**Proposal for regulations under the *Child Care and Early Years Act*:**
**"Enhancing Health and Safety in Child Care Programs"**

## 1. Septic Safety – Missing Child Protocols are Core Safety Requirements

**Context:**

The proposed amendments related to septic safety, including missing child procedures, staff training, and drills, are strongly supported. These additions reflect an important step in strengthening safety practices; however, they should not be limited to specific hazards or locations. For autistic children and children with developmental disabilities, there are well-documented risks of increased elopement and wandering, which can occur in all areas of a child care program.

Data from the College of Early Childhood Educators 2024–2025 Annual Report indicates that inappropriate supervision remains a significant concern, accounting for 30% of new cases, with many incidents occurring during transitions and staffing changes.

**Recommendations:**

- Establish missing child procedures as a core emergency requirement, similar to fire evacuation, including regular, mandated drills with defined frequency.
- Require individualized risk assessments and safety plans for children with known elopement risks, embedded within the child's Individualized Program Plan. These plans must focus on proactive risk reduction and support enrolment and participation, and should not be used to deny or restrict attendance.
- Provide additional licensing guidance to support programs in recognizing that safety risks may differ based on individual children's needs, illustrating that appropriate proactive strategies are not only for the physical environment, but also related to the social interactions between educators themselves, as well as educators and children.

**Why it Matters:**

Positioning missing child protocols as a foundational safety practice supports consistency across licensed programs and reduces reliance on situational judgment during high-stress moments. Incidents involving elopement or wandering often occur quickly, particularly during routine transitions where supervision breakdowns are most likely.

Embedding regular drills and individualized risk assessments and safety planning into standard practice ensures educators are prepared to respond immediately and effectively, especially for children with known safety risks whose needs may not be fully addressed through general supervision alone.

Establishing these protocols as a core requirement reinforces a preventative approach to safety by supporting programs in identifying and mitigating risks before incidents occur, rather than relying primarily on reactive responses.

**2. Criminal Convictions and System Risk Awareness**

**Context:**

The proposed updates to Section 9 are a meaningful step toward improving safeguards within licensed child care programs. However, there is an opportunity to further strengthen this section by expanding the scope of disqualifying offences and evaluating how information about potential risk is shared across systems.

Currently, disqualifying offences are narrowly defined and may not fully capture all situations where a child has been directly harmed. Existing reporting mechanisms rely on employer awareness and apply primarily to registered members of the College of Early Childhood Educators, which may result in gaps where individuals are unregistered or where incidents occur outside of the workplace.

**Recommendations:**

- Expand disqualifying offences to include all Criminal Code offences where a child is the direct victim, including those related to physical harm, abuse, or neglect.
- Strengthen legislative alignment to enable coordinated information-sharing practices between child protection agencies, the Ministry of Education, and College of Early Childhood Educators, particularly in cases where an investigation is terminated due to unfounded allegations, but recommendations are still issued.

**Why it Matters:**

A child care system that relies on employer awareness and staff self-disclosure can create unintended vulnerabilities. When disqualifying offences do not fully reflect the range of situations in which children may be harmed, or when information about potential risk is not shared in a consistent or timely manner, decision-makers may not have the complete picture needed to protect children. Strengthening both the scope of offences and information-sharing processes supports a more proactive and coordinated approach to safety and reduces reliance on individual employers to identify and report concerns.

A more comprehensive reporting system helps ensure safeguards are applied consistently across licensed settings, supporting a higher and more uniform standard of protection for children.

## 3. Strengthening Prohibited Practices Will Strengthen Inclusive Practices

### 3.1 Access and Inclusion

**Context:**

Protection against prohibited practices cannot occur if children do not have equitable access to child care. Access to licensed child care is a foundational component of protection. For children with disabilities, access remains inconsistent due to resource, training, and capacity limitations. Research indicates that children with disabilities may be disproportionately impacted by enrolment decisions and care disruptions, and that these decisions are not always consistently documented.

Data from the Atkinson Centre for Society and Child Development's *Knowing Our Numbers* report highlights ongoing gaps in access to licensed child care for children with disabilities in Ontario, including lower participation rates and system-level barriers to inclusion.

The Ontario Human Rights Commission's Policy on Accessible Education for Students with Disabilities identifies early childhood education settings, including licensed child care, as having a legal obligation to proactively prevent and respond to discrimination and ensure equitable access.

**Recommendations:**

- Require licensees to document reasons for enrolment refusal and care termination, with mechanisms for Ministry-level review where disability may be a factor.
- Further align the CCEYA with obligations under the *Human Rights Code*, *Accessibility for Ontarians with Disabilities Act*, and OHRC policy, ensuring these are clearly operationalized within the licensing framework and supported in the licensing manual.

**Why it matters:**

Access to child care is the entry point to all other protections within the system. When children cannot enroll or remain in care, the safeguards established within the CCEYA, including those related to prohibited practices, cannot be meaningfully applied.

Improving documentation and oversight increases transparency and helps identify patterns that may otherwise remain unaddressed, particularly for children with disabilities who are disproportionately affected.

Aligning regulatory requirements with existing human rights frameworks reduces the burden on families to pursue individual complaints and supports a more consistent, system-wide approach to access and inclusion.

### 3.2 Clarity on Prohibited Practices

**Context:**

The proposed addition of grooming and luring as prohibited practices is strongly supported, and further clarity on existing prohibited practices is needed.

While physical restraint is not reported by the College of Early Childhood Educators Annual Report, concerns related to supervision and professional judgment, particularly in dynamic situations, are noted as increasing. Community Living Ontario's 2025 report, Crisis in the Classroom, shed new light on the exclusion, seclusion, and restraint of students with disabilities in Ontario schools.

More clarity is needed to support consistent interpretation of appropriate responses to children's behaviours, especially for children with disabilities who may experience higher incidences of dysregulation.

**Recommendations:**

- Provide clear definitions and practical examples of physical restraint within regulation or the licensing manual.
- Clarify that restraint includes any physical or environmental restriction of movement beyond immediate safety needs.
- Define what constitutes an immediate safety need.

**Why it matters:**

Clear and accessible definitions support consistent implementation across programs and reduce reliance on interpretation in high-pressure situations. This aligns with established best practices in early childhood settings, which emphasize proactive, responsive approaches to behaviour and minimizing restrictive interventions.

Greater clarity strengthens both child safety and educator confidence by ensuring a shared understanding of expectations.

### 3.3 Training and Prevention

**Context:**

Evidence-based, preventative approaches to supporting children's behaviour are widely recognized and reflected in practices such as behaviour support planning and "Special Needs Resourcing."

However, access to such resources and expectations for training are not consistently embedded within the regulatory framework. As a result, implementation may vary across programs and communities depending on available resources and supports.

This creates an opportunity to strengthen alignment between the CCEYA and the training and tools educators are expected to use in practice.

**Recommendations:**

- Embed a requirement that educators have access to training in preventative, disability-affirming, and non-physical approaches for supporting children's behaviour with regular renewal expectations.

- Require that behaviour support plans include proactive strategies, early intervention approaches, and clear guidance co-created with families and relevant professionals.
- When more restrictive interventions occur, require timely documentation, parent communication, and structured review of the child's support plan.

**Why it Matters:**

Preventative training and access to "Special Needs Resourcing" supports equip educators with the tools they need to respond effectively and compassionately. When training and access to supports are not optional but embedded in regulation, it reinforces a shared standard of practice across child care settings and leads to better outcomes for all children.

Embedding these requirements supports a proactive approach, reduces reliance on reactive strategies, and contributes to safer environments for both children and educators.

### 3.4 Adaptive Equipment and Dignity

**Context:**

Adaptive equipment and sensory supports are essential components of accommodations that enable children with disabilities to participate meaningfully in licensed child care programs. These supports may include communication devices, mobility aids, and tools that assist with sensory regulation. Access to these supports is not optional or discretionary; it is directly connected to the child's right to equitable participation.

Current regulations do not explicitly address the removal or withholding of adaptive equipment within prohibited practices, which may limit awareness across programs.

**Recommendations:**

- Amend prohibited practices to explicitly include the removal or withholding of adaptive equipment and essential supports as a behavioural response or consequence.
- Clarify that accommodations and assistive supports are not behaviour management tools and must remain accessible unless required for immediate safety.

**Why it Matters:**

Adaptive equipment is fundamental to a child's ability to communicate, regulate, move, and engage. These supports are a core part of accommodation and directly tied to inclusion and access.
When these supports are removed or withheld, it can limit participation, increase distress and the risk of trauma, and impact a child's ability to regulate and communicate.

Providing explicit clarity helps ensure consistent standards across programs and reinforces a rights-based approach grounded in accessibility, dignity, and inclusion.