PLEASE NOTE

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This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the ***Table of Public Acts*****.**

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CHAPTER C-5

CHILD CARE FACILITIES ACT

1. In this Act — Definitions

(a) “applicant” means an individual applying for a license; — applicant

(b) “Board” means the Child Care Facilities Board; — Board

(c) “child” means a person under the age of ten years; — child

(d) “child care” or “day care” means the temporary care and supervision of a child and may also include the provision of a children's program; — child care

(e) “child care facility” or “facility” means any place where or in which child care is offered at any time to — child care facility
(i) more than six children,
(ii) more than five children all of whom are less than six years of age, or
(iii) more than three children all of whom are less than two years of age;

(f) “inspector” means a person appointed by the Minister as an inspector under this Act; — inspector

(g) “license” means a license issued by the Board to operate a facility and includes a provisional license; — license

(h) “licensee” means an individual who holds a license issued under this Act; — licensee

(i) “Minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act; — Minister

(j) “prescribed” means prescribed by regulations; — prescribed

(k) “program” means the activities planned to help the children's physical, social, emotional and learning development; — program

(l) “regulations” means the regulations made under this Act; — regulations

(m) “supervisor” means a person who is responsible for the management of a facility and its programs. 1987,c.7,s.1; 2005,c.40,s.2; 2009,c.2,s.1. — supervisor

2. This Act does not apply to — Application

(a) child care provided by persons to their own children, grandchildren, brothers, sisters, nieces or nephews;
(b) services regulated by the *School Act* R.S.P.E.I. 1988, Cap. S-2;
(c) child care provided by hospitals to children who are patients in the hospitals;
(d) child care provided by a church during its service or as a part of religious instruction which does not exceed five hours per week;
(e) child care provided to children in camps operated for seasonal or holiday periods where the children stay overnight;
(f) child care provided to children as part of the regular activities of community sports or recreation programs which are municipally operated or funded;
(g) a group home recognized as such by the Minister;
(h) such other situations as the Lieutenant Governor in Council may determine. 1987, c.7, s.2; 1997,c.6,s.1.

Board

3. There is hereby established as a corporate body a board called the Child Care Facilities Board. 1987, c.7, s.3.

Composition of Board

4. (1) The Board shall consist of seven members, of whom
(a) one shall be a member of the staff of such health and community services agency as the Minister may choose;
(b) one shall be a member of the staff of such education agency as the Minister may choose;
(c) two shall be members representing the Early Childhood Development Association and appointed by the Minister;
(d) two shall be members of the public at large, appointed by the Minister;
(e) one shall be a public officer, appointed by the Minister to be chairperson.

Term of office

(2) Appointments shall be for a maximum of three years and shall, on initial formation of the Board, be so staggered as to establish a rotation; members may be re-appointed but shall not serve more than two consecutive terms. 1987, c.7, s.4; 1993, c.30, s.61.

Object

5. The object of the Board is to ensure the provision in facilities of child care that is safe, of good quality and appropriate to the needs of children. 1987, c.7, s.5.

Functions

6. The functions of the Board are
(a) to license child care facilities and issue certificates to qualified persons;
(b) to advise on standards for facilities and minimum qualifications for certification;

(c) to monitor the operation of facilities and ensure adherence to prescribed standards;

(d) to advise the Minister on regulatory issues in the field of early childhood development and child care. 1987, c.7, s.6.

Liability

7. No action lies against the Board or its members or any person acting on behalf of the Board for anything done in good faith with respect to its functions under this Act. 1987, c.7, s.7.

Regulations

8. The Lieutenant Governor in Council may make regulations. 1987, c.7, s.8.

Qualifications, etc. of supervisors and staff of child care facilities

9. Concerning supervisors and staff of child care facilities the Board may

(a) advise on the prescribing of certificates to be required, and on initial and continuing qualifications;

(b) assess applications for certification, issue certificates, keep a register of certificate holders, and charge fees for such services;

(c) advise on the prescribing of standards of practice and issue guidelines for practice;

(d) monitor adherence to established standards and guidelines, investigate complaints, and exercise discipline or professional remediation of certificate holders by revocation, restriction or suspension of a certificate, by reprimand, retraining or rehabilitation requirement, fine or other means. 1997,c.6,s.2.

Prohibition

10. No person shall operate or purport to operate a facility without a valid license. 1987, c.7, s.10.

Application

11. An applicant seeking to operate a facility shall apply to the Board for a license in the prescribed manner and furnish such information as the Board may require. 1987, c.7, s.11.

License

12. (1) Subject to subsection (2), the Board may, on application made in accordance with section 11, issue a license to operate a facility, to an applicant if it is satisfied that

(a) the applicant and the facility comply with all prescribed requirements;

(b) the facility complies with all pertinent provincial and municipal laws; and

(c) the applicant has paid the prescribed fee.

Terms

(2) A license may be issued subject to such terms and conditions as the Board may determine, and the Board may establish categories of license for different types of facilities.

Cessation

(3) A license to operate a facility ceases to have effect when

(a) the ownership of the facility changes; or

(b) the responsibility for the management of the facility is changed to a person other than the licensee.

Notification of Board

(4) A licensee shall notify the Board in writing prior to any significant change in any physical or operating aspect of the facility.

Require new license

(5) The Board may require a licensee to apply for a new license as a result of the changes referred to in subsection (4).

Renewal

(6) A licensee seeking to renew a license to operate a facility shall apply to the Board in the prescribed manner. 1987, c.7, s.12; 2010,c.27,s.1.

Refusal, etc. of license

13. (1) Where it has reasonable grounds to believe that a facility would not operate or is not operating in accordance with the prescribed standards or the terms of its license, and after giving the applicant or licensee, as the case may be, the opportunity to be heard, the Board may refuse to issue, refuse to renew, revoke, suspend, or impose conditions on a license.

Notification to Minister

(2) Upon revocation or suspension of a license under subsection (1), the Board shall notify the Minister of its decision.

Order for closure

(3) The Minister may issue an order to the supervisor of the facility directing him to cease to operate the facility or otherwise to comply with the decision of the Board within such time as may be specified in the order.

Publication of order

(4) Where an order has been made under subsection (3) directing that a facility cease to operate, the Minister may inform the public of that order in such manner as he considers necessary under the circumstances.

Appeal

(5) The applicant or licensee may appeal the decision of the Board under subsection (1) in accordance with the appeal procedure established under the regulations. 1987, c.7, s.13.

Inspectors

14. (1) The Minister may, on the recommendation of the Board, appoint as many inspectors as he considers necessary to carry out the purpose of this Act.

Inspection of facilities

(2) Inspectors shall inspect facilities in respect of which an application for a license is made, and shall make periodic inspections of licensed facilities.

Power to enter

(3) An inspector may enter and carry out an investigation in respect of any premises where the Board has reasonable grounds to suspect that a facility is operated in contravention of this Act. 1987, c.7, s.14; 1997,c.6,s.3.

Offence

15. Any person who

(a) fails to comply with any provision of this Act or the regulations;

(b) fails to observe any terms and conditions imposed on the issue of a license; or

(c) contravenes an order of the Minister under subsection 13(3),

is guilty of an offence and liable on summary conviction to a fine not exceeding $500 and, where the offence is of a continuing nature, each day that the offence continues shall constitute a separate offence. 1987, c.7, s.15.