

CHILD CARE FACILITIES

Licensing and Standards

Manual

Manitoba Family Services and Housing

Manitoba 

Table of contents

	<u>Page</u>
Introduction	
Preface	1-5
The Child Care Facilities (Other than Foster Homes) Licensing Regulation.....	6
Part 1 – Interpretation and application	
Application	7
Licensing process.....	8-9
Part 2 – Licensing	
Terms and conditions	10-11
Renewal of license	11-12
Variation of license	12
Compliance orders	12-13
Suspension and cancellation.....	13
Right to appeal	14-15
Facility ceases operation.....	15
Part 3 – Requirements and standards	
Facility management	16-17
Staffing, volunteers, trainees.....	17-20
Facility records	21-23
Residents’ records.....	23-25
Policies and procedures	25-26
...Program statement.....	25-26
...Admission practices.....	26
...Advocacy	27
...Discharge process.....	27-28
...Education and employment.....	28
...Absences.....	29
...Reporting and investigation of abuse allegations.....	30-36
Personnel policies and procedures	37-40
Discipline and behaviour management	41-43
...Isolation room.....	43

Complaints.....	44
Incidents	44-45
Reporting procedures	45
Complaints and reviews.....	46
Emergency procedures.....	47-48
Space and accommodation	49-55
Equipment and supplies	56-57
Food services	58-59
Health and safety.....	60-62
Visitors and daily routines.....	63-66

Appendices

INTRODUCTION

Preface

With the proclamation of “*The Child and Family Services Amendment and Consequential Amendments Act*, SM 1997 C48 on March 15, 1999,” the authority for the licensing of child care facilities was incorporated under *The Child and Family Services Act* and Regulations.

Purpose

The purpose of this manual is to provide Licensees of child care facilities, other than foster homes, with a clear understanding of licensing requirements, standards, policies, approved forms and the administrative procedures by which licenses are issued, renewed and cancelled.

As the licensing, funding and program functions now are consolidated under The Child Protection Branch, Section IV of the Child and Family Services Program Standards for child care facilities are incorporated under the related headings in the manual.

Use of Manual

This manual is divided into four sections, with parts 1 to 3 corresponding to Parts I to III of the Child Care Facilities (Other than Foster Homes) Licensing Regulation. The information provided in the manual does not replicate the content of the Regulation, but provides highlights and clarification, and identifies related standards.

Forms, related statutes and regulations, and other supporting documentation is located in the Appendices.

Maintaining the Manual

Updates to this manual will be forwarded at such time amendments to the regulation, policies, standards or procedures are implemented.

Act

The following sections of *The Child and Family Services Act* provide information concerning the duties and powers of the director including the authority to license child care facilities.

Definitions

“**child care facility**” means a foster home, a group home, a treatment centre, or any other place designated in the regulations as a child care facility;

“**director**” means the Director of Child and Family Services appointed under this Act;

INTRODUCTION

“**foster home**” means a home other than the home of the parent or guardian of a child, where not more than four children who are not siblings are placed by an agency for care and supervision but not for the purposes of adoption;

“**group home**” means a home where ordinarily not fewer than five or more than eight children are placed by an agency for full time care and supervision;

“**record**” means a record of information in any form, and includes information that is written, photographed, recorded or stored in any manner, on any storage medium or by any means, including by graphic, electronic or mechanical means, but does not include electronic software or any mechanism that produces records;

“**treatment centre**” means any place established or designated by the minister primarily for the care and treatment of more than 8 children and includes facilities operated by any government department for those purposes but does not include facilities for the reception and temporary detention of a child;

Duties of Director

- 4(1)(b.1) in accordance with the regulations, license child care facilities other than foster homes and hear and decide appeals from agencies with respect to the licensing of foster homes;
- 4(1)(d) ensure the development and establishment of standards of services and practices and procedures to be followed where services are provided to children and families;
- 4(1)(j) ensure the development of appropriate placement resources for children;

Powers of director

- 4(2) For the purpose of carrying out the provisions of this Act, the director may
 - (a) enter and inspect the premises of an agency, a child care facility or other place where a child is placed under this Act;
 - (b) inspect and obtain a copy of any record, paper or thing, or a sample of any material, food, medication, or thing that, in the opinion of the director, relates to an agency, a child, a child care facility, or to any matter being investigated by the director and that is in the possession or under the control of an agency or a person in charge of any place mentioned in clause (a);
 - (b.1) require any person who in the opinion of the director is able to give information relating to any matter being investigated by the director
 - (i) to furnish information to the director, and

INTRODUCTION

- (ii) to produce and permit the director to make a copy of any record, paper, or thing that, in the opinion of the director, related to the matter being investigated and that may be in the possession or under the control of the person, but nothing in this clause abrogates any privilege that may exist because of the relationship between a solicitor and the solicitor's client;
- (b.2) do any thing in relation to the licensing of child care facilities other than foster homes and the hearing and determination of appeals from agencies concerning the licensing of foster homes that may be prescribed by the regulation or otherwise considered necessary;
- (c) conduct enquiries and carry out investigations with respect to the welfare of any child dealt with under this Act;
- (e) solicit, accept and review reports from individuals or organizations concerned or involved with the welfare of children, families, or both;

Licence required for other child care facility

- 8(4) No person shall operate a child care facility other than a foster home without a licence for the purpose from the director issued in accordance with the regulations.

Appeal to Social Services Appeal Board

- 8(5) A person who is refused a licence for the operation of a child care facility other than a foster home or whose licence is suspended, cancelled or not renewed by the director may, within 10 days after receiving notice of the refusal, suspension, cancellation or non-renewal, appeal the matter to the Social Services Appeal Board continued under *The Social Services Administration Act*.

Action by Social Services Appeal Board

- 8(6) On receiving notice of an appeal under subsection 95), the Social Services Appeal Board shall, within 30 days, consider the matter and in writing advise the appellant of its decision.

Appointment of provisional administrator

- 8(8) The director may, by written order, appoint a provisional administrator of a child care facility other than a foster home if the operator's licence in respect of the facility has expired or is suspended or cancelled.

INTRODUCTION

Powers of provisional administrator

- 8(9) On the appointment of a provisional administrator under subsection (8), the rights of the operator of the child care facility with respect to the operation of the facility are suspended and the provisional administrator has all the powers, duties, privileges and authority of the operator for the purpose of carrying on the operation of the child care facility and
- (a) may enter, and authorize others to enter the child care facility for the purpose of carrying on its operation;
 - (b) may name persons to assist in the operation of the child care facility; and
 - (c) shall have the use of all the monies, books and records of the operator of the child care facility that pertain to its operation.

Expenses of provisional administrator

- 8(10) Where a provisional administrator is appointed under subsection (8), the expenses of the provisional administration of the child care facility, including reasonable remuneration of the provisional administrator and staff employed by the provisional administrator for the purpose of carrying on the operation of the child care facility, shall, as far as possible, be paid from the funds of the former operator of the child care facility pertaining to its operation and, where the provisional administrator or any of the staff employed by him or her to carry on the operation of the child care facility are paid from the Consolidated Fund, the government may recover the amount of salary or wages paid to them from the former operator of the child care facility in a court of competent jurisdiction.

Offence and penalty

- 8(11) Every person who contravenes subsection (1) or (4) is guilty of an offence and liable, on summary conviction, to a fine of not more than \$1,000.

Continuing offence

- 8(12) Where a contravention referred to in subsection (11) continues for more than one day, the person is guilty of a separate offence for each day that the contravention continues.

Director to investigate

- 18.6 Where an agency receives information that a child was or might have been abused by a person who provides work for or services to the agency or to a child care facility or other place where a child has been placed by the agency, the agency shall, in addition to

INTRODUCTION

carrying out its duties under subsection 18.4(1) and section 18.5, immediately report the matter to the director and the director shall investigate the matter and take such further steps as are required by this Act, prescribed by regulation, or as the director considers necessary.

Regulations

- 86 For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make such regulations and orders as are ancillary thereto and are not inconsistent therewith; and every regulation or order made under, and in accordance with the authority granted by, this section has the force of law; and, without restricting the generality of the foregoing, the Lieutenant Governor in Council may make such regulations and orders, not inconsistent with any other provision of this Act,
- (a) prescribing forms for the purposes of this Act;
 - (b) providing for or respecting the classification, establishment, designation, regulation, registration and licensing of child care facilities including, without limitation,
 - (i) respecting the conditions to be met and maintained to obtain, retain, or renew a licence,
 - (ii) respecting the suspension and cancellation of licences, and
 - (iii) respecting the keeping of records, the inspection of facilities and records, and the information, documents or reports that child care facilities or classes of child care facilities are required to submit to the director, and the frequency of such submissions;
 - (f) prescribing standards for the operation of treatment centres.

The Child Care Facilities (Other than Foster Homes) Regulation

You can access this regulation from:

<http://web2.gov.mb.ca/laws/regs/pdf/c080-017.99.pdf>