Programs

Service system managers may wish to consider whether the program they are authorizing aligns with the broader outcomes and objectives identified in their service system plans.

Service system managers may also wish to review the organizational capacity of service providers seeking to become an authorized recreational and skill building program. This may include:

- Strong administrative accountability under governance of a Board of Directors
 - Roles and responsibilities are clearly defined by service system managers
 - There are procedures, communication protocols, and timeframes set out for determining and rolling out new policies and practices
- Consideration for not-for-profit organizations
- Organizations that have demonstrated they have strong partnerships with the broader community

Service system managers may wish to consider Indigenous organizations, like Friendship Centres, to meet the needs of Indigenous community members. If there is a demonstrated need to implement after school programs for Indigenous students, service system managers may wish to consider a partnership with an Indigenous organisation.

ISSUING AUTHORIZATION

Currently, service system managers have the flexibility to enter into agreements with eligible recreation programs for the provision of child care fee subsidy, provided the program meets the conditions set out under provincial guidelines.

Many service system managers have set out local policies for eligibility and established approaches to ensuring recreation programs are meeting eligibility requirements. Service system managers may wish to leverage these existing practices when authorizing recreational and skill building programs.

Separate Decisions: Providing Fee Subsidy and Authorizing Recreational and Skill Building Programs

Please note, a local service system manager's power to authorize recreational and skill building programs is a separate and distinct power from its power to enter into a purchase of service agreement with an eligible authorized recreational and skill building program or camp for fee subsidy.

Authorizing a recreational and skill building program does not entitle the program to a purchase of service agreement for fee subsidy.

Fee subsidies for eligible authorized recreational and skill building programs and camps are provided by service system managers and will continue to be based on their discretion regarding local fee subsidy management. Service system managers may continue with existing contractual processes in place (e.g. continue or enter into purchase of service agreements with individual providers).

It is up to service system managers to make determinations with regards to monitoring and terms of authorization. Some further considerations are noted below.

Terms of Authorization and Revocation

Service system managers may also choose to set a term of authorization for recreational and skill building programs and determine whether programs will be required to be re-assessed after a given period of time.

- The services system manager may wish to have signed agreements with authorized programs that set out:
 - Term of authorization
 - Information sharing and assessment procedures (e.g. site visits, reporting requirements)
 - Grounds for revocation of authorization (e.g. may be revoked at any time where a program is found to fail to meet standards/requirements for authorization).
 - Whether there is a review or appeal process where a provider wishes to contest a local decision.

Communications

Service system managers may wish to develop communication resources and protocols to help inform parents of available programs and services that have been authorized such as information on local websites or signage etc.

Ministry of Education and Compliance under the CCEYA

Where there is concern that an unlicensed program or service is not compliant with the CCEYA and the provider advises that it has been authorized by the service system manager to operate as an authorized recreational and skill building program, the ministry may contact the service system manager to confirm this information.

The ministry will notify the service system manager where a program that has been authorized by the service system manager is found to be non-compliant under the Act (e.g. caring for children under the age of 6, operating for more than 3 hours).

MINISTRY CONTACTS AND ADDITIONAL INFORMATION

Additional resources related to compliance and licensing:

- Information on Child Care Modernization including
 - [Qs and As on authorized recreational and skill-building programs](#) under the CCEYA
 - Information on [determining whether a program's primary purpose is recreation or child care](#)
- [The Child Care and Early Years Act, 2014](#), the new Act which replaces the *Day Nurseries Act* as the legislation governing the provision of child care and early years programs and services in Ontario.
- The [General Regulation](#) under the *Child Care and Early Years Act, 2014* - addresses matters such as licensing standards, administrative penalty amounts, and exemptions from licensing.
- Providers interested in working with a home child care agency can contact the Home Child Care Association of Ontario through their website at <http://www.hccao.com>, to find home child care agencies.
- The ministry's Licensed Child Care Website also provides information on licensed home child agencies across the province at www.ontario.ca/licensedchildcare
- Applicants seeking a licence must enrol in the web-based CCLS to submit an application. CCLS can be accessed through the [Early Years Portal](#). Click on the "Continue" link to begin the enrolment process. The [CCLS Registration Guide for New Applicants](#) provides step-by-step instructions on how to register with One-key and complete your CCLS registration.
- Programs seeking to be licensed can contact the Licensed Child Care Helpdesk at 1-877-510-5333
- More information on rules governing unlicensed child care can be found:

- [“The New Child Care and Early Years Act: What Providers and Parents Need to Know”](#)
- [Home Child Care and Unlicensed Child Care: How Many Children Are Allowed? \(PDF, 96.9 kb\)](#)

To report a complaint about unlicensed child care, please provide the name of the provider or program, the address and a description of your concern to:

Telephone: 1-844-516-6263

Email: information.met@ontario.ca

Service system managers may also direct inquiries to their local Child Care Advisor for more information.

The information provided in this document is intended only to provide guidance and considerations for service system managers that choose to authorize recreational and skill building programs.

Please be advised that the ministry cannot provide legal advice or interpretation of legislation and this document should not be relied on as such. If assistance is required with respect to the interpretation of the legislation and its potential application in specific circumstances, please contact your legal counsel.

**APPENDIX A:
Authorized Recreational and Skill Building Programs
(Legislative and Regulatory Framework)**

Child Care and Early Years Act, 2014

Under subsection 6(4) of the Act, [“authorized recreational and skill building programs”](#) are programs that:

- Have the primary purpose to provide child care
- Promote recreational, artistic, musical or athletic skills or provides religious, cultural or linguistic instruction
- Are not operated in a person’s home
- Beginning September 2017, only serve children aged six years and older (or turning 6 by the end of the year if the program is offered after September 1 of that year)
- Meet conditions set out [section 3.1 of the General Regulation](#) (as described below)

General Regulation

As part of Phase 2 of the ministry’s regulatory work to modernize child care, [new regulations set out conditions for authorized recreational and skill building programs](#).

These regulations [require](#) that:

- The program operates on weekdays for no more than one period of three or fewer consecutive hours each day.

AND

- The program must meet one of the following criteria:
 - operated by a school board, a First Nation, the Métis Nation of Ontario, or a municipality
 - part of Ontario’s After School Program funded by the Ministry of Tourism, Culture and Sport
 - operated by YMCA Canada, or the Boys and Girls Clubs of Canada
 - operated by a provincial sport or multi-sport organization recognized by the Ministry of Tourism, Culture and Sport
 - operated by an [agency or attraction of the Ministry of Tourism, Culture and Sport](#)
 - authorized by the local service system manager to offer child care in their service area provided that the program can demonstrate to the local service system manager that it offers programming that supports the health, safety, and well-being of children.
 - authorized by a First Nation to offer child care on their territory provided that the program can demonstrate to the First Nation that it offers programming that supports the health, safety and well-being of children.