

July 30, 2020

The Honourable Stephen Lecce
Minister of Education
438 University Avenue, 5th Floor
Toronto, ON M7A 2A5

Consultation on Strengthening Early Years and Child Care in Ontario

Dear Minister Lecce,

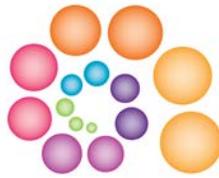
The College of Early Childhood Educators (the College) is pleased to provide input as part of the five-year review of the *Child Care and Early Years Act, 2014* (CCEYA). Established under the *Early Childhood Educators Act, 2007* (ECE Act), the College regulates the profession of early childhood education in the interests of children, families and the Ontario public, and is accountable to the Ministry of Education (the Ministry). Currently there are more than 55,000 registered early childhood educators (RECEs) who are trusted to provide education and care to the most vulnerable members of Ontario's population.

When first introduced, the CCEYA was welcomed and embraced by experts, professionals and stakeholder groups. It changed the discourse about early years programs with modernized language that better reflected Ontario's families. It also formally recognized that early learning is a key element of child care. The passage of the CCEYA proved that achieving transformative change in the child care and early years system is possible.

Since 2015, the CCEYA has been amended to try to address some issues in the sector. However, there is much work that still needs to be done to create a system that is truly accessible, affordable and committed to high quality. The review must consider current priorities while also addressing outstanding policy issues that have emerged or evolved over the past five years. The timing of the review, coming in the midst of the COVID-19 pandemic, offers a unique opportunity to learn from the weaknesses exposed in other systems, in particular long-term care, where recent tragic events have highlighted the importance of a qualified workforce, rigorous standards and regulatory accountability.

The College presents three areas where the system needs to be improved so children are kept safe and healthy, and can grow in their development and learning under the guidance of qualified, accountable educators. These areas are:

- staff qualifications and regulatory accountability;
- reporting of allegations of misconduct and abuse; and
- use of data to inform policy decisions.



The Importance of Qualified Staff and Regulatory Accountability

Recommendation: Maintain requirements for qualified staff

The CCEYA requires that certain positions in the sector be filled by RECEs. This is a critical contributing factor to quality programs. RECEs are regulated professionals who not only meet specified standards for registration (including education qualifications), but who are also subject to ongoing obligations and oversight, including the *Code of Ethics and Standards of Practice* and continuous professional learning.

A number of studies highlight that having qualified staff in the early learning and child care (ELCC) sector is critical for establishing quality learning environments and setting the foundation for children's future success.¹ As noted by the Organisation for Economic Co-operation and Development (OECD), "[there] is a general consensus, supported by research, that well-educated, well-trained professionals are the key factor in providing high-quality [early childhood education and care] ECEC with the most favourable cognitive and social outcomes for children."²

Given the long-lasting, positive impacts that RECEs, as qualified professionals, have on children's outcomes, the College strongly reiterates that any amendments to the CCEYA must not dilute the number and proportion of RECEs in ELCC environments. Doing so will likely have a negative impact on quality.

Recommendation: Regulatory accountability for all who work with children

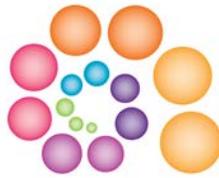
Despite the importance of qualified staff and regulatory oversight, the CCEYA allows for numerous accountability gaps in the sector where individuals working with young children are not held accountable for practising in a safe, ethical and professional manner. When individuals in the sector are not regulated, quality is undermined and the health, safety and well-being of children and families are put at risk.

The most egregious example of this is the ability of a director at the Ministry to approve an individual, who is not an RECE, to work in the role of an RECE in licensed child care centres or as home child care visitors. In 2019, only 59 per cent of full-time program staff working with children were RECEs, and 21 per cent of licensed child care programs use the director approval mechanism to fill RECE-required supervisor positions.³ These individuals working under director approval are not regulated even though they are working in roles that would necessarily be regulated if performed by an RECE. The College strongly recommends that individuals working in the place of an RECE be regulated by the College. This would ensure that expectations of accountability are consistent and that children and families have the same protections and access to the same mechanisms to address complaints in a transparent manner.

¹ Whitebook, Mary. (2003). *Early Education Quality: Higher Teacher Qualifications for Better Learning Environments – A Review of the Literature*. Center for the Study of Child Care Employment, Institute of Industrial Relations: Berkeley, California.

² OECD. (2012). *Starting Strong III: A Quality Toolbox for Early Childhood Education and Care*. OECD Publishing, page 144. http://www.oecd-ilibrary.org/education/starting-strong-iii_9789264123564-en.

³ Ministry of Education. *The Early Years and Child Care Annual Report*, 2019.



There are other gaps in the sector in terms of unregulated individuals, including early childhood assistants and child development practitioners. As a result, there are many instances in which individuals working directly with young children may not be required to have education in child development, creating inclusive environments that support play-based learning, child health and safety, or the duty to report suspicions of child abuse and neglect. They may not be held accountable to practise safely, competently, professionally and ethically on an ongoing basis and there may be no accountability mechanism by which families can file complaints. Additionally, there is no independent, verified resource, such as a public register, where families and employers can get information about the qualifications or practice history of these individuals.

The College recommends that the Ministry consider the appropriate qualifications and regulatory standards for all practitioners in the ELCC sector. The College is open to partnering with the Ministry to explore opportunities in this regard. Regulation simultaneously raises the bar and moves quality efforts forward across the sector by establishing clear and consistently applied expectations. Importantly, regulation affords children and families with mechanisms to hold individual practitioners accountable for safe, competent and professional practice.

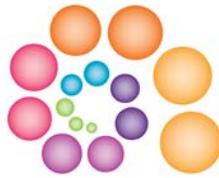
Recommendation: Strengthened commitment to continuous professional learning

A key contributing factor to quality programs is meaningful engagement in professional learning by staff. For quality practice to be sustained and positive outcomes for child development realized, those who care for and educate the youngest across our province must keep abreast of changes. Structures and supports must be in place so they can meaningfully engage in professional learning that will support them to effectively manage the increasingly complex demands of their practice⁴.

The CCEYA includes some recognition of the importance of continuous professional learning by continuing a requirement from the *Day Nurseries Act* (DNA) for licensees of child care centres or home child care agencies to have written policies and procedures regarding staff training and development. Additionally, the CCEYA went beyond the DNA to require licensees to develop a program statement, which must include information about how licensees will support staff with continuous professional learning.

With respect to RECEs, the College requires members to participate in a Continuous Professional Learning (CPL) program, designed to support them to systematically and intentionally increase their knowledge and skills, strengthen their professional judgment and improve their practice throughout their career. While the Ministry provides capacity-building funding through municipalities for professional learning and development, the College continues to hear from its members that there is often very limited support and opportunities from employers to participate in CPL activities and that there are discrepancies when compared to supports provided by the Ministry to teachers working in school boards.

⁴ The OECD notes that lack of funding for staff training “might seriously affect ECEC quality, and with this, child development outcomes, since staff are not being optimally trained or educated to stimulate early learning and development.” OECD. (2012). *Starting Strong III: A Quality Toolbox for Early Childhood Education and Care*, p. 145.



Given the importance of continuous professional learning to quality and responsive practice, educators need to be supported in ongoing learning so that high quality child care experiences are fostered and sustained over time. Further collaborative partnerships between the Ministry, municipalities, employers and community organizations, along with dedicated funding, would help to promote inter-professional learning and other development opportunities. Any amendments to the CCEYA should strengthen, and must not erode, obligations of employers to support staff with professional development. The College would be pleased to work with the Ministry to reinforce the importance of professional development and enhance opportunities for continuous professional learning in the sector.

The Importance of Reporting Allegations of Misconduct and Abuse

Recommendation: Increased accountability of employers for reporting

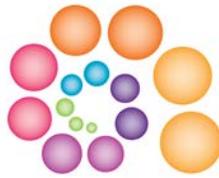
The ECE Act requires employers to submit mandatory reports to the College regarding professional misconduct of RECEs. This is an important public protection mechanism and supports the College's mandate to address misconduct by the professionals it regulates. While the majority of employers comply with this requirement, there are employers who frequently fail to report important and potentially serious information to the College. This lack of reporting creates risks for children and families, either when the RECE remains with the employer who may not have appropriately addressed the concern, or if the RECE moves to a new employer who would be unaware of previous issues.

Unfortunately, there is currently no legal consequence for employers who intentionally fail to report misconduct by RECEs to the College. It is worth noting that the *Education Act* makes such a failure to report in relation to teachers an offence punishable by fines upon conviction. Such a mechanism is necessary to ensure the accountability of employers to provide the College with timely information so that the appropriate steps can be taken to protect children, families and the public.

Recommendation: Improved information-sharing by Children's Aid Societies to protect children

Children's Aid Societies (CASs) are frequently involved in the investigation of allegations of harm to a child at the hands of an RECE. In many cases, they are the first organization notified and conduct the initial investigation. While the College is obligated to report the risk of harm to children to a CAS, there is no reciprocal obligation for the CAS to report allegations of abuse against an RECE to the College. This creates a real risk that the College is not notified of situations in which an RECE may pose an ongoing risk to children. Requiring CASs to notify the College when they have verified allegations of abuse against an RECE would greatly enhance the safety of the public.

When the College does become aware of an allegation of abuse, the CAS investigation file is frequently the only or best evidence that exists to verify abuses against children. The ability to access those materials promptly is critical to the College's ability to protect the public by investigating and prosecuting allegations of misconduct in a timely manner. It can also reduce the need to conduct multiple interviews of children involved. Unfortunately, there are often lengthy delays and cumbersome administrative hurdles in obtaining this valuable material that



may take months to resolve. A mechanism to ensure expedited information-sharing is necessary in order to allow the College to more effectively investigate and prosecute such cases.

The Importance of Data to Inform Policy Decisions

Recommendation: Improved data collection and sharing

Access to reliable and accurate data is fundamental to making informed policy decisions. The power of data can be leveraged when it is shared between organizations so that, together, they can better understand who their programs are serving, and in turn, design and deliver more effective and efficient services. The early years and child care system is data rich, with many programs, municipalities, school boards and other organizations collecting information about programs and educators as well as the children and families they serve.

What is missing is the provincial viewpoint that can inform the policy priority and decision-making process. The production of annual licensing reports by the Ministry has been an important step forward in this regard. However, the utility of these reports is limited by the availability of data at the individual child/family and program levels.

Part of the CCEYA review should consider what legislative authority and mechanisms are required to link existing locally held data, and to collect additional data at the provincial level, in order to fill in the gaps so that a complete story of the system can be told. The College would be pleased to work with the Ministry and contribute to these efforts with our data that would provide a provincial view of the qualified workforce.

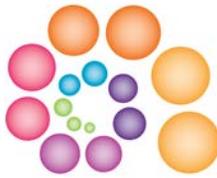
Conclusion

The CCEYA has been critical in transforming the early years and child care sector, particularly to elevate the important role of early learning in child care and provide a framework for promoting safe, healthy, nurturing environments, while responding to situations where the safety, health and well-being of children are at risk.

The review of the CCEYA five years after its coming into force is a prime opportunity to review the progress made to build a quality sector and identify where improvements need to be made and gaps addressed.

As the review of the CCEYA proceeds, the College underscores the need to think about the sector holistically with consideration given to the implications for both care and learning. Care and child development are inextricably linked – an infant is learning from the day they are born and at a much greater pace during their first five years of life than at any other stage of development. It is essential that both care and learning are promoted, addressed and supported so that Ontario's children can benefit from sustained quality in the child care sector and realize positive outcomes for their development and well-being.

The College appreciates the opportunity to provide this submission and remains committed to working with the Ministry to support the further transformation of the early learning and care



system through the implementation of any changes resulting from this review. Feel free to reach out directly should additional information be required.

Sincerely,

Beth Deazeley
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College of Early Childhood Educators

Stacey Lepine RECE
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