

Child, Youth and Family Services Act, 2017

**Fact Sheet #2: New Regulatory Provisions for
Licensed Residential Settings: Physical Safety**



New Physical Safety Requirements for Licensed Residential Settings

The Ministry of Children and Youth Services has developed a plan to reform licensed residential services in Ontario to strengthen accountability and oversight of licensed residential settings, and improve the quality of care children and youth receive. The voices, experiences and expectations of youth have been the cornerstone of this work and the Ministry has worked closely with youth to define quality of care. For more information about the residential services reform and youth input into the Ministry's plan, please see Appendix A: Residential Services Reform.

The Ministry has started this reform by modernizing the legislation that governs licensed residential care. This is the second of four fact sheets on new residential licensing requirements under the *Child, Youth and Family Services Act, 2017* (CYFSA) and its regulations. To access the additional fact sheets, please visit: <http://www.children.gov.on.ca/htdocs/English/professionals/childwelfare/residential/index.aspx>. For other relevant information, please see Appendix B: Key Resources.

Many regulatory provisions under the *Child and Family Services Act* (CFSA) related to licensed residential care were included in regulations under the CYFSA with minor changes (such as modernizing language and restructuring provisions).

This fact sheet is intended to provide residential licensees with general information about key new and enhanced provisions related to physical safety set out in Ontario Regulation 156/18 under the CYFSA.

Review the CYFSA: <https://www.ontario.ca/laws/statute/17c14> and Ontario Regulation 156/18: <https://www.ontario.ca/laws/regulation/180156> and Ontario Regulation 155/18: <https://www.ontario.ca/laws/regulation/180155> for more information.

These provisions will come into force on **April 30, 2018**.

Please note: The information presented here is intended to support the reader's general understanding of the key new and enhanced provisions in the CYFSA and its regulations related to physical safety. It is not intended to replace the statute or the regulations. The information contained here is not legal advice and should not be construed as legal advice or relied upon as such. For information particular to your situation, you may wish to seek legal advice.

Rationale for Change

The new provisions described in this fact sheet are intended to support safe and healthy environments for children and young persons.

The new provisions also enhance fire safety, emergency and evacuation planning requirements for all licensed settings to provide for the safety of all children and young persons in residential care, regardless of the type of setting.

1. Accommodation and State of Repair

Children's Residences

- I. **Maintenance of Premises (Ontario Regulation 156/18 s. 96):** A new requirement that the physical site, grounds, materials, equipment and furnishings in the children's residence must be kept safe and clean and in a good state of repair, and maintained in a manner that supports the safety and well-being of children.

2. Fire Safety

Children's Residences

- I. **Fire and Emergency Procedures Plan (Ontario Regulation 156/18 s. 111):** New requirement for licensees to develop a written fire and emergency procedures plan for the residence, including the specific information set out in s. 111 of the regulation. The plan must be reviewed at least annually.
- II. **Prohibition on Firearms (Ontario Regulation 156/18 s. 114):** This provision now prohibits firearms on the premises of the residence, except in the circumstances of a peace officer who is authorized to carry a firearm in the course of the officer's duties attending at the residence in response to an emergency.

Parent-Model Foster Care

- I. **Fire and Emergency Procedures Plan (Ontario Regulation 156/18 s. 133):** New requirement that licensees must develop a written fire and emergency procedures plan for each foster home, including the specific information set out in s. 133 of the regulation. The plan must be reviewed at least annually.
- II. **Fire Safety Requirements (Ontario Regulation 156/18 s. 134):** New requirements for foster care licensees related to smoke alarms, practicing fire drills (at least once every six months), and storage of flammable liquids and paint supplies.

Appendix A: Residential Services Reform

Vision and Guiding Principles

Vision:

High-quality residential services in Ontario will effectively meet the needs of children, youth and families, contribute to lasting, positive outcomes and enable the fulfilment of each person's individual and unique potential.

As a result of this reform, by 2025, the system will be one where:

1. **Safety:** All children and youth in care are safe and feel safe.
2. **Youth Voice:** All children and youth receiving residential services have the right to express their own views freely and safely about matters that affect them.
3. **Greater Accountability:** Better data is available to help make better decisions and increase transparency of licensed residential services.
4. **Quality of Care:** Standards are informed by young people and reflected in the care they receive.
5. **Consistency:** The same standard of care is maintained in every part of the province.
6. **Inclusivity:** All language used to describe services is inclusive.
7. **Strengthened Workforce:** All children and youth are cared for by qualified, well-trained and responsive staff.
8. **Respecting Cultures and Identities:** The needs of all children and youth are met and supported, including those of Black, racialized, First Nations, Métis, and Inuit children and youth.

Guiding Principles:

- Respect for the knowledge, customs and rights of Indigenous communities
- Child and youth voice at the centre, with a family-focused approach
- The right place at the right time for as little time as necessary
- Data-driven transparency and accountability
- A home for now
- Anti-oppression and inclusion
- Cultural relevance, diversity and accessibility
- Consistent, responsive and high quality care
- Strong oversight and a commitment to improvement

Youth Panel Input

- Youth have developed six quality of care domains that must be present in the lives of young people in residential care at all times:
 - Voice, Rights, and Communications;
 - Homes and Ongoing Support;
 - Individual Paths and Fulfillment;
 - Belonging, Relationships, and Accepting Environments;
 - Identity and Culturally-Relevant Care; and
 - Service Providers and Caregivers.

Quality of Care Pillars

1. Safe and Healthy Places

Children and youth are physically safe. The physical space in which residential services are provided meets the basic needs of children and youth, including food, shelter and clothing, in the context of what is culturally appropriate for them. Their physical space supports their ability to thrive and to be healthy. It provides space for play and leisure in a comfortable and caring environment.

2. A Sense of Belonging

All children and youth in residential care feel at home, are supported to form and maintain attachments, and to be the best they can be. They are supported by caring, qualified adults to have a sense of stability, continuity and hope for the future. Children and youth are supported to have a voice in decision-making about their care and matters that affect them. Residential settings are inclusive and accepting places that provide culturally appropriate services that meet the needs of a diverse population.

3. Child and Youth Centered Placement and Services

All children and youth have the right placement at the right time. Access to services is as close to home as possible, and appropriate for their needs. A range of services are in place in the community to meet their needs. Decisions about their care are made with them using sound clinical and evidence-informed practice and high quality data. Multi-sector professionals work together to support them moving into, through and out of residential services.

For Indigenous Children and Youth

Throughout this process we will co-develop an approach with Indigenous partners to meet the needs of Indigenous children and youth through the mechanisms established as part of the co-implementation of the *Ontario Indigenous Children and Youth Strategy*.

Appendix B: Key Resources

The CYFSA and Regulations

The *Child, Youth and Family Services Act, 2017* is available on Ontario's e-laws website at: <https://www.ontario.ca/laws/statute/17c14>.

Ontario Regulation 155/18, *General Matters under the Authority of the Lieutenant Governor in Council*, which includes requirements for licensed residential settings, is available on e-laws at: <https://www.ontario.ca/laws/regulation/180155>.

Ontario Regulation 156/18, *General Matters under the Authority of the Minister*, which includes requirements for licensed residential settings including those set out above, is available on e-laws at: <https://www.ontario.ca/laws/regulation/180156>.

The **Fact Sheets** on new regulations related to residential licensing requirements are available on the Ministry's website at: <http://www.children.gov.on.ca/htdocs/English/professionals/childwelfare/residential/index.aspx>.

Additional information on the CYFSA is also available on the Ministry's website at: <http://www.children.gov.on.ca/htdocs/English/professionals/childwelfare/modern-legislation.aspx>.

Residential Services Reform

Safe and Caring Places for Children and Youth: Ontario's Blueprint for Building a New System of Licensed Residential Services is available on the Ministry's website at:

<http://www.children.gov.on.ca/htdocs/English/professionals/childwelfare/residential/blueprint/index.aspx>.

The Residential Services Youth Panel Report **Envisioning Better Care for Youth: Our Input into the Blueprint Report** can be found on the Ministry's website at: <http://www.children.gov.on.ca/htdocs/English/professionals/childwelfare/residential/index.aspx>.

The Residential Services Review Panel Report **Because Young People Matter** is available on the Ministry's website at:

<http://www.children.gov.on.ca/htdocs/English/documents/childrensaid/residential-services-review-panel-report-feb2016.pdf>.

The Provincial Advocate for Children and Youth Report **Searching for Home** is available on the Ministry's website at:

<http://www.children.gov.on.ca/htdocs/English/professionals/childwelfare/residential/blueprint/appendix.aspx>.

Questions

General questions about the *Child, Youth and Family Services Act, 2017* or its regulations can be directed to cyfsa@ontario.ca. The Ministry of Children and Youth Services cannot provide legal advice. For information particular to your situation, you may wish to seek legal advice.