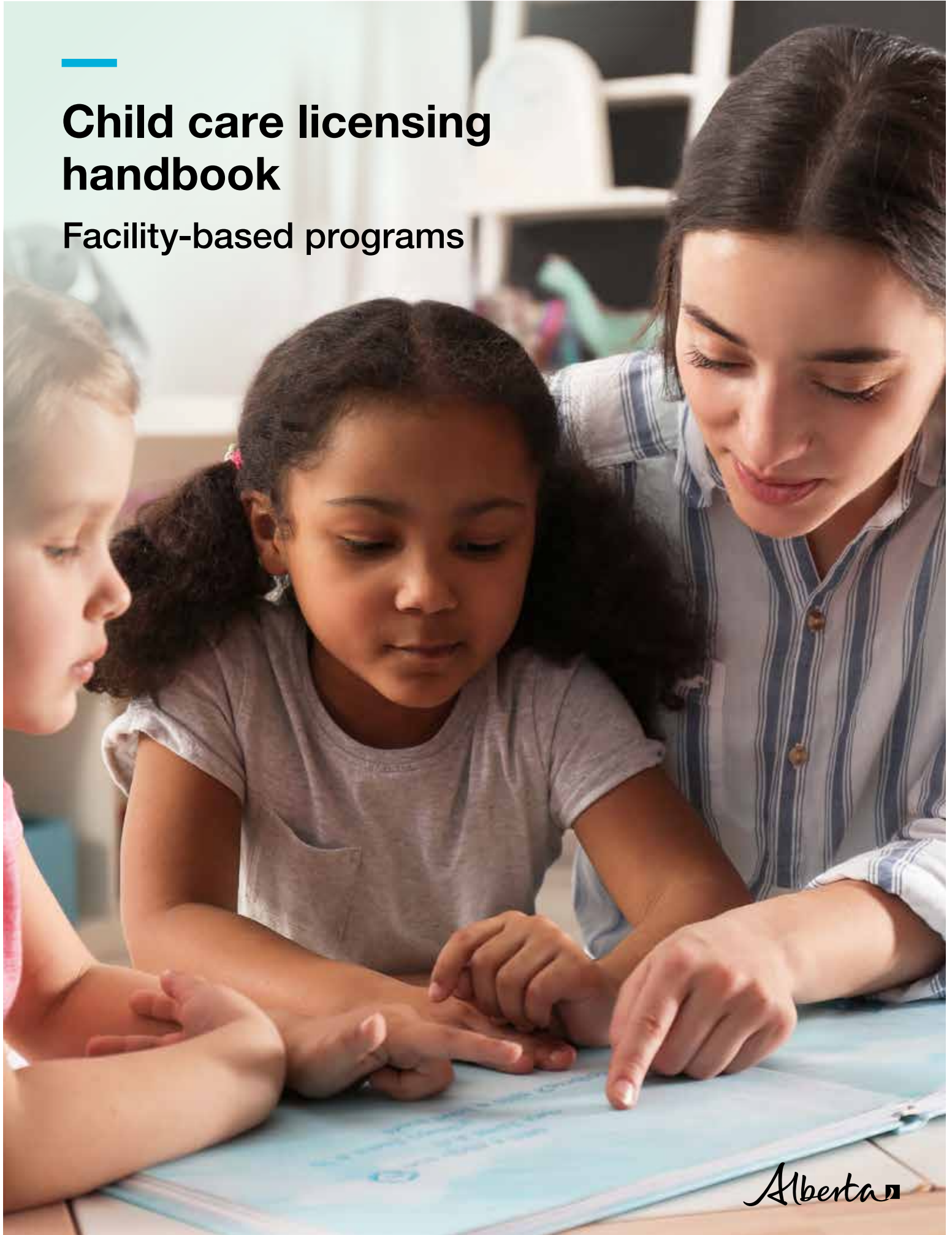

Child care licensing handbook

Facility-based programs



Child care licensing handbook
Children Services, Government of Alberta
January 2021

Copyright © 2021, the Crown in Right of the Province of Alberta, as represented by the Children Services. Permission is given by the copyright owner for any person to reproduce this document for educational purposes and on a non-profit basis.

Table of Contents

Introduction.....	5
Child care licensing	5
Terms	6
Quality in Child Care.....	13
Principles	13
Matters to be considered by providers of child care programs	13
Part 1: The Application Process	14
Applying for a child care facility-based licence	14
Step 1: Determine if you require a child care licence	14
Home-based child care	14
Step 2: Complete a licence holder information session	14
Step 3: Determine the type of child care you will offer	15
Step 4: Start the licensing process and develop your plan	16
Step 5: Obtain the required health, municipal and safety approvals	17
Step 6: Complete your application package	18
Step 7: Submit your application	20
Step 8: Prepare for an inspection of the program premises.	21
Step 9: Understand and fulfill your responsibilities during the term of the licence	22
Part 2: Licensing inspections, enforcement and appeals	26
Inspection visits	26
Purpose of inspection visits	26
Types of inspections	26
How to prepare for an inspection	28
What to expect during an inspection	29
Duty to post information and inform parents	29
Enforcement	30

Part 3: Reporting Incidents	33
Part 4: Child Care Certification	34
How to apply for certification	34
Child care program staff requirements	35
Part 5: Alternative dispute resolution, administrative review and appeal	36
Step 1. Talk to your licensing officer	36
Step 2. Talk to a licensing supervisor	36
Steps to file an appeal	38
Step 1. Complete a notice of appeal	38
Step 2. File your notice of appeal	39
Appendix A: Determine useable play space	40

Introduction

Child care operators and early childhood educators play a vital role supporting children and families across the province – this is essential for Alberta’s economy. Parents and families rely on their child care providers to support the growth, development and overall health of their children. When parents and caregivers go to work or school, they need to know their children are safe and have everything they need to grow and thrive.

The *Early Learning and Child Care Act* and Regulation give operators and educators the tools and flexibility to do what they do best, meeting the needs of families in their communities. This legislation is based on feedback from over 10,000 Albertans who participated in the first child care consultation since 2008, as well as feedback received from the sector over the last decade. It provides a high standard for quality and safety in licensed programs, more information and transparency for parents and caregivers, and streamlines and modernizes licensing processes so that providers can spend more time supporting children instead of doing paperwork.

Child care licensing

This handbook will help guide prospective and licensed facility-based child care providers through the licensing process. In this handbook, you will find information about terms used in the legislation, how to apply for or renew your child care licence, what is involved in the inspection and monitoring process, and the tools available to you during the term of your licence.

Alberta’s child care licensing officers are available to support you from the initial application through all the steps to becoming a licence holder. They are responsible for monitoring and inspecting licensed programs and will also support licence holders who are having difficulty meeting licensing requirements. Find the nearest child care licensing office near you, by looking at alberta.ca/childrens-services-offices.aspx.

As a child care licence holder, you are responsible for being familiar with the legislative requirements for a licensed program, and ensuring your program follows the legislation and what you have outlined and committed to in your program plan.

Information in this handbook does not supersede the *Early Learning and Child Care Act* and Regulation. It is meant to be used in conjunction with the Act and Regulation,

Terms

This section outlines phrases and terms used in the *Early Learning and Child Care Act and Regulation* and throughout this handbook.

Accident

An unexpected or unintended occurrence resulting in injury to a child or staff member of a child care program. When an accident occurs, medical attention must be given to the child and parents must be notified immediately.

If an accident results in serious injury requiring emergency medical attention **or** overnight hospitalization, it must be reported as an **incident** to the local licensing office.

The Act or ELCCA

Refers to the *Early Learning and Child Care Act* unless otherwise specified.

Adequate

Sufficient to meet the particular needs of each child and/or staff member.

After hours

Outside the program's official hours of service, as stated in the program plan.

After-hours emergency program contact

A telephone number to contact a licence holder or representative in the event of an emergency, incident, or unusual occurrence. The contact number must be for someone able to respond in an emergency or unusual event. This number must be visible from outside the program premise.

Attendance records

Records detailing the arrival and departure times of each child and primary staff member. In the case of staff, attendance records must specify the number of hours spent caring for children.

There is no set format for recording or maintaining attendance records. However, licensing staff must be able to determine from the records whether the program is meeting staff-to-child ratios and staffing requirements.

Child

A child under the age of 13 years, or a child under the age of 14 years who, because of a special need, requires child care.

Child care

The temporary care and supervision of a child by an individual other than the child's parent or guardian. The definition excludes the following:

- group homes, foster homes or other residential care settings;
- programs or services provided under the Education Act;
- day camps, vacation camps or other recreational programs that are operated for less than 12 consecutive weeks in any 12-month period; and
- supervision of children at a recreational facility, retail centre or other commercial establishment where the parents of the children remain on the premises and are immediately available.

Child care philosophy

A description of the licence holder's vision of a child care program; the beliefs and values on which the program will be based; how the staff and children interact; and how the program will support children to develop mental, emotional, spiritual and physical needs at various stages of development.

Child care program

A child care program means a facility-based program or a family day home program.

Child guidance

The approach and methods used by a child care program to teach children the expectations and skills required to be successful in the program including the development of healthy self-esteem, respect for themselves and others, to reduce the frequency and severity of negative behaviours, and to build executive function and self-regulation to manage an array of potential stressors.

Positive child guidance gives children a sense of security and protection and creates positive, safe and appropriate environments for children. A licence holder must ensure that child guidance methods used in the program are communicated to parents, staff, and children where developmentally appropriate, and that any child guidance provided is reasonable in the circumstances. Additionally, through the matters to be considered by providers of child care programs outlined in the Act, a child in the program is to be protected from all forms of physical punishment, physical and verbal abuse and emotional deprivation.

Collateral authorities

Separate and distinct authorities that review and provide approval concerning zoning, health, and safety legislation. Typically, evidence of approval is required from Alberta Health Services, the local fire department, an approved building code inspector and/or a local municipality. Visit alberta.ca/child-care for more information. Collateral authorities may also be involved in investigations of incidents or complaints.

Community resources

Local resources offering recreational, educational or therapeutic services for children in the program.

Compliance

To adhere to the requirements as outlined in the *Early Learning and Child Care Act* or Regulation.

Corporation

A corporation is an independent legal entity that exists separate and apart from its owners (shareholders). For the purposes of child care licensing, the term corporation includes for-profit, charitable, and non-profit organizations that are required to be registered in Alberta.

Court

The Court of Queen's Bench.

Daycare

Child care provided by a facility-based program to infants, preschool children and kindergarten children for four or more consecutive hours in each day the program is provided.

Duty to inform parents

For facility-based child care programs, the obligation to provide parents or guardians of all children in the program with information making them aware of any postings related to variations on the licence, any probationary licences issued, and any licence that has been cancelled.

Early Learning and Child Care Act

The *Early Learning and Child Care Act* provides the Alberta government the authority to support, license, inspect, and monitor child care programs.

Early Learning and Child Care Regulation

The Early Learning and Child Care Regulation specifies the minimum standards to be upheld by all licensed facility-based child care programs. These regulations include requirements such as health and safety of children, quality of care, early learning, and supervision of children.

Easily accessible washrooms

Washrooms children can access with or without assistance from an educator from both indoor and outdoor activities. Staff must provide adequate supervision while children are using washrooms. In accordance with their developmental needs, children may use washrooms privately and independently.

Emotional deprivation

Emotional deprivation can include withholding appropriate affection, comfort, or cognitive stimulation to a child. The Regulation prohibits the use of emotional deprivation as a form of child guidance.

Enforcement action

An action issued against a licence or licence holder as a result of a standard within the Act and Regulation not being met.

Exemption

A revision on a regulated standard approved by the Statutory Director to allow a child care program to deviate from the standard with reason and within a set period of time.

Extended absence

An absence longer than 21 days.

Facility-based licence

A licence issued under section 5 of the *Early Learning and Child Care Act*.

Facility-based program

A child care program that is offered or provided under a facility-based licence.

First aid

A minimum of one in every two of the primary staff members must have an up-to-date first aid certificate acceptable to the Statutory Director. If available, Child Care First Aid should be taken, but other courses may meet the requirement if Child Care First Aid is not available in your area.

Examples of approved first aid courses can be found by calling 310-0000 (toll-free across Alberta) or on alberta.ca by searching for “first aid.” The courses listed at this site support the first aid requirements of workplaces under the *Occupational Health and Safety Act*, Regulation, and Code.

Group

A given number of children assigned to a primary staff member.

Health care

Providing treatment or care, excluding first aid, intended for children with a chronic disability or illness. This may include tube feeding, special diets, and administration of emergency medication.

Ill child

A child is considered ill when they exhibit any of the following signs or symptoms: vomiting, fever, frequent diarrhea, or a new unexplained rash or cough. A child may also be considered ill if they temporarily require greater care and attention that cannot be provided without compromising the care of other children, or if a staff member knows or believes the child poses a health risk to other persons on the program premises.

In ratio

Primary staff member(s) are in ratio when they actively provide care and supervision to a group of children.

Program supervisors may be included in ratio during pick-up and drop-off times, during emergencies, and when there are unexpected staffing issues.

Incident

A serious illness of or injury to a child that occurs while the child is attending a program, and any other incident that occurs while a child is attending a program that may seriously affect the health or safety of the child.

Infant

A child under 19 months of age.

Kindergarten child

A child who is 4 years of age or older and is attending an early childhood services program as defined in the *Education Act*.

Licence

For the purposes of this handbook, licence refers only to a facility based child care licence. Under Section 3 of the *Early Learning and Child Care Act*, a licence is required to provide a facility-based child care program to seven or more children.

Licensed capacity

Determined in part by the licence holder measuring usable play space, this number reflects the maximum number of children who can be cared for on a program premises at any one time, and may be less depending on the age of the children within the group.

The capacity indicated on a licence to operate a child care program must be adhered to according to the *Early Learning and Child Care Act* and Regulation. This number may differ from the capacity approved by other authorities such as fire or health.

Licence holder

For the purposes of this handbook, licence holder refers only to a person who holds a facility based child care licence.

Licensed facility-based program

A facility-based program in respect of which a licence has been issued under section 5 of the *Early Learning and Child Care Act*.

Licensing officer

Authorized licensing staff who hold delegated authority and act on behalf of the Statutory Director named in the *Early Learning and Child Care Act*.

Medication

Includes prescription drugs, over-the-counter drugs, and/or herbal remedies.

Medication needed in an emergency

Either a prescribed drug or an over-the-counter drug.

Minister

The Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act.

Mixed-Age Groups

Child care provided by combining children of different age groups as defined in the regulation. If a mixed-age group is used in a daycare, the ages of the majority of the children in the combined group are referred to for ratio and maximum group size purposes.

A licence holder who is licensed to provide day care for three or more children under 19 months of age must not allow a child under 19 months of age to be included in a combined age group between the hours of 8:30 a.m. and 4:30 p.m., unless the Statutory Director exempts the licence holder from the requirement because they are satisfied the developmental needs of the children under 19 months of age will be met. Exemptions can be granted for up to one year.

Non-compliance

Failure or refusal to comply with the requirements outlined in the *Early Learning and Child Care Act* or Regulation.

On duty

A staff person or volunteer of a licensed child care program who is immediately available to meet minimum staffing and general supervision requirements on premises, inside the building or on the grounds.

On premises

An employee, volunteer, child or parent in a licensed child care program who is on the child care program property, whether inside the building or on the grounds.

Order to Remedy

An enforcement action issued to resolve an issue due to a non-compliance.

Out-of-school care

Child care provided by a facility-based program to kindergarten children and school-aged children before and after school, during the lunch hour, and when schools are closed.

Outdoor play space

A licence holder who provides **daycare** must provide an outdoor play space that is on, adjacent to, or within easy and safe walking distance from the program premises. The outdoor space must accommodate at least 50 per cent of the licensed capacity at a level of not less than two square metres for each infant and not less than 4.5 square metres for each child who is 19 months of age or over.

The licence holder must ensure that the outdoor play space used for daycare is securely enclosed on all sides and that all entrances to and exits from the outdoor play space that do not lead into the interior of the program premises are kept closed at all times while children are using the outdoor play space.

A licence holder that provides **out-of-school care** must provide outdoor play space that is within easy and safe walking distance from the program premises.

The Regulation allows exemptions from outdoor play space requirements if reasonable access to outdoor play space that meets the requirements is not available and there is a plan that children will be adequately supervised and protected in the outdoor play space provided by the licence holder.

Overnight care

Typically considered the provision of child care spanning the hours between 12:01 a.m. and 5:00 a.m.

Parent

A child's parent or guardian.

Parent volunteer

A person who is a child's parent or guardian and who is performing a service at no cost to the program. The service may include the provision of child care, or as a director, officer of the corporation, or is serving as a program staff or has access to the program premises when children or their records (including pictures) are present.

Physical punishment

Physical punishment is any form of child guidance or discipline employing the non-accidental application of force to a child's body. It includes: striking (directly or with an object), shaking, pushing, grabbing, shoving, slapping, spanking, choking, stabbing or burning a child. The Early Learning and Child Care Regulation prohibits the use of physical punishment.

Physical restraint, confinement or isolation

The Early Learning and Child Care Regulation prohibits the use of physical restraint, confinement (e.g., on a chair or mat) or isolation (e.g., in a separate room) as a form of child guidance or discipline. Physical restraint of a child by a staff member or volunteer is only permitted if it is reasonable in the circumstances, such as when a child's behaviour or actions present a risk to staff or children's safety (e.g., running toward a busy road).

Portable record

Contains emergency information on each child as required in the Early Learning and Child Care Regulation. The portable record should include information that would be required in case of an emergency, such as emergency contact details or a child's health conditions, as well as the telephone numbers of the local emergency response service and poison control centre. Portable records can be digital and/or paper based, and must be easily transported and readily available to program staff in the event of an emergency.

Preschool care

Child care provided by a facility-based program to preschool children and kindergarten children for less than four hours per child per day.

Preschool child

A child who is 19 months of age or older and is not a student as defined in the *Education Act*.

Primary staff member

An adult staff member or volunteer of a facility-based program whose primary duty is child care, and who is actively engaged in supervising children in the program.

Private residence

A legal dwelling where the person resides and uses as their primary place for living, eating and sleeping.

Program

A licensed facility-based program.

Program plan

The program plan outlines the program philosophy, how the program will meet the developmental needs of children, use the premises (including outdoor play space), access community resources, involve parents, and evaluate outcomes. The licence holder must demonstrate how they will provide high-quality early learning and child care as guided by the Principles and Matters to be Considered stated within the *Early Learning and Child Care Act*, in every element of their program plan.

The program plan includes the staffing plan, and any applicable administrative policies or procedures. The program plan is a legislative licensing requirement that must be submitted at the time of application, and is monitored for compliance.

Program premises

The location, as indicated on the facility-based licence application, where the applicant proposes to provide the program, or the location, as indicated on the licence, where the program is authorized to be provided. The location includes any physical structure used by the program and any approved outdoor play space.

Program supervisor

A staff member of a facility-based program whose duty is to supervise the provision of child care to children in the program.

Prominent place

A location easily viewed by parents, program staff and ministry licensing staff. The following items must be posted in a clearly visible and prominent place: the licence (including probationary licence), inspection reports, any enforcement actions issued to the program, menus, variances, approved exemptions, and conditions and provisions attached to the licence.

Quality

Quality in child care means a program that meets the early learning and developmental needs of children. This includes providing qualified early childhood educators, age-appropriate programming and planning, access to space, materials, toys and equipment in a safe premise, providing an inclusive environment that supports diversity, ensuring responsive interactions between staff and children occur and supporting effective parent engagement in program planning and evaluation.

Requirements for quality programming in Alberta are outlined in the *Early Learning and Child Care Act* and Regulation, which requires licence holders to submit a program plan that demonstrates how they will offer quality programming in alignment with the principles and the matters to be considered, as stated in the Act.

Regulation

Refers to the Early Learning and Child Care Regulation.

Rest period

Any period during which a child receiving child care is lying down, including on or in a mat, bed, crib, cradle or bassinet, for the purpose of sleeping or resting.

Safe and easy walking distance

Determined by considering safety and ease for the youngest child in the group as well as the developmental needs of all children in the group, and as approved by the licensing officer when considering a request to exempt the space from regulatory requirements.

School-aged child

A child who is a student as defined in the *Education Act*, but does not include a kindergarten child.

Serious accident or illness

When a child's accident or illness requires the program to contact emergency medical services and first aid is required to be given by a staff member or volunteer, and/or the accident or illness results in overnight hospitalization and/or death of a child. Serious accidents do not include accidental and minor superficial cuts, scrapes and bruises.

Statutory Director

An individual designated by the Minister to fulfill the responsibilities and duties as described in the *Early Learning and Child Care Act* and Regulation.

Supervision of children

Actively participating in or guiding children's learning and educational activities while being attentive, alert and watchful of each child, as well as engaged with the entire group. Supervision is adjusted to the specifics of the child care environment and the individual needs of children attending the program. A licence-holder must demonstrate that the children's well-being is supported, this includes ensuring the child is safe and supervised in accordance with their developmental needs and that primary staff are aware of each child they are supervising at all times.

Term of licence

The time period for which the child care program licence has been issued and is active.

Unsupervised access to children

Staff who are allowed to care for children without the benefit of regular monitoring, support, and guidance from a designated staff member who is on duty.

Variances

A change to the licence to vary its provisions. Variances can be made for the location of the program premises, the maximum number of children who may be cared for in the child care program, and the term of the initial licence.

Verbal or physical degradation

Includes any harsh, belittling, or threatening or degrading response by any adult (parent, staff member, volunteer) which humiliates or undermines a child's self-respect. It may also include inappropriate exposure to sexual contact, activity or behavior; force-feeding; exposure to profanity; or exposure to violence between parents or staff members, including volunteers or other adults. The Regulation prohibits the use of verbal or physical degradation as a form of child guidance or discipline.

Useable play space

The physical space in the program set aside for children for playing, learning, eating, resting and sleeping. It does not include staff and administrative space, kitchen or bathrooms.

Volunteer

A person who is performing a service at no cost to the program, which may include the provision of child care, who has access to the child care program or children's records. Volunteers include parents, as well as practicum students or volunteers referred or placed in the program by a community agency.

Written consent of parent or guardian

Programs must acquire a parent's or guardian's written consent for the provision of health care, administration of medication or a child's participation in off-site activities. Written consent must include the parent's name, signature and date of consent. Additional specific requirements for written consent include:

- **Consent for medication** — must include the child's name, name of medication, dosage, the length of time medication will be administered, and a statement that the medication is only to be administered according to labeled directions.
- **Consent for off-site activity** — must include child's name, description of activity, duration of activity, transportation, supervision arrangements, and how the parent or guardian can contact the program. Consent for regular planned events should be included in the program plan, and parents are not required to provide consent for events that are a part of regularly occurring programming (e.g. weekly).
- **Consent for health care** — must include child's name, description of health care, details on the provision of the health care (including specific training arrangements for staff), and the length of time health care will be administered to the child by the program.
- **Consent for emergency medication plan** — Emergency medication required to be used by a particular child as needed to prevent a medical emergency must be handled in a manner that ensures the medication is accessible by staff and the child but is not accessible by other children in the program. This must be agreed on by the licence holder and the child's parent (i.e. Epipen is kept with the child to use in the case of an emergency).

Quality in Child Care

Licensed facility-based programs are required to implement and follow a program plan that adheres to the Principles and Matters to be Considered as stated in the *Early Learning and Child Care Act*. These provisions emphasize the importance of quality in child care, and highlight key factors of safety, well-being, inclusion, and child development.

Principles

The *Early Learning and Child Care Act* identifies three principles to guide its interpretation and application, including in all areas relating to the licensing of facility-based child care programs outlined in this handbook. The following principles are specified:

- the safety, security, well being and development of the child is to be supported and preserved;
- flexibility in child care supports choice and accessibility for families;
- engagement of parents and community members in the provision of child care supports the child's optimal development.

Matters to be considered by providers of child care programs

The Act gives direction on a number of matters that must be taken into consideration by providers of child care programs and operationalized in the program plan:

- (a) children should be encouraged in having care and play experiences that support their development and learning;
- (b) the child is to be protected from all forms of physical punishment, physical and verbal abuse and emotional deprivation;
- (c) diversity in
 - (i) the background and circumstances of children in the program and their families, including those who may be experiencing social or economic vulnerability, and
 - (ii) the abilities of the children in the program is to be respected and valued;
- (d) the child's familial and Indigenous or other cultural, social, linguistic and spiritual heritage are central to the child's safety, well being and development;
- (e) care of the child must be appropriate to the child's mental, emotional, spiritual and physical needs and stage of development;
- (f) involvement and engagement of parents supports accountability of child care program providers, monitoring of child care programs and maintenance of good quality child care programs.

The Principles and Matters to be Considered emphasize the importance of quality care and early learning environments that are appropriate for children's age and development.

An emphasis on early learning is grounded in the understanding that children actively learn about the world around them through their everyday experiences, especially in the early years. This means child care providers have a key role to play in creating environments that support early learning and exploration and setting a strong foundation for children's lifelong learning and development.

Part 1: The Application Process

Applying for a child care facility-based licence

The following steps will help guide you through the process of applying for a child care facility-based licence. Any individual over the age of 18 or corporation can apply for or renew a child care licence in Alberta.

The application process and requirements for facility-based child care programs under the *Early Learning and Child Care Act* and Regulation are explained in this section.

Step 1: Determine if you require a child care licence

If you are looking to provide child care to more than six children in a facility, not in a private residence, you **will** require a facility-based child care licence.

Some child-focused programs are exempt from requiring a child care licence under the *Early Learning and Child Care Act*. These include:

- group homes, foster homes or other residential care settings;
- programs or services provided under the *Education Act* (for example, elementary school and kindergarten);
- day camps, vacation camps or other recreational programs that are operated for less than 12 consecutive weeks in any 12 month period;
 - Day camps, vacation camps or other recreational programs are different from child care programs as their primary purpose is not child care. These programs may instead focus on skill-building, hobbies, athletics, arts, music, science or other similar programming (for example, swimming lessons, gymnastics, art class, athletic camps, power skating).
- supervision of children at a recreational facility, retail centre or other commercial establishment where the parents of the children remain on the premises and are immediately available;
 - For example, a fitness centre where the parents remain on site while they complete their work-out, a store that provides temporary care in a designated area while parents shop and can be accessed immediately, a community program that supervises children while a parent or guardian is receiving a service (e.g., attending a parenting course).

If you are unsure whether you need to apply for a child care licence, contact your local [Children's Services office](#).

Home-based child care

If you are interested in providing child care in your private residence for six or fewer children (not including your own) under a licensed family day home agency, please visit alberta.ca/child-care or contact your local Children's Services office to learn more about home-based child care.

Step 2: Complete a licence holder information session

If you are a first-time licence applicant under the *Early Learning and Child Care Act*, you must complete an information session offered by Children's Services before you can be issued a facility-based licence. If the applicant is a corporation, one or more corporate directors, as determined by the licensing office, should complete the session. You will be required to produce proof that you completed an information session.

Through the information session, you will receive information to help you understand the licensing process, as well as an outline of the *Early Learning and Child Care Act* and Regulation.

Before attending an information session, we strongly recommend you review the child care licence application/renewal package to get a sense of the information you will need to compile. Please review the Act and the Regulation in their entirety and retain copies for easy access and referral in the future.

An updated licensing application package will be available at alberta.ca/child-care when the Act and Regulation come into effect on **February 1, 2021**. The package will include:

- A. Application/application renewal for a facility-based child care licence form.
 - This is the main application form that you will fill out as part of your application for a new licence or to renew your existing licence. In this form you will include information about the applicant, what type of child care you are planning to provide, as well as a checklist of all the pieces you will need to compile and include in your application.
- B. Program plan
 - The program plan outlines required submissions, including those for your staffing plan and administrative policies and procedures.
- C. Child Care Subsidy Grant Agreement form
 - This is a funding agreement between your program and Children's Services if you will be receiving subsidy benefits on behalf of parents or guardians who qualify for subsidy.
- D. Vendor Management- Direct Deposit, Maintenance and Adding Vendors form,
 - This form provides your financial information to allow payment of eligible claimed funding (e.g. wage-top ups, and subsidy)
- E. Copy of the Infant Care Incentive Parent Statement of Acknowledgement form
 - This form notifies the parent that you will be receiving this funding for providing a space to their infant.
- F. The Certification Guide for Staff
 - This guide provides guidance regarding the staff certification process and procedures.
- G. [Collateral information \(see step 5\)](#)
- H. The *Early Learning and Child Care Act* and *Early Learning and Child Care Regulation*.
- I. Information on the new licence holder information session.

Step 3: Determine the type of child care you will offer

After you have completed the information session, you will need to consider the type of child care you will offer in your program. To help with this, consider the following questions. You will be required to answer these questions throughout your application and program plan:

- What ages of children will you care for?
- What is your intended group size?
- Will you provide mixed-age child care?
- How many hours per day will the program operate?
- Will you be providing overnight care? How will you ensure the children will be supervised and have their needs met during the night?
- How will you ensure the children are appropriately supervised and monitored?
- How many child care educators will be needed?
- What are the minimum staff qualifications needed to operate your program?

Although not a requirement in the Act or Regulation, we highly recommended that potential child care operators consider how their program will operate in terms of finances, structure, and other matters not directly related to the care of children.

Information and support for small businesses can be found at <http://smallbusiness.alberta.ca/>. Once you have become licensed, supports for business needs are available at <https://www.childcareventures.ca>.

You can also speak to your licensing officer.

You may wish to consider:

- What type of child care service will you offer? (including any unique or innovative features)
- Who and where are your potential clients? How will your program meet their needs?
- Are there other types of child care programs available in your area?
- What are your perceived strengths and challenges within the current market? (size, location, cost, hours, ages of children, type of program, etc.)
- What will your rates be? Are they competitive in the current market?
- How do you plan to advertise/promote your business?
- How will you recruit and retain qualified staff and ensure your program meets the requirements for the certification levels for primary staff?
- What type of accounting and financial processes will you use?
- What methods will you use to track attendance of staff and children? (e.g., paper, Excel, another software application)

Step 4: Start the licensing process and develop your plan

An updated application/renewal package will be available at alberta.ca/child-care or through your local [Children's Services office](#) by February 1, 2021 when the *Early Learning and Child Care Act and Regulation* come into effect.

You can either submit your full application package with all relevant supporting documents in one step, or you may choose to connect with a child care licensing officer early on in the process for their support. You can do this by submitting the application/application renewal for a child care license form, along with the \$200 application fee. At this point, a licensing officer will be available to answer your questions, guide you through the licensing process and can work with you to:

- review and discuss the components of your program plan;
- identify the appropriate authorities to obtain the necessary approvals and evidence of compliance with applicable zoning, health, and safety legislation;
- conduct an initial inspection to consult on the program premise and setup; and
- identify local resources that can be accessed for support on developing quality early learning and child care programming and business supports.

Licensing staff cannot provide advice or direction related to the applicant's business decisions or business practices.

If you have any questions or need support, or would like to access support from a licensing officer in your application process, contact your local [Children's Services office](#).

Step 5: Obtain the required health, municipal and safety approvals

Licence holders must follow all applicable zoning, health and safety requirements. You are required to submit a copy of your permits and/or approvals from the appropriate zoning, health and safety authorities. We recommend you initiate these processes while you complete your child care licensing application to ensure you are able to provide child care services as soon as possible.

Please be aware that the capacity indicated on a licence to operate a child care program may be lower than the capacity approved by other authorities such as fire, health or your municipality. You will be required to follow the capacity for your licence as defined in the *Early Learning and Child Care Act*.

Safety Codes Act

Under the *Early Learning and Child Care Act*, all licensed child care programs in Alberta must demonstrate compliance to the [Safety Codes Act](#) and its various codes. This includes completing a fire inspection and adhering to Alberta's Building Code. Alberta Municipal Affairs, an accredited municipality, or an accredited agency has the authority to issue permits and respond to any issues regarding the *Safety Codes Act*. For information on safety codes, visit <https://www.alberta.ca/safety-codes.aspx> or contact your local municipality.

Municipal by-laws and permits (fire, business permits, zoning)

Because local by-laws and permit processes vary, you will need to contact your local municipality to find out their process and gather information on any applicable municipal by-laws and required permits. This may include a fire inspection, business permits, and zoning approval.

To determine what is required to receive approval for and/or a safety certificate, contact your local municipality or visit www.bizpal.ca for more detailed information.

Public Health Act

Child care programs in Alberta must also comply with the [Public Health Act](#) and the [Institutions Regulation](#). Contact your local Alberta Health Services office and ask to speak to an Environmental Health Officer and to arrange an inspection for health approval. You can find contact information to submit a request at <https://www.albertahealthservices.ca/eph/eph.aspx>.

Traffic Safety Act

If you provide transportation for a child, you may also be required to adhere to the [Traffic Safety Act](#). Additional information can be found on Alberta Transportation's website at: www.alberta.ca/education-manual-for-commercial-carriers.aspx or by contacting 310-0000.

Step 6: Complete your application package

Before submitting your application, you will need to complete the following:

Program Plan

Facility-based licence holders are required to complete a program plan as part of their licence application to ensure the children's needs are met and quality programming is delivered. Use the template provided in the application package available at alberta.ca/child-care (an updated package will be posted after February 1, 2021).

Your program plan must describe in detail:

- your child care philosophy and how you will apply it throughout all aspects of your program;
- how you might use a curriculum and/or practice framework. For example, you may wish to use [Flight: Alberta's Early Learning and Care Framework](#). If you plan to use this or another framework, please describe how it will be embedded in your program;
- how you will operationalize the Matters to Be Considered and Principles embedded in the *Early Learning and Child Care Act* to demonstrate quality;
- how the child care program will meet the holistic developmental needs of children;
- how the program will use the premises where the child care program is located, including how you will provide and use outdoor play spaces;
- how you will utilize community resources;
- procedures you will follow in case of an emergency;
- how you will ensure parents are informed and involved in the child care program. Parent engagement must include supporting the monitoring and maintenance of quality child care programs;
- how you will ensure ongoing evaluation and improvement of the child care program;
- A staffing plan, including:
 - a list of staff positions and responsibilities,
 - an orientation process for staff with respect to the policies and procedures of the proposed child care, and legislative requirements, and
 - policy and procedures describing how the applicant will screen staff and volunteers;
- administrative policies and procedures relating to the operation of the proposed child care program;
- child guidance policy that ensures the child is to be protected from all forms of physical punishment, physical and verbal abuse and emotional deprivation;
- how you will support diversity in the background and circumstances of children in your program and their families, including those who may be experiencing social and/or economic vulnerability, and how your program will respect and value the abilities of the children in the program;
- how you will support a child's familial and Indigenous or other cultural, social, linguistic and spiritual heritage to ensure the child's safety, well-being and development;
- how your program will support the needs of the child including the mental, emotional, spiritual and physical needs of child, that is unique to the child's mental, emotional and physical stage of development; and
- how you will ensure the inclusion of a child with an exceptional need.

Licensing staff will review your proposed program plan as part of the application package, and may discuss with you changes to the program plan that may be required to support the successful issuance of a facility-based licence.

Description of program premises to determine license capacity

Measurements of the program premises, along with a description of how the space will be used, must be provided to assist in determining licence capacity.

According to the Early Learning and Child Care Regulation, a facility-based licence holder must provide a minimum net floor area of:

- 3.0 square metres of primary play space multiplied by the licensed capacity for daycare if the licence holder provides daycare;
- 2.5 square metres of primary play space multiplied by the licensed capacity for preschool care if the licence holder provides preschool care; and
- 2.5 square metres of primary play space multiplied by the licensed capacity for out-of-school care, if the licence holder provides out-of-school care.

You will need to measure the usable play space where children rest, eat and play to calculate the total floor area of usable play space. This total floor area of usable play space is then divided by the number of required square metres per child to determine the licence capacity.

For example, if you have useable play space of 50 square metres to provide daycare you must divide that by 3 square metres per child to equal a licence capacity for 16 children. This number reflects the maximum number of children who can be cared for on your program premises at any one time, but may be less depending on the age of the child within the group and the staff-to-child ratio requirements.

You must also create a diagram to illustrate the measurements and how the space will be used (see Appendix A for an example). Alternatively, you can provide in your application a written description detailing your calculations and how you will use the space.

Insurance

In order to provide child care, written confirmation of current valid general liability insurance coverage for the occupants of the program (staff, volunteers and children) must be provided. This is done by submitting a copy of the certificate of insurance that has an effective date that is active to the current licence period and shows clearly that the licence holder has acquired general liability insurance for the child care program on the application.

Liability claims can put a child care program at risk, which makes general liability a legislative requirement for facility-based child care programs. General liability typically covers your legal costs and may pay the injured third-party's medical bills or allow for property repairs. Coverage typically extends to harm your employees may cause. However, general liability insurance terms and conditions can vary from provider to provider. At minimum, you require insurance that covers all occupants of the program for third-party claims for bodily injury, property damage, and harm.

Corporate status (if applicable)

Corporate applicants are required to submit a certificate of incorporation as part of their application. Licensing staff will conduct a search of Alberta's Corporate Registries database to verify that the corporation exists and to ensure that it is currently active. Child care cannot be provided if the corporation is an inactive or struck corporation.

In addition, some corporations may choose to authorize a person or agent to communicate and act on behalf of the corporation. If this occurs, the corporation must provide an authorized letter to verify that the individual has been approved to communicate on the corporation's behalf.

The term "corporation" includes charitable or non-profit organizations and entities that are required to be registered in Alberta.

For more information on setting up the legal structure of your business or non-profit organization, please visit www.alberta.ca/incorporate-business-organization.aspx.

Criminal Record Check

To ensure the children who will be accessing your program are as safe as possible, you must submit a current criminal record check and vulnerable sector search for the individual applicant, corporate directors, corporate officers and any other current staff who will have access to children or the ability to view a child's records. The criminal record check and vulnerable sector search must be dated no earlier than six months prior to the date of application, and can be obtained by contacting your local law enforcement agency (e.g., local RCMP detachment or municipal police).

Step 7: Submit your application

It is important to review the application package carefully to ensure you have attached all required documentation and the application is complete. If the application is not complete, or required attachments are missing, a licensing officer will inform you as soon as possible and may return the application to you. There is no fee for resubmitting once you have added the missing information. Your application cannot be processed until enough information is provided to review and provide an assessment of your program.

Your application must include:

- Application/Application Renewal for a facility-based child care licence form
- Program plan, including staffing plan, administrative policies and procedures, and an indoor and outdoor floor plan.
- Results of all required criminal record checks and vulnerable sector searches
- Written evidence of corporate status for corporate applicants
- Copy of government issued picture identification that contains the legal name and birth date, for individual applicants
- Evidence of general liability insurance
- Application fee
- If available, please include evidence of meeting all collateral approvals as required (health, fire, zoning, etc.)

If you are unsure if you have completed or have received all required documentation, please contact your local child care licensing office for advice and support before submitting your application package.

Once you have reviewed your application package, submit your application along with all required documents and the application fee, directly to your local child care licensing office.

The initial application fee is \$200 and the renewal fee is \$100. You may request a receipt for proof of application fee payment. The fee must accompany your application package for the application to be considered complete.

Once a complete application is received, it may take between 30 and 60 days to process, arrange an inspection, and make a decision to issue a licence. Please note: The busiest times to process applications occur between May and September.

If an application is inactive for a period of **six months or longer** at any point during the process, the file is closed and the applicant will be required to submit a new application, including a new application fee.

An application is considered inactive when there has been no contact between the applicant and the licensing office. In this case, the licensing officer returns all original documents to the applicant.

Applicants who are experiencing a delay that is beyond their control are encouraged to speak with their licensing office to keep the application active.

Step 8: Prepare for an inspection of the program premises.

Before a licence can be issued, licensing staff must review the proposed child care program and inspect the premises on which the program will be offered to ensure compliance with the requirements of the *Early Learning and Child Care Act* and Regulation.

A licensing officer will contact you to schedule a date and time for the inspection. Prior to providing child care services, the applicant must provide evidence that the proposed child care program premises complies with applicable zoning, health, and safety legislations.

If you are experiencing a delay in receiving collateral approvals, contact your licensing officer and advise them of the issue. You may be able to proceed with receiving a child care inspection; however, you will not be able to provide child care until you have received those other approvals.

For more information about this inspection, please see [How to Prepare for an Inspection](#) in Part 2 of this handbook.

Once the application and on-site inspection are complete, licensing staff will review and consider your application. Licensing staff will confirm that the application contains all the required information to issue a licence. They will also confirm your proposed licence capacity to ensure it meets all required standards. In some cases, this number may be increased or lowered. Your licensing officer will happily review all their findings with you.

There are several circumstances described in Section 5(1) (b) of the *Early Learning and Child Care Act* under which a licensing application or renewal may be refused. These include:

- the applicant has not demonstrated compliance or ability to comply with standards specified in the Act and Regulation;
- the applicant has made a false statement in the application or in any supporting information; and
- there are reasonable grounds to believe that an individual associated with the proposed program is not suitable to provide child care.

Applicants will be provided with a letter notifying that the application has been refused, including reasons and the length of time the applicant will be ineligible to reapply for a facility-based child care licence. Section 4(4) of the Act provides the Statutory Director discretion to determine the length of time, up to two years, a person or corporation who has been refused a facility-based licence is ineligible to reapply for a child care licence.

If your application is not successful, you may choose to contact your licensing officer or access one of the tools described in the “Dispute Resolution, Administrative Review and Appeals” section in Part 2 of this handbook. Applicants have the right to request a review or appeal the refusal within 30 days of receiving the refusal letter.

When issuing an initial facility-based licence, the term of the licence may be set from one to three years, as considered appropriate by licensing staff based on the content of the application and results of the inspection process.

Step 9: Understand and fulfill your responsibilities during the term of the licence

Once you have been approved for a child care program licence, you need to know your responsibilities and what to expect as well as the tools that are available to you should you wish to request a change.

Displaying the licence

Alberta child care program licence holders are required to display their licence in a clearly visible and prominent place on their program premises, such as on a bulletin board in the entrance where it is easily visible to parents, licensing staff and the public.

Compliance with the Program Plan

The licence holder must comply with the program plan that was submitted for the issuance of the facility-based licence, and must not make changes to the program plan without the prior approval of licensing staff.

Child guidance

Licence holders must ensure that child guidance methods used in the program are communicated to parents, staff and children where developmentally appropriate, and must be reasonable in the circumstances.

Furnishings and equipment

A licence holder must ensure that all furnishings, play equipment and play materials, whether used indoors or outdoors are: safe and maintained in good repair, developmentally appropriate for children, and of sufficient quantity and variety for children. The licence holder must also ensure that books, toys and play equipment that supports early learning, literacy development, physical activity and child development are available to children receiving daycare and preschool care.

Off-site activity

Licence holders may only take a child to an activity off the program premises when the child's parent has been advised of the activity (including transportation, contact information and supervision arrangements) and has provided consent in writing for the child to participate.

Nutrition

Licence holders must provide or require parents to provide meals and snacks for children in the program. When providing meals and snacks, the licence holder must ensure that they are provided at appropriate times and in sufficient quantities in accordance with the needs of each child, and in accordance with a food guide recognized by Health Canada or Alberta Health. Infant nutrition provided by parents must be clearly labelled with the infant's name.

Staffing requirements and qualifications

Licence holders must ensure they have the minimum primary staff member to children ratio and no more than the maximum number of children who may be included in a group for daycare, out-of-school care, and preschool care, as well as meet minimum staffing and general supervision requirements and staff qualifications outlined in the Early Learning and Child Care Regulation.

Duty to inform parents

When any provisions are made to your licence, or a probationary licence has been issued for your program, you must inform parents directly and post a notice of the action in a prominent and visible location in your centre. Similarly, parents must be informed if a program's licence is cancelled. More detailed information about duty to inform parents can be found in Part 2 of this handbook.

Duty to provide updated information

The licence holder must provide updated information in writing to the licensing officer about changes to any of the information that was provided during the licence or renewal applications.

Reporting change in ownership

When a facility-based licence is held by a corporation, the licence holder must notify their licensing officer in writing within 15 days of any changes in the officers or directors of the corporation. This includes when a program ceases operation or a corporation changes ownership or transfers shares during the term of a licence.

Sale of Shares

When a corporation that holds a facility-based child care program licence sells all or a portion of the shares of their corporation, the licence remains valid and a new licence is not required. In this situation, the purchaser buys shares of the corporation and continues to operate the facility-based child care program under the existing licence. A new licence is not required because the same corporation continues to be responsible for the operation and management of the program.

However, the new shareholders or corporate officers may be required to provide criminal record checks, and must notify Children's Services of this change within 15 days.

To ensure an easy transition, it is encouraged that a meeting is requested with Children's Services to discuss the child care program requirements and any potential implications. This may include required changes to the program plan that must be submitted by the licence holder to your licensing officer for review and approval.

Sale of Corporation Assets

When a corporation holding a facility-based child care licence chooses to sell their child care program to another corporation or individual and the new owner intends to operate the program, a new facility-based licence is required. In this situation, a new licence is required because a new owner will be responsible for the operation and management of the program.

Section 7 of the *Early Learning and Child Care Act* states that a child care program licence is not transferable. This type of sale is required to be reported within 15 days of the change.

If a licence holder or potential licence holder is exploring the acquisition or selling of a child care program through an asset sale, it is recommended they begin the application process before the sale has been completed to ensure there is no gap in care for children. They must apply and receive a new licence before the sale has been completed as they will not be able to provide licensed child care until the application and inspection process has occurred.

Licence with conditions

In some circumstances, a licence may be issued with conditions. Typically, a condition is placed on a licence if the applicant is temporarily unable to meet certain regulations because of circumstances beyond the licence holder's control or they require extra time to come into compliance with the Regulation. For example, if an applicant requires a licence in winter and cannot build the required outdoor play space until spring, a condition may be placed on the licence until June, when outdoor play space construction can be completed.

The licensing officer may require additional documents from the applicant or modifications to the proposed program plan in order to determine whether a condition is suitable under the circumstances. Conditions cannot be issued for incomplete program plans.

See section 5 "Conditions precedent to issuing licence" of the Early Learning and Child Care Regulation for more information on conditions.

Varying the licence

Licence holders may request to change maximum capacity based on a demonstrated need, location of the child care premises, or the term of the licence.

In order to vary the licence, the licence holder must complete a [Licence Holder Request for Variation of Licence form](#) and submit it to the licensing officer for approval. The licensing officer will determine whether a variance is necessary and appropriate under the circumstances and if so, may complete an inspection to ensure requirements are being followed.

Within 10 working days of receiving a completed request for variation form, licensing staff will verify the proposed changes are allowable under the *Early Learning and Child Care Act* and Regulation, and are required given the circumstances.

Exemption requests

Licence holders may request to be exempt from specific requirements of the Regulation. Exemptions are allowable under certain circumstances for transportation of children, cribs, outdoor play spaces, including infants in mixed-age groups, and staff qualifications. When requesting an exemption, the licence holder or applicant will be asked to demonstrate the need for the exemption, length of time the exemption is needed, how the need for an exemption will be addressed, and how the children's needs will be met.

To request exemptions for cribs, outdoor play spaces and mixed age groups, submit a completed [Bed, Outdoor Play Space and Mixed Age Group Exemption Request form](#) to your licensing officer.

Within 10 working days of receiving an exemption request form, the licensing staff will review the request and confirms the requested exemption is allowable under the Act, the Regulation, and ministry policy.

Outdoor play space:

Licence holders must provide outdoor play space for children in daycare that is on, adjacent to or within easy safe walking distance from the program premises. The Regulation allows exemptions from outdoor play space requirements if reasonable access to outdoor play space that meets the requirements is not available and there is a plan that children will be adequately supervised and protected in the outdoor play space provided by the licence holders. If you access this play space regularly, you should include this in your program plan and include information explaining how the children will access the space, how boundaries will be established, how parents will be informed, and how you will ensure children are kept safe and secure.

Sleeping furnishings:

Typically, all cribs, cradles, and bassinets used for sleeping must be used as prescribed and defined in the *Canada Consumer Protection Act*, and any other bed types must have an exemption request approved by the Statutory Director. These other types of beds must be used in accordance with the written directions of the manufacturer and any additional written directions of the Statutory Director.

Staff qualifications

Exemption requests for staff qualification requirements are made using the Staff Qualifications Exemption Request form available at alberta.ca/child-care, and are intended to be a temporary measure. This form is submitted to your licensing officer for review and approval, and must be accompanied by a plan from the licence holder addressing how they will meet the qualification requirement within the time frame of the exemption request. The period for which a qualification exemption is granted must not exceed the term of the licence, and cannot exceed one year. Exemptions for a Level 1 early learning education can be issued for six months or less.

Staffing exemption requests are reviewed and approved based on the nature of the exemption being requested, and how the program will continue to supervise children and maintain their safety, development, and well-being. This includes exemption requests from typical staffing requirements when children are being transported between the program premises and school.

The licence holder must post the plan and the exemption in a prominent place on the child care program premises.

Licence Renewals

The initial licence you are issued will be for a minimum term of one year and a maximum of three years based on the discretion of the Statutory Director.

To be considered for a renewal, a licence cannot lapse for any period of time. Licence holders must apply for the renewal of their current licence prior to the licence expiry date. A renewal package will be sent to the license holder, including forms and requirements, and must be submitted 30 days before the licence expires. Licence holders will also be required to provide a \$100 licence renewal fee, and must have a renewal inspection completed that verifies that the program and program premises meet the standards outlined in the Act and Regulation.

If an application for renewal is refused, the applicant has the right to request a review or appeal the refusal within 30 days of the date of the refusal letter.

A licence renewal may be issued without a term. This means the term of the licence is indefinite and is determined by the licence holder's ability to provide child care, as well as their history of non-compliance, complaints, incidents or enforcement actions.

Part 2: Licensing inspections, enforcement and appeals

Once you have been issued a child care program licence, you are responsible for maintaining the expected standards within the *Early Learning and Child Care Act* and Regulation at all times, and will be inspected by child care licensing staff to ensure compliance. This section describes what to expect during these licensing inspections, provides guidance on how to prepare, and outlines the processes to be followed if your program is found to be not in compliance with the Act and Regulation.

Inspection visits

Purpose of inspection visits

Inspection visits ensure all licensed child care programs adhere to the *Early Learning and Child Care Act* and Regulation. Licensed child care programs will generally receive a minimum of two licensing inspections during a 12-month period. However, if non-compliances are identified or incidents or complains occur, licensing staff will complete additional inspections or an assessment as required.

A licensing officer may enter the premises of a licensed facility-based child care program at any time there are children present and at any other reasonable time before or after the program's regular operating hours. Permission from the licence holder or program supervisor is not required.

Types of inspections

The following are different types of licensing inspections:

Initial facility-based licence inspection

This type of inspection occurs during the initial application process when the prospective licence holder is applying for a new child care program licence. The visit will be scheduled in advance by the licensing officer, who will complete the inspection to ensure all areas of the Act and Regulation are covered.

Complaint inspection

All complaints about a child care program must be followed-up by Children's Services or referred to the appropriate authority. Licensing staff will inspect programs based on complaints received by the Children's Services licensing office, and have the authority to do so under the *Early Learning and Child Care Act* without the consent of the licence holder. You may receive an unscheduled inspection from a licensing officer who will gather information regarding a complaint made about your program. The licence holder will be given the opportunity to respond to the complaint.

The purpose of a complaint inspection is to promote children's health and safety and obtain sufficient information to make a fair, accurate, and impartial assessment of an allegation, situation, and/or condition that triggered the inspection.

The licensing officer will document the details of the complaint inspection, and you will be notified in writing of the outcome of the complaint inspection. If a licence holder is required to take measures to remedy non-compliance with the legislation as a result of the complaint inspection, the licensing officer will complete a follow-up visit. Depending on the risk the licensing officer identifies, an inspection may be required to confirm the non-compliance(s) have been remedied.

Consultation visit

Licensing staff may provide a licensed program with information on the Act and/or Regulation, either on-site (in person) or through distance options. This includes providing referrals to community or government resources, sharing best practices, and/or providing a presentation to staff, volunteers, or parents. This may also include proactive coaching, and exercises through a variety of tools and resources. To request a consultation, please contact your licensing officer.

Incident inspections

Licensing staff may inspect a program in response to the receipt of an [Incident Report form](#). The licensing officer will gather information about the particulars of the incident and may use a variety of means, including observations, interviews and review of records to complete their assessment. These inspections may be either scheduled or unscheduled.

Follow-up to enforcement inspection:

An inspection conducted to determine if a licence holder has complied with enforcement action must take place on the date set for compliance, or prior to the date set if the licence holder indicates they can demonstrate compliance earlier.

Regular monitoring inspection

For every licensed facility-based child care program, at least two inspections must occur annually. For inspections completed to determine licence issuance (either initial or renewal), the inspections are announced. All other inspections are unannounced. For a one-year licence, at least one unannounced inspection is conducted during the licence term.

Renewal licence inspection

This inspection type occurs when the initial licence is expiring and the licence holder is applying to renew the licence. This visit is scheduled in advance by the licensing officer and results of this inspection are taken into consideration when determining whether or not the program can receive a renewed licence with no end term.

Varying a Licence

A licensing officer may inspect the program premises when a request to vary the current child care program licence has been made (for example, when a licence holder requests an increase to the maximum licence capacity or changes location). A licence holder must submit a Licence Holder Request for a Variation to a Licence and meet all regulatory requirements for the requested variations.

How to prepare for an inspection

Understand how to implement the *Early Learning and Child Care Act and Regulation* in your program

It is important that you and your staff know the Act and Regulation to ensure your program meets the legislated requirements at all times. If you have questions or need clarification, licensing officers are available to answer questions. It is good practice to keep a copy of the Act and Regulation in the staff room or on the bulletin board for easy access.

Review the Inspection Checklist form

You may wish to review the Inspection Checklist form used by licensing officers during inspection visits. This will allow you to be familiar with what licensing officers will focus on during an inspection.

A copy of the checklist is available at alberta.ca/child-care or from your licensing officer. Depending on the type of inspection, the licensing officer will leave a copy of the Inspection Checklist or the Inspection Visit Summary at the end of the inspection, or will forward it to you when it has been completed.

Review previous inspection visits

Review the previous Inspection Checklists and/or Inspection Visit Summary that was provided by the licensing officer if you have had a previous visit. Ensure any previous concerns or non-compliances have been remedied.

Review records and documentation

Check to see that all required documents, including both digital and physical records, are up-to-date. The licensing officer may ask to see:

- a copy of the policies and procedures
- program plan
- licence application
- visibility of current licence
- exemptions, variances, conditions on licence
- children's records, (at least 10 per cent of registered children)
- staff and children's attendance
- illness or incident (program-based) forms
- portable records
- staff certification list
- approved first aid certification
- results of criminal record checks
- parental information and engagement documents

It is best practice to ensure all required administrative records and postings are organized and accessible for review because the licensing officer will select a random sample of these records to inspect.

Meet with your staff

It is important for staff members to be familiar with inspection processes and understand the reason for the inspection. You may wish to speak to your staff about the licensing inspection in order to ease their minds about the process. This could include discussing the legislation, what the licensing officers are reviewing, and why the review is taking place. All staff should feel free to speak with the licensing officer and to ask questions. Speaking openly with staff about licensing may help them feel more comfortable consulting with the licensing officer and building a professional relationship during the inspection process.

What to expect during an inspection

During an inspection, licensing staff will record notes, complete observations, ask questions, review records and postings, and speak with the program supervisor or designated person in charge.

Licensing officers may examine any record or document related to the operation of the program, take a copy of or photograph any relevant record or document, and temporarily remove a record or document for the purposes of examining it and making copies. If records are removed, a receipt is left with the individual who provided the records and the records are returned once the purpose for which they were taken has been served.

It is a good practice to have all required documents posted, ensure staff and child records are up to date, review all on-site medication and health care administration and storage processes and ensure written consent has been obtained, and review recent off-site activity forms and consents available for inspection. Staff should also be able to communicate emergency evacuation procedures and child guidance practices.

If your program and premises meet all the requirements, the licensing officer will review the results with you at the conclusion of the inspection. The licensing officer will either leave a copy of the report or forward one to you at a later date.

If your program is in non-compliance with the Act or Regulations, the licensing officer may take enforcement action. As outlined in the following section of this handbook, enforcement actions range from an order to remedy to, in serious cases, cancelling the program's licence. The licensing officer will determine the appropriate enforcement action and notify you in writing.

All reports completed by the licensing officer must be posted in a clearly visible and prominent place on the child care premises. Programs must ensure all reports are posted and that parents are informed of any provisions made to their licence or if a probationary licence has been issued.

Duty to post information and inform parents

During inspections, licensing officers will check to make sure all required information has been posted, and will need to know how parents have been informed of the postings (e.g., during the orientation). The *Early Learning and Child Care Act* states that a holder of a facility based licence must post a number of items in a clearly visible and prominent place on the premises where the licensed facility based program is being provided. These items are:

- the licence;
- inspection and monitoring reports issued by licensing staff;
- any conditions to which the licence is subject, which may include exemptions;
- notices of enforcement action, such as orders to remedy, licence variations, and suspended and probationary licences

In addition, parents must also be directly informed of any provisions made to licences, notices of enforcement actions, if a probationary licence has been issued, or if a licence has been cancelled. The program may notify parents by whichever means they normally use for communicating information about the program to parents and guardians (e.g. telephone, email, app).

The following documents must also be posted in a clearly visible and prominent place on the premises and readily accessible where the licensed facility based program is being provided:

- emergency safety contacts are readily accessible including: emergency 911 service, poison control centre, and child abuse hotline
- emergency evacuation procedures and the telephone number for an after-hours emergency program contact that is clearly visible from the outside of the program premises
- menus for all meals and snacks provided by the licence holder for children in the program

Enforcement

When a non-compliance to the Act or Regulation is identified, licensing staff are authorized to take enforcement action. Licensing officers determine the type of enforcement action based on the history of the program, likelihood of reoccurrence, and identified intensity of risk to children. The enforcement action will be provided in writing, and will state the date by which the licence holder must demonstrate compliance. Licensing staff will then complete a follow-up visit to ensure compliance, and that all reports and documents have been posted as required.

Licensing staff will work with the licence holder to establish how compliance can be achieved, and ensure the licence holder understands the issues and the time required to address them. Licence holders have the right to appeal an enforcement action.

The following are types of enforcement actions that may be taken. Enforcement actions are not sequential, and can be given in any order if the level of risk requires a more severe action.

Notice of non-compliance

A licensing officer may issue a written warning to a licence-holder regarding an identified non-compliance found during an inspection and immediately remedied by the licence holder. This type of action is typically issued for non-compliances that present a very low risk to children's health and safety (e.g., menu was not posted) and does not require an additional visit because it has been remedied before the inspection has been completed.

Order to remedy

If you are found to be in non-compliance with the Act or Regulation, you may be given an order to remedy the non-compliance(s) within a specified time period. The Order to Remedy will specify the corrective action needed as well as the date by which the non-compliance is to be remedied. If non-compliance(s) are not remedied within the specified period of time, the licensing officer will consider the need to issue further enforcement action.

Licence holders have the right to request a review or appeal the order within 30 days of the date of the order.

Compliance action plan

If appropriate, this plan may be used to detail each non-compliance and the steps the licence holder may take to gain compliance. Licensing staff may use this as a tool to facilitate compliance by discussing with a licence holder the root causes of any ongoing non-compliance(s), and the steps they may take to remedy the violations to legislation. This may assist a licence holder in organizing their actions in a sequential manner and allow the licensing officer to monitor progress. Any actions in a Compliance Action Plan are limited to those linked to the Act or the Regulation.

Conditions on a licence

A condition may be placed on the licence to ensure child care is delivered safely and allow for the program to remain open, while the condition is resolved or until the program has proven they are able to meet the Act and Regulations successfully.

Conditions can be imposed in one of two ways.

First, a condition may be approved when there is low risk to children, and the licence holder is unable to comply due to circumstances beyond their control. For example, a condition may be approved if an outdoor space will not be ready because it is late fall and construction cannot occur until spring. In this case, a licensing officer may decide to approve a condition until June of the following year to allow the program to provide child care under that condition.

Second, conditions can be imposed to restrict programs from placing children at higher risk. These conditions can be placed to limit the capacity of children allowed in the program, to limit the number of children in a specific age group (for example limit the amount of children 0-18 months old in a group), or to provide an expiry date on the term licence.

When a condition is imposed, child care programs can still operate as long as they continue to meet the requirements under the Act and Regulation, as well as meet all imposed conditions.

See section 5 “Conditions precedent to issuing licence” of the Early Learning and Child Care Regulation for more information on conditions.

Varying the provisions of a licence

As described in this handbook under the section “Understand and fulfill your responsibilities during the term of the licence,” licence holders may request to change or to vary their licence. However, licensing officers may also vary the licence as an enforcement action.

Depending on the non-compliance(s) identified, the licence may be varied in three ways: term (the time period of the licence may be reduced), capacity (the number of children approved to be cared for may be reduced), and location (approval for where the program may be provided may be changed).

Suspension of licence/issuance of probationary licence

A licence may be suspended when there is a history of non-compliance and/or an identified significant risk to children.

When a licence is suspended, a probationary licence is issued in its place. The term of the probationary licence cannot be longer than three months and cannot exceed the unexpired term of the original licence that was suspended, whichever is the shorter period. A probationary licence cannot be renewed.

During the term of the probationary licence, all identified non-compliances must be remedied in order for the suspended licence to be reinstated. Should non-compliances not be remedied by the time the probationary licence expires, the suspended licence is not reinstated. At that point, the licence holder no longer holds a valid licence and may be ineligible to apply for a child care program licence for up to two years after the date of the Statutory Director’s refusal to reinstate the suspended licence.

Cancellation of licence

A licence may be cancelled immediately when there is imminent danger to the health, safety or well-being of a child.

In other cases, a licence holder may be given 15 days notice of cancellation of a licence and reasons for the cancellation. A notice of cancellation is issued when there is a high risk to children's health, safety or well-being and/or there is a history of non-compliance with the Act and Regulation.

Licence holders who have had their licence cancelled are ineligible to apply for a child care program licence for up to two years after the date of the cancellation.

Part 3: Reporting Incidents

Licence holders are required to immediately report any incident listed below or any other incident that may seriously affect the health or safety of a child while attending the licensed facility-based program.

It is important that all primary staff and volunteers have knowledge of how to report an incident, as failure to report an incident may result in a non-compliance.

Child care programs must, after contacting parent(s) and emergency services (if necessary), immediately report an incident to their local Children's Services office. If this is not possible because of circumstances outside of the licence holder's control, the licence holder has up to 24 hours to make an initial report to the local Children's Services office. An initial report may be made by phone or email to the local child care licensing office.

Within two working days of the incident's occurrence, an [Incident Report form](#) must be completed and submitted to the local child care licensing office.

If you are unsure if an incident should be reported, you are encouraged to contact your licensing officer to confirm.

The following incidents must be reported:

- An emergency evacuation that is caused by an event that could impact the health and safety of the child (e.g., there was a fire or flood). This would not include evacuations resulting from a planned fire drill, an accidental alarm, or a false alarm that did not impact the health and safety of the children.
- Unexpected program closure
- An intruder on the program's premises that impacts the well-being or safety of children in the program
- An accident or serious illness involving a child that requires the program to request emergency health care and/or requires the child to remain in hospital overnight
- An error in the administration of medication by a program staff or volunteer resulting in the child becoming seriously injured or ill and requiring first aid, or the program requesting emergency health care and/or requires the child to remain in hospital overnight
- An unexpected absence of a child from the program (i.e., missing child)
- A child is removed from the program by a non-custodial parent or guardian
- An allegation of physical, sexual, emotional abuse and/or neglect of a child by a program staff member or volunteer
- The commission by a child of an offence that would be considered a criminal offence under an Act of Canada or Alberta
- A child left on the premises outside of the program's operating hours
- The death of a child

Licensing staff will review the report and, in response, may conduct an inspection on the premises if necessary. Licensing staff will inform licence holders of what action will be taken in response to the incident report.

Part 4: Child Care Certification

Under the Early Learning and Child Care Regulation, staff who work directly with children in licensed facility-based child care programs must be certified. Staff who hold current valid certification as child development assistants, child development workers, or child development supervisors) will be transitioned to the new corresponding certification levels when the new Regulation comes into force.

How to apply for certification

Review the Child Care Certification Guide.

An updated guide reflecting the Early Learning and Child Care Regulation will be posted by February 1, 2021 at alberta.ca/child-care-staff-certification.

The staff certification process ensures that qualified staff are present in licensed programs to respond to children's individual needs and support children as they learn and develop. Higher quality programs will typically have more primary staff members at higher certification levels who have the education, training, knowledge, and expertise to encourage learning and development through play and other activities.

Submit an application along with the required documentation, such as personal identification, transcripts, and results of a recognized language proficiency assessment. Every applicant is assigned a registration number.

The child care staff certification office reviews applications and, if the applicant is deemed eligible, issues one of three levels of certification, depending on the educational credentials of the applicant;

- Level 1 early childhood educator (formerly titled child development assistant);
- Level 2 early childhood educator (formerly titled child development worker); or
- Level 3 early childhood educator (formerly titled child development supervisor).

Any time after issuing a certification, if it is determined that the certification was issued based on false or inaccurate information, or that the applicant does not meet the standards applicable to the level of child care certification that was issued, terms and conditions may be imposed on the certification, the certification could be suspended for a specific period, or the certification may be cancelled. In any of these circumstances, the individual who was certified, along with the licence holder for the facility-based program where the individual is employed or volunteers, will be notified in writing of the action taken.

Some decisions made about individual child care certification are appealable. These include terms and conditions imposed on an individual's certification and decisions to suspend or cancel a certification.

The Regulation allows a maximum of six months for a staff person to obtain Level 1 certification upon beginning employment; however, until certification is completed, the staff person must not have unsupervised access to children.

Child care program staff requirements

Facility-based child care programs have specific requirements for staff working in the program. These requirements are contained in the Early Learning and Child Care Regulation.

A general description of the requirements are as follows:

- A program supervisor who is certified as a Level 3 early childhood educator must be employed by the program at all times and is on duty at all times when children receiving daycare or out-of-school care are on the program premises. A program supervisor can designate a staff member to assume their responsibilities in their absence. In the case of an absence of one month or longer, the program must obtain the statutory directors' approval if the staff member is not certified as a Level 3 early childhood educator.
- At all times between 8:30 a.m. and 4:30 p.m., at least one in every three primary staff members involved in providing daycare is certified at minimum as a Level 2 early childhood educator. At all other times, every primary staff member is certified at minimum as a Level 1 early childhood educator.
- At least one of every four staff members involved in providing out-of-school care or preschool is certified at minimum as a Level 2 early childhood educator and the remaining staff members are certified at minimum as Level 1 early childhood educators.

Part 5: Alternative dispute resolution, administrative review and appeal

The *Early Learning and Child Care Act* allows licence holders to bring forward their concerns regarding a licensing decision using three different processes: alternative dispute resolution, administrative review, and formal appeal.

Alternative dispute resolution

This course of action is available to licence holders who disagree with a decision, and can be initiated for any type of decision made by authorized licensing staff in respect of a licence.

To begin the alternative dispute resolution process, contact your local Children's Services office to speak with your licensing officer. A licensing officer can assist you with the dispute resolution options. Reach out to them if you have questions, need help with, have a concern about, or disagree with a decision that has been made regarding your licensed program.

You can pursue alternative dispute resolution before or after an administrative review, or before a formal appeal.

Information you share (verbally or in documents) during the alternative dispute resolution process is confidential, unless it falls under one of the legal requirements of Section 18.95(3) of the *Early Learning and Child Care Act*.

Step 1. Talk to your licensing officer

- Ask them why the decision was made.
- Explain why you disagree with the decision.
- Try to reach an understanding that satisfies you and your licensing officer. If you cannot come to a solution, the licensing officer will advise their supervisor to contact you for further discussion to help resolve the matter.

Step 2. Talk to a licensing supervisor

- Talk to the supervisor about why the decision was made and the reasons why you disagree with the decision.
- The supervisor may set up a meeting to discuss your concern with you, the licensing officer, and the regional child care manager.
- If a disagreement is not resolved to the licence holder's satisfaction, licensing staff must ensure the licence holder understands their options for administrative review or appeal as well as the timelines to submit a review request or a notice of appeal.

You are not required to go through an administrative review or alternative dispute resolution before you can request an appeal. However, it is important to understand the timelines for each of these processes, as they differ slightly so you can maintain your right to a formal appeal within the applicable period.

An administrative review must be requested within 30 days from the date the decision is made.

An appeal must be requested within 30 days after the day on which you have been notified of the (original) decision.

A request for an administrative review and an appeal may be made at the same time to ensure you maintain your right to a formal appeal if desired. If you receive an administrative review outcome that you are satisfied with prior to the appeal hearing, you may withdraw your notice of appeal.

Administrative review

A licence holder who disagrees with a decision made about their licence may request an administrative review.

A licence holder who is subject to a decision of the statutory director respecting the licence may request an administrative review of that decision **within 30 days of the decision**.

To request an administrative review of the decision, you must submit the Administrative Review Form or contact your local Children's Services office. To submit an appeal please see [Appeal section](#) for more information.

In your administrative review request, you must provide enough detail that licensing staff can identify the situation you would like reviewed and understand the reasoning behind your request for review.

Two senior licensing staff who were not involved in the original decision and who reside in a different Children's Services region will complete the administrative review.

In reviewing a decision, the licence holder may be contacted to provide additional oral or written information to ensure all the relevant information has been gathered.

On completion of the review, the licence holder will receive written confirmation of the outcome of the review, which may result in the reviewed decision being upheld, varied or rescinded. **Within 15 days** of the review submission, the licence holder will be provided with a copy of the decision, including the reasons for the decision.

If the licence holder is dissatisfied with the outcome of the administrative review and the matter is appealable under Section 19 of the Early Learning and Child Care Regulation, the licence holder may choose to file an appeal to an appeal panel regarding the original decision.

If the licence holder has already submitted a Notice of Appeal and is satisfied with the outcome of the administrative review and no longer needs to proceed with your appeal, the licence holder must contact the Appeals Secretariat to withdraw their notice of appeal.

Appeal

The *Early Learning and Child Care Act* allows the Minister of Children's Services to establish appeal panels to hear appeals related to the Act. Appeal panels are citizen boards that offer licence holders access to a fair and independent review of the decisions that affect them.

In accordance with the Act, the panel hears appeals and makes decisions that confirm, change or reverse the decision of the Statutory Director. The panel ensures all parties involved in the appeal process have an equal opportunity to present their case and provides a written decision that presents their findings and reasons for the decision. Decisions of the appeal panel are final.

The appeal panel:

- is made up of private citizens who are not Government of Alberta employees
- has the authority and training to hear your appeal
- may agree with, change or cancel Children's Services' decision

You can appeal a decision Children's Services has made if you:

- are a licence holder
- applied for a licence for a new child care program
- applied to renew a licence for an existing child care program

Under the *Early Learning and Child Care Act* and the Regulation, you have the right to appeal most decisions Children's Services makes. These are general guidelines about decisions the appeal panel can and cannot review:

The appeal panel can review decisions about:

- the refusal to issue or renew a licence
- conditions imposed on a licence
- the refusal to vary a licence
- a decision to issue an order to remedy or vary a provision of a licence
- suspension of a licence and issuance of a probationary licence
- cancellation of a licence
- refusal to reinstate a licence that has been suspended

Steps to file an appeal

Updated forms for filing an appeal will be posted to alberta.ca/child-care by February 1, 2021 when the *Early Learning and Child Care Act* and Regulation come into effect.

A Notice of Appeal must be submitted in writing within 30 days after the day on which the licence holder or applicant was notified of the decision that is being appealed. For example, you may have:

- been informed of a decision in person or by phone, email or letter;
- been told about your right to appeal;
- received an Administrative Review Decision; or
- received an Alternative Dispute Resolution Process decision

Step 1. Complete a notice of appeal

Fill out an appeal form. You can:

- download the form: open the Notice of Appeal to the Appeal Panel Form, read the instructions, fill it in, save it and print it. Alternatively, print a copy and fill it in.
- obtain a paper copy of the form: contact the Appeals Secretariat to pick up a form or have it sent to you by email, fax or mail. When you get it, read the instructions and fill it in.

You should:

- make sure the completed form is signed;
- include an Authorization form if someone will be acting on your behalf throughout the appeal process;
- keep copies for your files.

Step 2. File your notice of appeal

Make sure to:

- include your signed Notice of Appeal form and the Authorization form if someone will be acting on your behalf;
- include a copy of the letter with Children's Services' decision, if you received one;
- keep copies of all documents for your own files.

Submit your documents by:

- scanning and emailing them to css.appealssec-cyfe-ccl@gov.ab.ca, or
- mailing, faxing or taking them to the Appeals Secretariat office or your local Children's Services office

After you file an appeal

You will receive a letter from the Appeals Secretariat notifying you that they have received your appeal. The Appeals Secretariat will organize your appeal hearing.

You must contact the Appeals Secretariat if you:

- need an interpreter since all hearings are in English;
- want to get information about organizations that may be able to help you with your appeal;
- are waiting for any new information related to the appeal;
- want to withdraw your appeal; or
- have moved or changed your phone number or email so they can reach you to give you the hearing date (if you do not take part when the hearing is scheduled, it may happen without you and your right to appeal will end).

Withdrawing an appeal

You can withdraw your appeal at any time. This means the appeal process is stopped and you no longer want to appeal Children's Services' decision. Tell the Appeals Secretariat as soon as you choose to withdraw your appeal.

Contact

The Appeals Secretariat is a neutral government office that runs separately from Children's Services.

Connect with the Appeals Secretariat:

Hours: 8:15 am to 4:30 pm (open Monday to Friday, closed 12 to 1 pm and statutory holidays)

Phone: 780-427-2709

Toll free: 310-0000 before the phone number (in Alberta)

Fax: 780-422-1088

Email: css.appealssec-cyfe-ccl@gov.ab.ca

Address: 2nd floor, Agronomy Centre
6903 116 Street NW
Edmonton, Alberta T6H 5Z2

Appendix A: Determine useable play space

When determining maximum capacity for children, it is important to understand what total useable play space is available. This includes areas that the children may access within the premises that allow room to play. This does not include staff rooms, supply rooms, kitchens, closets, or fixed storage furniture like cubbies, shelves, or cabinets that cannot be used as play space, however if the program allows children access to these spaces, and the space is used for play it may be considered.

To determine maximum capacity for useable play space, follow these steps:

1. Find total square metres (metres²) of available space by measuring the length and width of the floor, and multiplying those numbers. ($W \times L = \text{Total square metres}$)
2. Identify all unusable play space and measure all of these areas that cannot be used as play space. Use the same formula ($W \times L = \text{Total square metres}$) to calculate unusable space.
3. Subtract the unusable play space from the total space.
4. Review how many square feet of indoor play space per child is required.
5. Review your calculation for errors and provide the number for review and consideration in your licensing application.

Please note that the number of children you are licensed for may be vastly different than the total capacity of people allowed in your building to meet other safety codes (e.g., for fire). Licensing numbers are typically lower to ensure adequate supervision and to allow for child care staff to meet the needs of each child in the program.

It is also recommended that you provide a diagram for each area that is a part of the program premises. Include the following details:

1. Provide a diagram showing the layout and measurements of the entire facility including:
 - Play rooms labelled by name or age group
 - Office / administration areas / staff room
 - Kitchen
 - Washrooms / Diaper changing facilities
 - Exits / Hallways / Stairwells
 - Furnace Room / Storage areas / Laundry areas, etc.
 - Proximity to outdoor play space (in the case of a daycare program)
2. In the diagram, provide and describe details of each individual playroom (area) including:
 - Measurements in metres
 - Total net floor area available for the exclusive use of children for playing, resting, and eating during all hours of operation
 - Deductions of floor area that is unusable play space, which may include lockers/cubbies, diaper changing facilities, sinks, pillars etc.
 - Age ranges of the children proposed to be cared for in the room
 - Proposed number of children to be cared for in the room
3. Include a diagram of the enclosed outdoor play space, including:
 - Description of the fencing /enclosure material
 - All measurements in metres
 - Total square metres of playable space available (Deduct sheds, storage areas, utility boxes, etc. from overall space)
 - Shade provisions
 - An aerial picture (e.g., using Google Maps).
 - The layout of the outdoor play space must be conducive to effective supervision and allow for set up of equipment to provide children with a variety

