

Child, Youth and Family Services Act, 2017

**Fact Sheet #4: New Regulatory Provisions for
Licensed Residential Settings: Quality of Care**

New Quality of Care 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 fourth 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 some of the new and enhanced provisions related to quality of care in Ontario Regulation 155/18 and Ontario Regulation 156/18 under the CYFSA.

Review the CYFSA: <https://www.ontario.ca/laws/statute/17c14>, 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.

The majority of these provisions will come into force on **April 30, 2018**, with some exceptions noted below.

Please note: The information presented here is intended to support the reader's general understanding of some of the new provisions in the CYFSA and its regulations related to quality of care. 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

Enhanced regulatory provisions related to quality of care have been made to:

- Harmonize requirements between children’s residences and foster care, where appropriate, to enhance consistency in the operation of licensed residential settings and establish a more consistent service experience for children and young people who may transition between settings;
- Help ensure that children and young persons are informed of their rights at specific intervals and on a continuous basis;
- Help ensure that complaints are addressed in a consistent manner, regardless of the licensed residential setting; and
- Improve access to good quality and appropriate food in licensed residential settings and to improve the daily experiences of children and young people.

1. Intervals for Informing Children in Care of Their Rights

All Residential Licensees

- I. **Intervals to Be Informed (Ontario Regulation 155/18 s. 9):** New regulatory provisions stemming from s. 9 of the CYFSA that prescribe intervals for the purpose of informing children in care of information such as their rights, the complaints procedures, and their responsibilities while in placement. The intervals for informing children in care of the specified information are at admission (CYFSA, s. 9), 30 days after placement, and three months after placement, six months after placement and every six months after that.

2. Complaints Procedure

All Residential Licensees

- I. **Information the Written Procedure Must Include (Ontario Regulation 155/18 s. 22(1) and (2)):** Enhanced regulatory provisions stemming from section 18(1) of the CYFSA that prescribe additional requirements for service providers that provides residential care’s written complaints procedure for the alleged violation of children’s rights in residential services, such as how an individual affected by conditions and limitations on visitors or the suspension of visits in emergencies in youth justice settings may make a complaint.

- II. **Additional Requirements for Written Procedure (Ontario Regulation 155/18 s. 22(3)):** New provisions requiring that the written procedure, among other things, include that a verbal complaint is documented, initial acknowledgement of the complaint within 24 hours, determining what immediate action may be taken in response, and intervals for providing an update to the person who made the complaint.

This section comes into force on **January 1, 2019**.

3. Diversity and Inclusion

All Residential Licensees

- I. **Identity – (Ontario Regulation 156/18 s. 3 (1)):** Requirement that all service providers take into account a child’s identity characteristics and regional differences when making decisions that materially affect, or are likely to materially affect, the child’s interests. A child’s identity characteristics include a child’s race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression.
- II. **Identity – (Ontario Regulation 156/18 s. 3 (2)):** Requirement that, in addition to the above, when providing services to First Nations, Inuit or Métis children and their families, all service providers take into account the child’s cultures, heritages, traditions, connection to community and the concept of the extended family.
- III. **Identity – (Ontario Regulation 156/18 s. 4):** Rules require service providers to ask a child and, in specified circumstances, their parents what information related to the child’s identity, regional differences, and in the case of a First Nations, Inuk or Métis child, related to their cultures, heritage, traditions, connection to community and the concept of extended family should be taken into account and how it should be taken into account. Rules also allow for a child and their parents to name a resource persons(s) to assist service providers in taking into account these matters.
- IV. **Identity Resource Person – (Ontario Regulation 156/18 s.5):** Provisions describing the role of the resource person, including the role’s nature as voluntary, and requirements of the service provider to obtain information from them.
- V. **First Nations, Inuk or Métis Child – Complementary Services – (Ontario Regulation 156/18 s. 6):** Requirement for all service providers to determine

the availability of complementary programs, activities or services related to a First Nations, Inuit or Métis child's unique identity and facilitate linkages with these programs, activities or services if the child agrees.

- VI. **Services, Programs, Activities – (Ontario Regulation 155/18 s8):** Requirement for all service providers to determine whether there are services, programs or activities that may complement the service being provided and support the objects of the service that relate to a child's identity and regional differences.

4. Admissions

Children's Residences

- I. **Assessment of child (Ontario Regulation 156/18 s. 86):** New requirement for licensees operating a children's residences that a preliminary assessment of the needs of the child is undertaken in advance of being placed into a residential placement, including recording any immediate needs of the child that cannot be met in the children's residence and how they will otherwise be met.
- II. **Orientation of child or young person (Ontario Regulation 156/18 s. 90):** Additional requirement that children and young persons, upon admission, receive orientation to the residence's fire and emergency procedures plan.

5. Nutrition

Children's Residences

- I. **Nutrition (Regulation 156/18 s. 102):** Enhanced requirements that meals and snacks respect the preference, culture, traditions and creed of the child or young person, and that reasonable access to food and kitchen facilities is not restricted to meal/snack times unless specific arrangements have been made through a child or young person's plan of care.

6. Plans of Care and Files

Children's Residences

- I. **Resident's Plan of Care (Ontario Regulation 156/18 s. 94(4)):** Enhanced requirement that where the child or other person was not consulted in

developing the plan of care that reasonable efforts are made to consult with and involve them after the development of the plan of care.

Parent-Model Foster Care

- I. **Consulting on foster plan of care (Ontario Regulation 156/18 s. 127(4)):** Enhanced requirement that where the child or other person was not consulted in developing the plan of care that reasonable efforts are made to consult with and involve them, and based on the consultation, make any changes to the plan of care that may be appropriate.
- II. **Review of foster plan of care (Ontario Regulation 156/18 s. 128):** Enhanced requirement that where where the child or other person was not consulted in the review of the plan of care that reasonable efforts are made to consult with and involve them, and based on the consultation, make any changes to the plan of care that may be appropriate.
- III. **Foster child file (Ontario Regulation 156/18 s. 132):** New requirements specifying that a foster care licensee shall maintain a written file for each foster child that includes specific information set out in the regulation.

7. Administration of Foster Homes

Parent-Model Foster Care

- I. **Approval of foster parents (Ontario Regulation 156/18 s. 121):** Enhanced requirements related to approval of foster parents, such as clarifying who can be a reference for a foster parent applicant, steps involved in the approval process, and space requirements.
- II. **Annual review of foster home (Ontario Regulation 156/18 s. 123):** New regulatory requirements for licensees to complete a written assessment of the ongoing suitability of the foster parent or parents and of the foster home for the foster child e after completing an annual review.

8. Medication

Children's Residences

- I. **Storage of medication (Ontario Regulation 155/18 s. 105):** Requirement for medication to be kept in locked containers that is only accessible by authorized persons. There must also be lockage storage facilities for storage of medication that is to be self-administered by the resident.

Parent-Model Foster Care

- I. **Storage of medication (Ontario Regulation 156/18 s. 135):** Requirement for medication to be kept in locked containers that is only accessible by authorized persons.

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, 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

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.