

TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE MAY 29, 2018
FROM:	LYNNE LIVINGSTONE MANAGING DIRECTOR NEIGHBOURHOOD, CHILDREN AND FIRE SERVICES
SUBJECT:	AMENDMENT TO BY-LAW NO. A.-7100-150: <i>DAY NURSERIES ACT TO CHILD CARE AND EARLY YEARS ACT, 2014</i>

RECOMMENDATION

That, on the recommendation of the Managing Director of Neighbourhood, Children and Fire Services, the following actions be taken:

- a) the attached proposed by-law (Appendix "A") **BE INTRODUCED** at the Municipal Council Meeting to be held on June 12, 2018 to amend By-law No. A.-7100-150 to update the legislative reference from the repealed *Day Nurseries Act* to the *Child Care and Early Years Act, 2014*; and,
- b) the attached proposed by-law (Appendix "B") **BE INTRODUCED** at the Municipal Council Meeting to be held on June 12, 2018 to delegate new administrative processes associated with the EarlyON Child and Family Centre Program to the Managing Director, Neighbourhood, Children and Fire Services, or their written designate.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- Ontario Early Years Child and Family Centres Ontario Transfer Payment Agreement and City Ontario Early Years Child & Family Centres Funding Agreement Template (November 7, 2017)
- Service Contracts/Agreements with the Province (April 7, 2014)
- Service Agreements with the Ministry of Community and Social Services (March 29, 2004)

BACKGROUND

Each year the Ministry of Education and the Corporation of the City of London execute standard Service Contracts and Agreements for programs legislated through the *Child Care and Early Years Act, 2014*. These programs are in accordance with the City of London's responsibilities for the service system management of child care and early years in the geographic area of the City of London and County of Middlesex. Prior to the *Child Care and Early Years Act, 2014* coming into effect on August, 2015, the legislative authority for these contracts and agreements fell under the *Day Nurseries Act*.

The purpose of this report is to recommend amending the current By-law (No. A.-7100-150) to reflect the Province's change in legislation from the *Day Nurseries Act* to the *Child Care and Early Years Act* and to introduce a new by-law to delegate authority to the Managing Director of Neighbourhood, Children and Fire Services, or their designate to oversee new approval processes that are required by the Province in the City's role of Service System Manager.

Service System Manager New Administrative Processes

On January 1, 2018, the City of London became responsible for the oversight of the EarlyON Child and Family Centre Program as part of its role as Service System Manager (herein referred to as SSM) for the geographic area of the City of London and the County of Middlesex. As a result, the Province of Ontario has mandated two new responsibilities to SSMs to ensure quality and accountability of the program: (1) Serious Incident Reporting; and, (2) Registered Early Childhood Educator Service Provider Exemptions.

1. Serious Incident Reporting

The City of London, as the SSM, must ensure that appropriate policies and procedures are in place to make sure service providers are delivering programs in a way that promotes the health, safety, and well-being of children and families being served. This includes providing processes

for service providers to report Serious Incidences to the SSM, and for the SSM to determine appropriate responses and approvals as necessary. A detailed process has been developed in partnership with the service providers that mirrors the process that has been in place for years when these service providers reported Serious Incidences to the Province. Where an incident has occurred that may result in media attention, the SSM is required to report this to the Ministry.

2. Registered Early Childhood Educator Service Provider Exemptions

The SSM is required to make sure that qualified staff teams are responsible for delivering programs and services at every EarlyON Child and Family Centre. Qualified teams must include at least one Registered Early Childhood Educator (RECE) to deliver mandatory core services related to supporting early learning and development. If a service provider requires more than one early years programming staff to support a program, and the provider has been unsuccessful in recruiting a qualified RECE staff, an exemption can be made in these circumstances. The City of London can grant an exemption to the requirement of a qualified RECE, with the expectation that:

- a) At least one RECE must be on site during early years programming;
- b) Exemptions are not to be extended indefinitely;
- c) Exemptions must be reviewed on an annual basis; and,
- d) The City of London is required to monitor exemptions to identify challenges and develop strategies to support service providers in meeting the requirement.

The City of London has the appropriate procedures and guidelines in place to meet these obligations and mitigate risks associated with both of these two new administrative responsibilities stated above. The proposed by-law would delegate authority to the Managing Director of Neighbourhood, Children and Fire Services or their written designate to approve and undertake all administrative and reporting acts related to Registered Early Child Educator Service Provider Exemptions and Serious Incident Reporting.

FINANCIAL IMPACT

The 2018 and 2019 funding allocations for the City of London as the Service System Manager is approximately \$3,808,829/year. This EarlyON program is expected to be fully funded by the Province of Ontario and therefore is not expected to have a net impact on the City’s approved 2018 and 2019 operating budgets.

PREPARED BY:	SUBMITTED BY:
JOSH ARCHER, MANAGER I, POLICY AND STRATEGIC ISSUES NEIGHBOURHOOD, CHILDREN & FIRE SERVICES	KRISTEN PAWELEC, MANAGER II, NEIGHBOURHOOD AND COMMUNITY INITIATIVES NEIGHBOURHOOD, CHILDREN & FIRE SERVICES
CONCURRED BY:	RECOMMENDED BY:
CHERYL SMITH, MANAGER IV, NEIGHBOURHOOD STRATEGIC INITIATIVES AND FUNDING NEIGHBOURHOOD, CHILDREN & FIRE SERVICES	LYNNE LIVINGSTONE, MANAGING DIRECTOR NEIGHBOURHOOD, CHILDREN & FIRE SERVICES

- C. Lynn Marshall, Solicitor II
Jason Wills, Manager III, Risk Management
Kyle Murray, Senior Financial Business Administrator

APPENDIX “A”

Bill No.
2018

By-law No.

A By-law to amend By-law No. A.-7100-150 being a by-law to approve Service Contracts/Agreements, Schedules, and Amendments with Her Majesty the Queen in right of Ontario with respect to Social Services; and to authorize the Mayor and the City Clerk to execute these Contracts/Agreements.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS it is deemed expedient to amend By-law A.-7100-150 in order to update the legislative reference from the repealed *Day Nurseries Act* to the *Child Care and Early Years Act, 2014*;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Section 1 of By-law A.-7100-150 is amended by deleting it in its entirety and replacing it with the following new section 1:
 1. The City Manager, the ‘Managing Director Neighbourhood, Children and Fire Services’, and their written designates, are severally delegated the authority to approve service contracts/agreements with respect to programs under the *Child Care and Early Years Act, 2014*, or any successor legislation, to be entered into between The Corporation of the City of London and Her Majesty the Queen in right of Ontario, and any schedules thereto, and any amendments thereto.”
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council _____, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First reading -
Second reading -
Third reading –

APPENDIX “B”

Bill No.
2018

By-law No.

A By-law to delegate to the Managing Director, Neighbourhood, Children and Fire Services to undertake all the administrative, financial and reporting acts, including approval of Registered Early Child Educator Service Provider Exemptions and approval for Serious Incident reporting, with respect to and to delegate new approval processes under the EarlyON Child and Family Centre Program under the *Child Care and Early Years Act, 2014*,

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS the *Child Care and Early Years Act, 2014*, S.O. 2014, C. 11, Sched. 1, sets out the service system manager’s duties and general powers;

AND WHEREAS the *Child Care and Early Years Act, 2014* provides that a service system manager may establish, administer, operate and fund child care and early years programs and services;

AND WHEREAS it is deemed expedient to delegate new approval processes under the EarlyON Child and Family Centre Program to the Managing Director, Neighbourhood, Children, Fire Services, or their written designate;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The ‘Managing Director Neighbourhood, Children and Fire Services’, and their written designates, are severally delegated the authority to undertake all the administrative, financial and reporting acts, including approval of Registered Early Child Educator Service Provider Exemptions and approval for Serious Incident reporting, with respect to EarlyON Child and Family Centre Programs under the *Child Care and Early Years Act, 2014*, or any successor legislation.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council

, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First reading -
Second reading -
Third reading –