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# Child care licensing handbook

Family day home agencies



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## Introduction

Licensed family day home agencies, and family day home program educators play a vital role in supporting children and families across the province and are essential to 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 the resources they need to grow and thrive.

*The Early Learning and Child Care Act* and Regulation gives licensed family day home agencies and educators the tools and flexibility to do what they do best. This legislation is based on feedback from over 10,000 Albertans who participated in the first child care consultation since 2008, combined with 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.

This handbook will help prospective and currently licensed family day home agencies understand the licensing process. In this handbook, you will find information about terms used in the legislation, what is involved in the inspection and monitoring process, and the tools available to you during the term of your licence.

You will also find information on how to apply to become a licensed family day home agency. Applications to become a licensed family day home agency are always considered, but will only be accepted when it is determined that there is a need for an additional family day home agency in a geographic region. You are encouraged to visit our website at [alberta.ca/child-care](http://alberta.ca/child-care), or ask an Early Learning and Child Care staff member for information about the application submission process.

Alberta's Early Learning and Child Care staff are available to support you through these processes and steps to become a licensed family day home agency. They are also responsible for monitoring and inspecting of family day home agencies, and will support the agencies who are having difficulty meeting licensing requirements. Find the nearest Early Learning and Child Care office near you, by calling Child Care Connect toll-free at 1-844-644-5165.

Family day home agency representatives are responsible for being familiar with the legislative requirements, ensuring the programs they oversee follow the Family Day Home Standards and the commitments you have outlined in the program plan you have developed for your agency.

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

# 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 family day home agency. 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 Early Learning and Child Care 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 program educator.

## After hours

Outside the agency's official operating hours of service, as stated in the program plan. Each program educator may also have specified hours of care that they will provide.

## After-hours emergency program contact

A telephone number to contact a licensed family day home agency 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 family day home agency and on the family day home program's premise.

## Attendance records

Records detailing the arrival and departure times of each child in each program educator's residence. There is no set format for recording or maintaining attendance records. However, Early Learning and Child Care staff and/or agency staff must be able to determine from the records whether the program is meeting ratios.

## 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.

## Child care philosophy

A description of the licensed family day home agency's vision; the beliefs and values on which the agency will be based; how the staff, program educators and children interact; and how the programs will support children to develop socially, physically, intellectually, creatively and emotionally.

## Child guidance

The approach and methods used by a child care educator 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 licensed family day home agency 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 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. Family day home agencies may require evidence of approval from their local municipality to acquire a business permit.

## 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.

## **Early Learning and Child Care Act**

The *Early Learning and Child Care Act* provides the Alberta government the authority to license, inspect, and monitor licensed family day home agencies.

## **Early Learning and Child Care Regulation**

The Early Learning and Child Care Regulation specifies the minimum standards to be upheld by all licensed family day home agencies. These regulations include requirements such as health and safety of children, quality of care, early learning, and supervision of children and empower the Statutory Director to create standards for the provision of family day home agencies and programs.

## **Early Learning and Child Care staff (licensing staff)**

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

## **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 licensed family day home agency 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 licensed family day home agency to deviate from the standard with reason and within a set period of time.

## **Family Day Home Agency Licence**

A licence issued under section 18.3 of the *Early Learning and Child Care Act*.

## **Family day home agency**

An individual, partnership or corporation that has been issued a licence under the *Early Learning and Child Care Act* to administer a licensed family day home service.

## **Family Day Home Visitor/Consultant**

An individual contracted or employed by the agency to monitor approved family day home educators for compliance with the *Early Learning and Child Care Act*, Early Learning and Child care and the Family Day Home Standards with the agency.

## **Family Day Home Educators**

A provider of child care who is under contract with a family day home agency or Children's Services to provide child care and supervision to children up to 12 years of age in their private residence.

## **Family Day Home Program**

A child care program that is offered or provided by a Family Day Home Educator in the individual's private residence. These programs are under an agreement with a licensed family day home agency to provide child care and supervision to children under the age of 13 years in their private residence.

## **Family Day Home Provider**

Please see Family Day Home Educator.

## **Family Day Home Standards (standards)**

Under the legal authority of the *Early Learning and Child Care Act*, the Family Day Home Standards of Alberta describe the roles, objectives, responsibilities and expectations for Children's Services, licensed agencies and family day home programs.

## **First aid**

An up-to-date first aid certificate acceptable to the Statutory Director is required. 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](http://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.

## **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.

**Incident**

A serious illness of or injury to a child that occurs while the child is attending a family day home 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.

**Licence**

For the purposes of this handbook, licence refers only to a family day home agency licence, issued under the *Early Learning and Child Care Act* to provide a family day home agency service to recruit, train, monitor and support family day home educators.

**Licence holder**

For the purposes of this handbook, licence holder refers to a family day home agency licence holder.

**Licensed family day home agency**

An organization or individual that oversees home based family day home programs that are operated by family day home educators in their residences, and in respect to a licence that has been issued under the *Early Learning and Child Care Act*.

**Licensing Officer:**

See Early Learning and Child Care staff.

**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.

**Non-compliance**

Failure or refusal to comply with the requirements outlined in the *Early Learning and Child Care Act*, Regulation or the Family Day Home Standards.

**Order to Remedy**

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

**Outdoor play space**

The family day home educator must ensure that children have access to outdoor play space. If the outdoor play space is a part of the educator's residence, it must be securely enclosed. If the outdoor play space is not part of the educator's residence, it must be within a safe and easy

walking distance. The agency can exempt an educator, using a Ministry approved form, from the requirement to have the outdoor play space securely enclosed if outdoor play space that is securely enclosed is not reasonably available and if children will be adequately supervised and protected in the outdoor play space provided.

**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.

**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 Family Day Home Standards. The portable record should include information that would be required in case of an emergency, such as emergency contact detail, a child's known health conditions, as well as the contact information of local emergency response services and the poison control centre. The portable record is easily transported and readily available to program educators and/or agency staff in the event of an emergency.

**Private residence**

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

**Program plan**

The program plan outlines the family day home agency program philosophy, how the agency and its educators will meet the developmental needs of children, use the premises (including outdoor play space), access community resources, involve parents, and evaluate outcomes. The licensed family day home agency 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 requirements set out in the Family Day Home Standards including staffing plans, 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.

### **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*, Regulation and Family Day Home Standards, which requires licensed family day home agencies 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.

### **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.

### **Standards**

Standards for the delivery of the family day home program are set out in the Family Day Home Standards for Alberta. The Standards outline the roles, responsibilities, and duties of the family day home agency and family day home program educators.

### **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 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 family day home educator must demonstrate that they are aware of each child they are supervising at all times, and that children are safe and supervised in accordance with their developmental needs.

### **Term of licence**

The time period for which the family day home agency licence has been issued and is active.

### **Variations**

A change to the licence to vary its provisions. Variations can be made for the maximum number of family day home programs, the term of the licence, any other conditions to which the licence is subject and any other information the Statutory Director considers necessary.

### **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 behaviour; force-feeding; exposure to profanity; or exposure to violence between parents or staff members, including volunteers or other adults. The Family Day Home Standards state that the use of any child guidance action taken is to be reasonable given the circumstances and must never inflict or cause to be inflicted any form of physical punishment, verbal, physical degradation or emotional deprivation, deny or threaten to deny any basic necessity or use or permit the use of any form of physical restraint, confinement or isolation.

### **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 parents/guardians can contact the program. Each educator may have different regularly planned events. How the agency and educators acquire consent for regular planned events should be included in the program plan. Parents are not required to provide consent for known 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 family day home educators and the child but is not accessible by other children in the program. This must be agreed on by the licensed family day home agency, educator 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 family day home agencies 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 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 family day home agencies outlined in this handbook. The following principles are specified:

- (a) The safety, security, well-being and development of the child is to be supported and preserved;
- (b) Flexibility in child care supports choice and accessibility for families;
- (c) Engagement of parents and community members in the provision of child care supports the child's optimal development.

## Matters to be considered

The Act gives direction on a number of matters that must be taken into consideration by licensed family day home agencies, family day home programs and operationalized in the agency's 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, 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: Licensing inspections, enforcement and appeals

Licensed family day home agencies are responsible for maintaining the requirements within the *Early Learning and Child Care Act*, Regulation and the Family Day Home Standards at all times, and will be inspected by Early Learning and Child Care 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, Regulation, or the Family Day Home Standards.

## Inspection visits

### Purpose of inspection visits

Inspection visits ensure all licensed family day home agencies and programs adhere to the *Early Learning and Child Care Act* and Regulation. Licensed family day home agencies will receive a minimum of one agency review during the term of the licence. However, if non-compliances are identified or incidents or complaints occur, licensing staff will complete additional inspections or an assessment as required.

Early Learning and Child Care staff are also required to visit a random selection of a minimum of 10 percent of the agency's active family day home programs, with at least two programs inspected. An Early Learning and Child Care staff may visit the private residences of the family day home programs unaccompanied by agency staff 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 licensed family day home agency is not required.

### Types of Children Services inspections

The following are different types of licensing inspections:

#### Initial licence review

This type of review occurs during the initial application process when the prospective licensed family day home agency have been requested to apply for a new family day home agency licence. The visit will be scheduled in advance by the Early Learning and Child Care staff, who will complete the inspection to ensure all areas of the Act, Regulation and Family Day Home Standards are being addressed and understood as required.

#### Complaint inspection

All complaints are followed up by the agency. However, if a complaint comes to the Ministry about a licensed family day home agency program, this will be followed-up by Children's Services or referred to the appropriate authority.

Early Learning and Child Care staff may inspect family day home programs based on complaints received by the Early Learning and Child Care office, and have the authority to do so under the *Early Learning and Child Care Act* without the consent of the licensed family day home agency. You or one of your programs may receive an unscheduled inspection from Early Learning and Child Care staff who will gather information regarding a complaint concerning your agency. The licensed family day home agency 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.

If required, the Early Learning and Child Care staff will document the details of the complaint inspection, and you will be notified in writing of the outcome of the complaint inspection. If a licensed family day home agency is required to take measures to remedy non-compliance with the legislation as a result of the complaint inspection, the Early Learning and Child Care staff will complete a follow-up visit. Depending on the risk the Early Learning and Child Care staff identifies, an inspection may be required to confirm the non-compliance(s) have been remedied.

#### Consultation visit

Licensing staff may provide a licensed family day home agency or 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, programs, or parents. This may also include proactive coaching, and exercises through a variety of tools and resources. To request a consultation, please contact your Early Learning and Child Care staff.

## **Incident inspections**

Early Learning and Child Care staff may inspect an agency or family day home program in response to the receipt of an [Incident Report form](#). The Early Learning and Child Care staff 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 licensed family day home agency or program has complied with enforcement action must take place on the date set for compliance, or prior to the date set if the licensed family day home agency indicates they can demonstrate compliance earlier. In some cases, the agency may be able to submit evidence to support compliance (i.e. pictures of postings, documented observations, training records, etc.).

### **Agency monitoring inspection**

Licensed family day home agencies must monitor all active educators a minimum of six times per year with both scheduled and unscheduled visits using the Family Day Home Agency Visitor/Consultant Checklist.

Agencies visit all family day home programs at least once every two months and increase the frequency of home visits in the event an educator returns after a leave or experiences a significant change in their personal circumstances, such as a birth of a child. The visits monitor compliance to the standards and offer advice and training on the provision of child care. The agency must document all non-compliances and ensure that they are adequately addressed to ensure compliance.

The frequency, content and duration of home visits is based on the program's experience and need for monitoring, training and support, age of children, needs of the children in care and the agency's history with the educator.

### **Renewal licence review**

This review occurs when the initial licence is expiring and the licensed family day home agency is applying to renew the licence. This review is scheduled in advance by the Early Learning and Child Care staff and results of this review are taken into consideration when determining whether or not the agency can receive a renewed licence for a one to three year term.

### **Varying a licence**

Early Learning and Child Care staff may review the information when a request to vary the current family day home agency's licence has been made (for example, when a licensed family day home agency requests an increase to the number of programs they oversee). A licensed family day home agency must submit and receive approval using the Licence Holder Request for a Variation to a Licence form 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, and the Family Day Home Standards.**

It is important that you, your staff, and family day home educators know the Act, Regulation and the Family Day Home Standards to ensure they meet the legislated requirements at all times. If you have questions or need clarification, Early Learning and Child Care staff are available to answer questions. It is good practice to keep a copy of the Act, Regulation and the Family Day Home Standards in each family day home program for easy access.

### **Review the Inspection Checklist form**

You may wish to review the inspection checklist form used by Early Learning and Child Care staff during inspection visits. This will allow you to be familiar with what Early Learning and Child Care staff will focus on during an inspection.

A copy of the checklist is available at [alberta.ca/starting-a-child-care-program.aspx](http://alberta.ca/starting-a-child-care-program.aspx) or from your Early Learning and Child Care staff. Depending on the type of inspection, the Early Learning and Child Care staff will leave a copy of the Children's Services Review of Family Day Home Agency Standards or the Children's Service Review of Family Day Home Program Standards forms 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 Early Learning and Child Care staff if applicable. 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 Early Learning and Child Care staff may ask to see:

- ✓ program plan
- ✓ licence application
- ✓ visibility of current licence and any required postings
- ✓ 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 (as applicable)
- ✓ staff certification list
- ✓ approved first aid certification
- ✓ results of criminal record checks
- ✓ parental information and engagement documents
- ✓ annual performance assessments of family day home programs
- ✓ written training plans
- ✓ documentation of educators' suitability to work with children
- ✓ physician notes stating educators are mentally and physically able to care for children
- ✓ history of complaints and incidents
- ✓ compliance to standards information

It is best practice to ensure all required administrative records and postings are organized and accessible for review because Early Learning and Child Care staff will select a random sample of these records to inspect.

## **Meet/Talk with your family day home program educators**

It is important for educators to be familiar with inspection processes and understand the reason for the inspection. You may wish to speak to your educators about the inspection process in order to ease their minds. This could include discussing the legislation, what Early Learning and Child Care staff are reviewing, and why the reviews take place. All family day home program educators should feel free to speak with Early Learning and Child Care staff and to ask questions. Speaking openly with educators about licensing may help them feel more comfortable consulting with Early Learning and Child Care staff and building a professional relationship during the inspection process.

## **What to expect during an inspection by Children's Services**

During an inspection agency staff, or an Early Learning and Child Care staff member will record notes, complete observations, ask questions, review records and postings, and speak with the agency coordinator or designated person in charge.

Family Day Home Agency staff regularly monitor family day homes to ensure adherence to the requirements within the Act, the Regulation and the Family Day Home Standards. During these monitoring visits, an agency might find it necessary to explain the importance of the requirements and discuss how an educator's home-based program can be improved. This type of ongoing training, consultation and support is a basic responsibility of each agency's monitoring visits of programs and it is important to document these discussions in the agency monitoring report. The agency monitoring of educator homes is a combination of unannounced and announced visits, including:

- training, educator consultation and support;
- records review;
- observations of interactions and experiences between the program educator and children;

- assessment of the premise including the both the indoor and outdoor environment.

Early Learning and Child Care staff monitor licensed family day home agencies regularly to ensure they are meeting their legislative requirements. Early Learning and Child Care staff complete an agency review which includes:

- review and approval of the Family Day Home Agency Program Plan
- review of educator records such as the agency documentation of monitoring educator's approval records and performance reviews
- confirmation of consultation and support that occurred by the agency and any agency staff.

In addition, Early Learning and Child Care staff may also complete unannounced inspections of the agency's family day home programs including a review of:

- training, educator consultation and support
- records
- observations of interactions and experiences between the program educator and children
- assessment of the premise including the both the indoor and outdoor environment.

Early Learning and Child Care staff may examine any record or document related to the operation of a 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.

Have all required documents available, ensure agency staff, educators and children 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. Educators should also be able to communicate emergency evacuation procedures and child guidance practices.

If your agency meets all the requirements, Early Learning and Child Care staff will review the results with you at the conclusion of the inspection. The Early Learning and Child Care staff member will either leave a copy of the report or forward one to you at a later date.

If your agency or one of your family day home programs is in non-compliance with the Act, Regulations, or the Family Day Home Standards, the Early Learning and Child Care staff 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 agency's licence. The Early Learning and Child Care staff member will determine the appropriate enforcement action and notify you in writing.

All family day home educators must ensure all reports are communicated to parents so they are made aware and are informed of any provisions made to your family day home agency licence.

### **Duty to provide information and inform parents**

During inspections, Early Learning and Child Care staff 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 licence holder must post a number of items in a clearly visible and prominent place on the premises where the licensed 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.

In addition, parents must also be directly informed of any provisions made to licences, notices of enforcement actions, 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, or an app).

The following documents must also be posted in a clearly visible and prominent place on the premises and readily accessible where the 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 family day home agency program contact that is clearly visible from the outside of the program premises;
- ✓ menus for all meals and snacks provided by the program for children in the program.

## Enforcement Actions

Early Learning and Child Care staff may use enforcement actions to address a family day home agency or family day home program's non-compliance with any applicable provision of the *Early Learning and Child Care Act* or Regulation, or the Family Day Home Standards. Enforcement typically results from visits with a licensed family day home agency or to a family day home program, or receiving complaints about a non-compliance from another source.

Examples of situations in which non-compliance may be identified without a visit with an agency or to a program include:

- The licensed family day home agency provides information to licensing staff;
- A family day home program or licensed agency continues to be non-compliant after the deadline for remedy, and licensing staff decide to re-cite the non-compliance;
- Early Learning and Child Care staff have knowledge that a licensed family day home agency or family day home program is not in compliance; and/or
- Early Learning and Child Care staff become aware of a non-compliance from another person or authority.

A licensed family day home agency is primarily required to provide oversight of their family day home programs. However, when the agency does not provide adequate oversight of family day home programs in accordance with the requirements of the *Early Learning and Child Care Act*, the Regulation, the Family Day Home Standards, and/or any of the conditions on their license, the Statutory Director is authorized under the Act to take appropriate action including:

- Varying the provisions of the agency's licence;
- Imposing conditions on a licence for specified period of time;
- Issuing an Order to Remedy non-compliance;
- Cancelling a family day home agency licence immediately after giving notice to every family day home program overseen by the agency, if the actions of the agency present an imminent danger to the health, safety or well-being of a child; or
- Cancelling a family day home agency licence 15 days after notice of cancellation is served to the agency.

Early Learning and Child Care staff will work with the licensed family day home agency to establish how compliance can be achieved, and ensure the licensed family day home agency understands the issues and the time required to address them. Licensed family day home agencies have the right to appeal an enforcement action, or request an administrative review or alternative dispute resolution related to the enforcement decision.

The following are types of enforcement actions that may be taken. Enforcement actions are not sequential, and can be taken in any order, depending upon the level of risk to children's health, safety, and well-being.

### **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 Early Learning and Child Care staff will consider the need to issue further enforcement action.

Licensed family day home agencies have the right to request a review or appeal the order within 30 days of the date of the order.

### **Conditions on licence**

When a condition is imposed, programs can still operate as long as they continue to meet the requirements under the Act, regulation and the Family Day Home Standards as well as meet all imposed 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,” licensed family day home agencies may request to change or to vary their licence. However, Early Learning and Child Care staff may also vary the licence as an enforcement action.

Depending on the non-compliance(s) identified, the licence may be varied in two ways: term (the time period of the licence may be reduced), capacity (the number of children approved to be cared for may be reduced).

### **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 licensed family day home agency 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, Regulation and the Family Day Home Standards.

Licensed family day home agencies who have had their licence cancelled may be ineligible to apply for a family day home agency licence for up to two years after the date of the cancellation.

## PART 2: Reporting Incidents

Licensed Family Day Home Agencies are required to immediately report and respond to any incident listed below or any other incident that may seriously affect the health or safety of a child while attending one of their family day home programs.

It is important that all family day home educators and agency staff have knowledge of how to report an incident, as failure to report an incident may result in a non-compliance.

Family day home educators must, after contacting parent(s) and emergency services (if necessary), immediately report any incident to their Family Day Home Agency,

The licensed agency will then immediately report any incident to the Early Learning and Child Care office. If this is not possible because of circumstances outside of the licensed family day home agency's control, the licensed family day home agency has up to 24 hours to make an initial report to the Early Learning and Child Care office. An initial report may be made by phone or email to the Early Learning and Child Care office.

Within two working days of the incident's occurrence, an [Incident Report form](#) must be completed and submitted to the Early Learning and Child Care office.

If you are unsure if an incident should be reported, you are encouraged to contact your Early Learning and Child Care staff member to review and 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.
- 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 educator 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 educator, family member, or staff person.
- 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.

Early Learning and Child Care staff will inform licensed family day home agencies of what action will be taken in response to the incident report. Early Learning and Child Care staff may request that the agency inspect an incident further within two to five working days, with a final written report to be completed and submitted to your Early Learning and Child Care staff member within 12 working days of the incident.

Early Learning and Child Care staff may also investigate the incident directly in collaboration with the agency and in some situations may complete a review without the agency's

## PART 3: Child Care Certification

Under the Early Learning and Child Care Regulation, staff who currently hold valid certification as child development assistants, child development workers, or child development supervisors will be transitioned to the new corresponding certification levels.

According to the Family Day Home Standards, family day home educators do not need to hold a valid certification to provide child care in their home; however, many program educators are certified as a Level 1 early childhood educator to ensure they are providing quality child care and are able to access government funding ( i.e. wage top-ups).

Agency staff responsible for the monitoring of approved family day home programs for compliance with the Family Day Home Standards must have a current first aid certificate and be certified at minimum as a Level 2 early childhood educator (formerly referred to as a child development worker).

The staff certification process helps ensure that qualified staff are available to licensed agencies to support family day home educators to respond to children's individual needs and support children as they learn and develop. Many family day home agencies will have family day home educators who are certified and have the education, training, knowledge, and expertise to encourage learning and development of children through play and other activities.

### How to apply for certification

Review the [Early Childhood Educator Certification Guide](#).

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 licensed family day home agency for the family day home agency program where the individual is contracted, 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.

### Family Day Home Agency Staff Requirements

Staff are important to meeting the objectives of the agency and there are specific requirements for staff working with an agency. These requirements are contained in the Family Day Home Standards.

A general description of the requirements are as follows:

At a minimum, agencies must have one staff who fulfills the responsibilities of both the agency coordinator and consultant, but may also choose to have more staff in these roles.

#### Agency Coordinator:

Agencies must have on staff an individual who manages the day-to-day operation of the family day home service. The coordinator is responsible for administering the program and acting as a contact person for families in the community. Coordinators are not required to have child care certification, unless they are also home visitors/consultants.

**Home Visitor/ Consultant:**

Agencies must also have an individual on staff who is responsible for the recruitment, approval, monitoring, training and support of educators.

Agency staff responsible for monitoring family day home educators for compliance with the Family Day Home Standards must have a current first aid certificate and be certified at least as a Level 2 early childhood educator.

Exemptions may be considered for current staff who are unable to comply with this requirement for certification. Exemptions must be requested by the licensed agency using the [Early Learning and Child Care Regulation Exemption Request form](#) and subject to a time-limit and require an action plan that identifies how this requirement will be met in the near future.

# PART 4: Alternative dispute resolution, administrative review and appeal

The *Early Learning and Child Care Act* allows licensed family day home agencies 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 licensed family day home agencies who disagree with a decision, and can be initiated for any type of decision made by authorized Early Learning and Child Care staff in respect of a licence.

To begin the alternative dispute resolution process, contact your Early Learning and Child Care office to speak with your Early Learning and Child Care staff member. An Early Learning and Child Care staff member 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 licence.

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 Early Learning and Child Care staff member

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

### Step 2. Talk to an Early Learning and Child Care 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, Early Learning and Child Care staff, and the regional child care manager.

If a disagreement is not resolved to the licensed family day home agency's satisfaction, Early Learning and Child Care staff must ensure the licensed agency understands their options for administrative review or appeal as well as the timelines to submit a review request or a notice of appeal.

## Administrative review

A licensed agency who disagrees with a decision made about their licence may request an administrative review and/or an appeal at the same time.

A licensed family day home agency 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 being made.**

In comparison, an appeal must be initiated by serving a Notice of Appeal on the Statutory Director **within 30 days after the day on which the licensed family day home agency was notified of the decision** that is being appealed.

These 30 day periods may occur at the same time, and a licensed family day home agency may choose to request an appeal at the same time as the administrative review to ensure they maintain their right to a formal appeal within the applicable 30 day period. To request an administrative review of the decision, you must submit the Administrative Review Form or contact your Early Learning and Child Care office. To submit an appeal, please see the [Appeal section](#) for more information.

In your administrative review request, you must provide enough detail that Early Learning and Child Care staff can identify the situation you would like reviewed and understand the reason for your request for review.

Two senior Early Learning and Child Care staff members who were not involved in the original decision and who typically work in a different Children's Services region will complete the administrative review.

In reviewing a decision, the licensed family day home agency 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 licensed family day home agency 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 licensed family day home agency will be provided with a copy of the decision, including the reasons for the decision.

If the licensed family day home agency 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 licensed family day home agency may choose to file an appeal to an appeal panel regarding the original decision.

If the licensed family day home agency has already submitted a Notice of Appeal and is satisfied with the outcome of the administrative review (e.g., the Statutory Director reverses the original decision) and no longer wishes to proceed with the appeal, the licensed family day home agency 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 licensed family day home agencies 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 licensed family day home agency
- ✓ applied for a licence for a new family day home agency
- ✓ applied to renew a licence for an existing family day home agency

Under *the Early Learning and Child Care Act* and Regulation, you have the right to appeal most decisions Children's Services makes. These are general guidelines about decisions the appeal panel can review:

The appeal panel can review decisions:

- ✓ to issue or renew a licence subject to conditions
- ✓ to refuse to issue or renew a licence
- ✓ to refuse to vary a licence
- ✓ to vary a provision of a licence
- ✓ to impose conditions on a licence
- ✓ to issue an order
- ✓ cancellation of a licence

## Steps to file an appeal

Updated forms for filing an appeal are available at [alberta.ca/child-care](http://alberta.ca/child-care).

A Notice of Appeal must be submitted in writing within 30 days after the day on which the licensed family day home agency 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](mailto:css.appealssec-cyfe-ccl@gov.ab.ca), or
- ✓ mailing, faxing or taking them to the Appeals Secretariat office or your Early Learning and Child Care 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 stop the appeal process by withdrawing your appeal at any time. This means you no longer want or need to appeal the decision made by Children's Services. If you decide to withdraw the appeal, you must notify the Appeals Secretariat as soon possible.

## **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](mailto:css.appealssec-cyfe-ccl@gov.ab.ca)

### Address:

2nd floor, Agronomy Centre

6903 116 Street NW

Edmonton, Alberta T6H 5Z2

# PART 5: The Application Submission Process

## Application Submission Request

The Early Learning and Child Care Regulation allows the Statutory Director to decline to consider applications for a family day home agency licence.

The Statutory Director will only consider an application for a family day home agency licence when government determines there is a need for an additional agency. To inquire about when an application will be accepted for a new family day home agency, please visit our website, or contact an Early Learning and Child Care staff member for more information.

If applications are being considered, you are encouraged to review the application process below to assist you in applying to become a licensed family day home agency.

## Applying to become a licensed family day home agency

The application process and requirements for family day home agencies licensed under the *Early Learning and Child Care Act*, Regulation, and the Family Day Home Standards are explained in these steps.

### Step 1: Do I require a licence?

Licensed family day home agencies are responsible for supporting, recruiting, and monitoring a network of individual program educators who operate family day home programs. Licensed family day homes are eligible to apply and access Government of Alberta funding. Although funding must be approved, agencies are eligible for wage top-up funding, and families with children being cared for in a family day home program can apply for child care subsidy.

Family day home programs may **care for children under the age of 13 years, or a child under the age of 14 years who, because of a special need, requires child care.**

The *Early Learning and Child Care Act* states that anyone caring for more than six children, not including their own, must be licensed by the Government of Alberta. Individuals who care for six or fewer children do not require a licence, but have the option of becoming a family day home educator who operates under an agreement with a licensed family day home agency.

People who offer or provide child care and are not licensed by the province or operating under a licensed family day home agency, are unlicensed child care providers. These programs can offer private child care for up to six children, not including their own, at any given time without a licence. There are no government oversights on unlicensed child care arrangements, nor are they monitored by the Government of Alberta.

For more information, see the [Family Day Home Standards](#).

If you are unsure whether you need to apply for a child care licence, contact your local Early Learning and Child Care office.

### Facility-based child care

If you require information about the process to apply to become a facility-based child care program instead of a licensed family day home agency or to become a family day home program, please visit our website or contact your local [Early Learning and Child Care office](#) to learn more about facility-based child care.

### Step 2: Complete a licensed family day home agency information session

Information sessions will be held when applications are being considered. If you are a 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 family day home agency 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*, Regulation and the Family Day Home Standards.

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. This includes a review the Act, the Regulation, and the Family Day Home Standards in their entirety and it is encouraged you retain copies for easy access and referral in the future.

- A. Application/application renewal for a family day home agency 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 yourself (the applicant), what type of child care you are planning to provide, and 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 requests your financial information to process and issue payments of eligible claimed funding (e.g. wage-tops 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 information regarding the staff certification process and procedures.
- G. Applicable Collateral information (see step 5)
- H. *The Early Learning and Child Care Act*, Early Learning and Child Care Regulation, and the Family Day Home Standards
- I. Information on the licensed family day home agency information session.

### **Step 3: Determine your plan for your licensed family day home agency**

After you have completed the information session and have reviewed the application package, you will need to consider how you will offer child care through your agency. To help with this, consider the following list of questions. You will be required to answer these questions in your application, including within your agency program plan:

- What typical ages of children will your family day home educators care for?
- How many hours per day will your programs operate (e.g., will programs offer extended hours, will programs operate at various hours)?
- Will your educators provide overnight care? If so, how will you support and ensure the children will be supervised and have their needs met during the night? How will you ensure back-up care arrangements?
- How will you ensure educators are appropriately recruited, supported, trained and monitored?
- How will you assist parents in identifying a family day home program that meets their needs?
- What are the minimum staff qualifications needed to operate your agency?
- How many consultants/home visitors do you need to effectively monitor and support your educators and families?
- How will you receive applications and coordinate the placement of children?
- How your agency will manage fees? (What will your educators monthly fees be?)

- How will you store, maintain, and dispose of required administrative records, including those related to agency staff, educators, and parents and children? Records must be maintained for a minimum of 2 years.
- How will you manage caseloads and monitoring for your programs?
- How will parents be supported to be involved and engaged?
- What will you include in your policies and procedures, and health and safety requirements? This includes completing an agency home safety inspection checklist.
- How will you participate in and lead incident and complaint investigations?
- What will your policy and procedures be for transportation and off-site trips?
- How will you support educators in understanding how to administer medication and/or health care?
- How will your agency establish a system of back-up care?
- What emergency evacuation procedures will be used by educators?
- How will you report communicable diseases to Alberta Health?

Although not a requirement in the Act, Regulation or Family Day Home Standards, we highly recommended that potential family day home agencies consider how their program will operate in terms of finances, structure, and other matters not directly related to the care of children and monitoring of individual family day home programs.

Information and support for small businesses may be found at <http://smallbusiness.alberta.ca>. Once you have become licensed, supports for business needs are also available at <https://www.childcareventures.ca>. You can also speak to your Early Learning and Child Care staff member.

You may wish to consider:

- What type of family day home agency service will you offer? (including any unique or innovative features)
- Who and where are your potential clients? How will your agency and programs meet their needs?
- Are there other types of child care options available in the 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 and promote your agency to families as well as potential family day home educators?
- How will you recruit and retain qualified agency staff and ensure your agency meets the requirements for staff certification levels?
- 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, staff payroll documentation, or another software application)?

#### **Step 4: Start the licensing process and develop your plan**

Before you submit your full application package with all relevant supporting documents, please connect with Early Learning and Child Care staff, early on in the process to consult and to ensure that new applications will be considered at this time. An Early Learning and Child Care staff member 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, including your program plan;
- identify local resources that can be accessed for support on developing quality early learning and child care programming and business supports; and
- review agency developed forms for monitoring and other agency processes.

Early Learning and Child Care staff cannot provide advice or direction related to the applicant's business decisions or business practices.

If you have any questions or would like to access support from Early Learning and Child Care staff in your application process, contact your local Early Learning and Child Care office.

## Step 5: Obtain Documentation of Approvals

You may be required to submit a copy of your permits and/or approvals from the appropriate authorities. Licensed family day home agencies and their programs will need to ensure they meet these requirements based on the community they reside in. This is typically ensuring the family day home programs meet municipal by-laws and have received business permits. If programs provide transportation of children, they will also be required to adhere to the *Traffic Safety Act*.

### **Municipal by-laws and 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 that your program educators may require. This may include a, business permit, licence and possibly other approvals. Depending on your proposed region this may require you to consult and understand multiple municipal by-laws for different communities.

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

### **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](http://www.alberta.ca/education-manual-for-commercial-carriers.aspx) or by contacting 310-0000.

## Step 6: Complete your application package

Before submitting your application during an application submission period, you will need to complete the following:

### **Program Plan**

Licensed Family Day home agencies are required to complete a program plan as part of their licence application to ensure children's needs are met and quality care is delivered through the family day home programs they oversee. Use the template provided in the application package available at [alberta.ca/starting-a-child-care-program.aspx](http://alberta.ca/starting-a-child-care-program.aspx) (**an updated package will be posted after March 1, 2021**).

Your program plan must describe in detail:

- Your agency's child care philosophy and how you will apply and support it throughout all aspects of your family day home agency, including how it is supported and used within your family day home programs;
- 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 you will support your staff and educators to meet the holistic developmental needs of children;
- How family day home educators will utilize their residence, including how they will provide and use outdoor play spaces;
- How your family day home educators will access community resources;
- Emergency procedures that family day home programs will follow;
- How your agency will work with educators to ensure parents are informed and involved in the program. Parent engagement must include supporting the monitoring and maintenance of quality family day home programs;
- How you will ensure ongoing evaluation and improvement of the family day home programs;
- Your staffing plan, including:
  - a list of consultant positions and responsibilities;
  - an orientation process for staff and family day home educators with respect to the policies and procedures of the proposed family day home agency, and legislative requirements;
  - policy and procedures describing how the applicant will screen educators, staff, volunteers, and other applicable individuals; and
  - how staff and educators will receive professional development and training opportunities.

- Administrative policies and procedures relating to the operation of the proposed family day home agency;
- 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 family day home programs and their families, including those who may be experiencing social and/or economic vulnerability, and how your agency will respect and value the abilities of the children in your programs;
- How you will ensure family day home educators 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 agency and educators 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;
- How you will support the inclusion of children with exceptional needs;
- How you will proceed with the aspect of monitoring and supporting family day home educators.

Early Learning and Child Care 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 in order for a licence to be issued.

### **Insurance**

In order to provide child care, written confirmation of current valid general liability insurance coverage for the occupants of each educator, home visitor, consultants, and all children must be provided by the agency. 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 licensed family day home agency has acquired general liability insurance.

All individual family day home programs must be covered by liability insurance in the amount of not less than \$2 million per occurrence, and where the educator transports children, automobile liability insurance coverage must be obtained by the educator at a minimum of \$2 million per occurrence. When purchasing insurance, agencies must ensure they have adequate coverage in the case of an insurable event. Agencies may also purchase insurance coverage for their educators, or require educators to access their own insurance.

Liability claims can put a family day home agency and family day home educators at risk, which makes general liability a requirement for licensed family day home agencies. 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. Early Learning and Child Care 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](http://www.alberta.ca/incorporate-business-organization.aspx).

### **Criminal Record Check**

To support the safety of children who attend family day home programs overseen by an agency, 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

During an application submission period, 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, required attachments are missing, or applications are not being considered at this time, an Early Learning and Child Care staff member 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 child care licence form
- ✓ Program plan, including staffing plan, administrative policies and procedures
- ✓ 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 evidence of meeting all applicable collateral approvals as required.

If you are unsure if you have completed or have received all required documentation, please contact your Early Learning and Child Care 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 Early Learning and Child Care 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.

Applicants who are experiencing delays or issues are encouraged to speak with their Early Learning and Child Care office to consult on the application process.

## Step 8: Review of Application

Before a licence can be issued, Early Learning and Child Care staff must review the proposed family day home agency's application and the elements within the application to ensure compliance with the requirements of the *Early Learning and Child Care Act*, Regulation and the Family Day Home Standards.

Once the application review is complete, Early Learning and Child Care staff will consider your application. Early Learning and Child Care staff will confirm that the application contains all the required information to issue a licence. They will also confirm your proposed family day home agency plan to ensure it meets all required standards and needs. Your Early Learning and Child Care staff will happily review all their findings with you.

There are several circumstances described in Section 18.3(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 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 the reasons.

If your application is not successful, you may choose to contact your Early Learning and Child Care staff or access one of the tools described in the "Dispute Resolution, Administrative Review and Appeals" section in Part 4 of this handbook. Applicants have the right to request a review or appeal the refusal.

When issuing a family day home agency 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 your application has been approved for a family day home agency 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. Below are some things you should know to assist you with licensing process. For more detail, please review the Family Day Home Standards or speak with an Early Learning and Child Care staff member.

### **Licence with conditions**

In some circumstances, a family day home agency 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 licensed family day home agency'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.

Early Learning and Child Care staff 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.

### **Varying the licence**

Licence holders may request to change or vary their licence. Variances can be made for the location of the agency, the maximum number of family day home programs based on demonstrated need, the term of the licence, any other conditions to which the licence is subject, and any other information the Statutory Director considers necessary.

In order to vary the licence, the licensed family day home agency must complete a [Licence Holder Request for Variation of Licence form](#) and submit it to Early Learning and Child Care staff for approval. Early Learning and Child Care staff 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.

### **Staff qualifications**

Exemption requests for staff qualification requirements are made using the Staff Qualifications Exemption Request form available at [alberta.ca/starting-a-child-care-program.aspx](http://alberta.ca/starting-a-child-care-program.aspx), and are intended to be a temporary measure. This form is submitted to your Early Learning and Child Care staff for review and approval, and must be accompanied by a plan from the licensed family day home agency 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.

### **Reporting change in ownership**

When a family day home agency licence is held by a corporation, the licensed family day home agency must notify their Early Learning and Child Care staff 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 family day home agency 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 a share of the corporation and continues to operate the family day home agency 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 agency.

However, when share ownership changes, the licensed family day home agency must provide written notification to the Early Learning and Child Care staff within 15 days of the share transfer.

After receiving notice of the share transfer, the Early Learning and Child Care staff notifies the new shareholders that they must provide the results of a criminal record check and vulnerable sector search dated within the previous six months for all new shareholders or corporate officers.

Early Learning and Child Care staff will review the information about the new directors and corporate officers and consider their past conduct and competency to operate a family day home agency. If the corporation would be refused if they were applying for a licence been applying for a new licence, the Early Learning and Child Care staff may propose to the Statutory Director to cancel or refuse to renew the licence.

### **Sale of Corporation Assets**

When a corporation holding a family day home agency licence chooses to sell their family day home agency to another corporation or individual and the new owner intends to operate the program, a new family day home agency licence is required. In this situation, a new licence is required because a wholly new owner will be responsible for the operation and management of the program.

The *Early Learning and Child Care Act* states that a family day home agency licence is not transferable. This type of sale is required to be reported within 15 days of the change.

If a licensed family day home agency or potential licence holder is exploring the acquisition or selling of a licensed family day home agency 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 Renewals**

The initial family day home agency licence and any future renewals 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. Licensed family day home agencies must apply for the renewal of their current licence prior to the licence expiry date. A renewal package will be issued 90 days prior to the licence expiry date, to the licensed family day home agency, including forms and requirements. The renewal application must be submitted at least 30 days before the licence expires. Licensed family day home agencies may be required to provide a licence renewal fee.

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 with a term of one to three years. This means the term is determined by the licensed family day home agency's ability to provide child care, as well as their history of non-compliance, complaints, incidents or enforcement actions.