



Parents and Providers

What you need to know about recreation programs

The new *Child Care and Early Years Act (CCEYA), 2014* came into effect on August 31, 2015. This legislation replaced the outdated *Day Nurseries Act (DNA)* and established new rules for child care in Ontario.

As part of Ontario's plan to modernize its child care system, the new rules support the health and safety of children, increase the government's oversight of caregivers, and help parents make informed choices about child care options.

The ministry is taking a three-phase approach to the development and implementation of new regulations under the CCEYA.

Types of programs and services not affected by the Act

The Act and its regulations set out what programs and services fall outside the scope of child care or do not require a licence. Examples of programs that are not considered child care include:

- Nannies or babysitters that provide care to children in the children's home
- Care by relatives
- Day camps that only care for children aged 4 and over
- Private schools that only care for children aged 4 and over.

Recreation programs affected by the Act

Under the Act, programs where the primary purpose is to support skill-based sports and recreation are not considered child care and do not require a licence.

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

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

Where the primary purpose is to provide care, these programs must operate as:

- a licensed child care centre
- an unlicensed child care provider or
- an Authorized Recreational and Skill Building Program

Examples could include after-school programs that are offered 3-5 days a week or half day programs for children under the age of 4.

How does the ministry determine whether the primary purpose of a program is care or recreational?

The ministry looks at six factors set out in regulation to determine whether or not the primary purpose of a program is recreational or child care. These factors are:

- The hours of operation including the frequency and duration of the program offered.
- The ages of the children being served.
- Whether or not transportation is provided to and/or from the program on behalf of the parent.
- The type of facility, equipment and furnishings used to support the program.
- The programming content including how time is dedicated to recreation and care.
- Whether registration and administration of the program is coordinated with one or more programs by the same provider.

The primary purpose of a program is determined based on an assessment of the program against each of these factors.

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

What are Authorized Recreational and Skill Building Programs?

Under the Act, an authorized recreational and skill building program can serve children aged 6 and up (or turning six by the end of the year if the program is offered after the start of the school year) if it meets the criteria set out in regulation.

Based on feedback and advice from the recreation sector, EDU is taking a two staged approach to enable the authorized recreational and skill building programs:

1. Beginning August 26, 2016, programs may operate for up to 3 hours if the program is:
 - Operated by a school board, First Nation, the Métis Nation of Ontario, or a municipality;
 - Operated by the YMCA or Boys and Girls Club of Canada
 - An Ontario After School Program funded by Ministry of Tourism, Culture and Sport (MTCS);
 - A member of a provincial multi-sports organization;
 - Operated by an MTCS agency or attraction;
 - Authorized by the local service system manager or First Nation provided that the program supports the health, safety, and well-being of children.
2. Beginning September 1, 2017, these programs (listed above) must also meet the provisions set out in section 6(4) of the *Child Care and Early Years Act, 2014*.

This provides for a transition period until September 1, 2017 to support implementation of the authorized recreational and skill building provision including the development of provincial guidelines for local service system managers for the purposes of authorizing programs.

What if I am a Children’s Recreation Service Provider under Regulation 797 under the Ministry of Tourism and Recreation Act?

To support a phased approach to modernizing child care under the new Act, a transition regulation carried over the long-standing policy that exempts children’s recreation service providers recognized under Regulation 797 under the Ministry of Tourism and Recreation Act from licensing provided it operated for no more than 3 hours a day.

This transition regulation will no longer apply as of January 1, 2017. Any programs under this transitional/temporary exemption will require a licence under the CCEYA after the aforementioned date, if it does not meet the exempt or excepted circumstances set out in the Act or its regulations.

Why is the ministry changing the rules around recreation programs providing 3 hours of programming?

Under Ontario Regulation 797, recognition as a “children’s recreation service provider” is granted through a blend of local approval mechanisms and third party accreditation processes that are inconsistently available and vary in level of oversight and quality across Ontario.

The new regulation continues to recognize many of the same sports and recreation entities as authorized providers while also giving local service system managers the ability to authorize providers to respond to the specific circumstances and needs of their community.

The new Authorized Recreational and Skill Building provisions also restrict these services to school-aged children. This aligns with recommendations from the Ombudsman of Ontario in his 2014 report on unlicensed child care and places an emphasis on standards and protections for younger children while allowing some greater flexibility for services for older children.

How do I contact my local service system manager to be an Authorized Recreation Program?

The ministry is working with its recreation partners and local service system managers on developing policy guidelines to support the assessment of programs and services for the purposes of authorizing programs beginning September 1, 2017.

Further information will follow in advance on how to contact local service system managers for recreation programs that wish to be authorized.

Where can I find information about becoming a licensed child care provider?

Applicants seeking a child care licence must enrol in the web-based Child Care Licensing System (CCLS) to submit an application. CCLS can be accessed through the [Early Years Portal](#). Click on the “Continue” link to begin the enrolment process. [The CCLS Registration Guide for New Applicants](#) provides step-by-step instructions on how to register and complete your CCLS registration.

A Ministry of Education program advisor will be assigned to your application once the application is submitted and your fee has been processed. Your program advisor will review the application and contact you to discuss the next steps in your application process.

What are the rules to be an unlicensed child care provider?

An unlicensed child care provider can care for a maximum of 5 children under the age of 13. Providers must count their own children under the age of six and may only care for a maximum of 2 children under the age of 2 (including their own children).

If a provider's own 4 or 5 year old child is attending publicly-funded Full-Day Kindergarten or grade one, they only need to count them during summer vacation. The provider's own child does not need to be included in their count during the school year (including March break and PA days), as long as:

- Care is only being provided between 6 a.m. and 7 p.m.
- The provider cares for a maximum of one child younger than 2 years old; and
- The provider has not been convicted of an offence under the DNA or CCEYA.

An unlicensed provider must also inform parents that they are unlicensed in writing (either hard-copy or electronic). A provider must keep proof of their disclosure for two years. The disclosure should say: "This child care program is not licensed by the Government of Ontario."

An unlicensed provider cannot operate in more than one location.

More information

If you have general questions about child care licensing in Ontario, you can call the Licensed Child Care Helpdesk at 1-877-510-5333.

Your program advisor will be your key contact for questions specific to licensing your program. He or she can help you understand the application process and licensing requirements.

You can also visit the [Child Care Licensing Portal](#) to find additional online resources to support you through the licensing process.

Additional resources also include:

- [Child Care Centre Licensing Manual](#) – available as a downloadable PDF.
- [What Providers and Parents Need to Know](#) – document that answers some key questions about the new rules that came into effect with the CCEYA.
- [The Child Care and Early Years Act, 2014](#) The new Act which replaces the Day Nurseries Act as the legislation governing the provision of child care and early years programs and services in Ontario.
- The [General Regulation](#) under *the Child Care and Early Years Act, 2014* – addresses matters such as licensing standards, administrative penalty amounts, and exemptions from licensing.