

## Increasing Accessibility to and Safety of Affordable Child Care in Calgary

### RECOMMENDATIONS:

That the Community Development Committee recommend that Council:

1. Give three readings to the proposed amendments to the Business Licence Bylaw 32M98 with a proposed effective date of 2023 January 1;
2. Direct Administration to consider the land use planning and development tools referenced in Notice of Motion PFC2021-1129 to enable child care development as part of the broader Land Use Bylaw 1P2007 renewal project.

### HIGHLIGHTS

- Administration is recommending introducing a business licence for unregulated home-based child care providers to ensure minimum standards (i.e., valid first aid certification and police information checks with vulnerable sector searches) are in place to protect the health and safety of the youngest and most vulnerable Calgarians.
- **What does this mean to Calgarians?** Critical incidents, including the tragic death of 22-month-old Mackenzy Woolfsmith, have occurred in unregulated home-based child care in Calgary. The proposed business licence will allow The City to regulate these businesses in the same way it regulates other types of businesses that serve vulnerable people and pets.
- **Why does this matter?** Safer child care helps remove barriers to labour force participation, especially among women, and improves outcomes for children by ensuring more families have access to child care arrangements that reduce risk and help protect children in care.
- Administration also recommends exploring additional planning and development tools to enable more child care spaces in Calgary's growing and diverse communities as part of the larger Land Use Bylaw 1P2007 renewal project.
- Administration will continue to build partnerships and explore advocacy opportunities with other orders of government and community partners in the child care sector to advance accessible, safe and affordable early learning and care in Calgary.
- On 2021 September 15, Council approved Notice of Motion PFC2021-1129 directing Administration to explore options for increasing accessibility to and safety of affordable child care in Calgary (Attachment 2).
- Strategic Alignment to Council's Citizen Priorities: A city of safe and inspiring neighbourhoods
- Background and Previous Council Direction is included as Attachment 1.

### DISCUSSION

Child care in Calgary is regulated by the Government of Alberta through the Early Learning and Child Care Act, which establishes rules and minimum standards for facility-based and home-based child care. There are two types of child care permitted under the Act: **i) licensed child care**, which includes all facility-based programs and any home-based child care provider who is under the oversight of a provincially-licensed family day home agency, and **ii) unlicensed child care**, which consists of home-based child care providers who choose not to operate under a family day home agency (i.e., private day homes). Families choose care arrangements based on their individual needs and values, though constraints such as cost, availability, and work

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schedules support the need for a range of child care options. There is no Calgary-specific data on the proportion of licensed to unlicensed child care spaces, however, in 2021, Statistics Canada reported that 62 per cent of child care providers in Alberta were unlicensed home-based.

Administration engaged with Mackenzy's Legacy, a grassroots advocacy group founded in memory of Mackenzy Woolfsmith, a 22-month old toddler who died from injuries sustained while in the care of an unlicensed home-based child care provider. Although the provider was convicted of manslaughter, there are no restrictions in current provincial legislation to prevent them from operating an unlicensed home-based child care business and no requirement that they disclose past convictions to prospective families. A provincial fatality inquiry into Mackenzy's death found a lack of risk-focused regulation of the child care sector and made 10 recommendations to enhance child care safety, including shifting the focus from only regulating the number of children that can be cared for by unlicensed providers to reducing risk and increasing protective factors in all forms of child care.

Administration conducted a gap analysis of existing legislation for child care and found that recent amendments to the Early Learning and Child Care Act have improved the Government of Alberta's ability to respond to imminent threats to child welfare, however there is minimal proactive oversight and no minimum requirements for unlicensed home-based child care. The proposed amendment to the Business Licence Bylaw 32M98 (Attachment 3) addresses this gap by introducing a business licence for private home-based child care operators who are not affiliated with a provincially-licensed family day home agency. The Municipal Government Act grants The City authority to pass bylaws respecting businesses to protect public health and safety, and Administration learned through a best practices review that many municipalities in Alberta require a business licence for private home-based child care businesses.

Through engagement (Attachment 4), Administration learned that the majority of home-based child care operators and parents/guardians who responded to an online survey support introducing a municipal business licence to better regulate unlicensed home-based child care. When asked what minimum qualifications should be required to obtain the licence, most providers and parents/guardians selected valid first aid certification and a police information check and vulnerable sector search for the child care provider and for all individuals 18 years and over who reside at the residence. These minimum standards support a more risk-focused regulation of the unlicensed sector while allowing providers to maintain autonomy and preserve a home-like environment for children, which many listed as a benefit compared to working under a provincially-licensed family day home agency.

Administration conducted additional engagement with private home-based child care providers on barriers to obtaining a business licence and heard that the cost and time required to obtain the licence could be prohibitive for some. Administration is recommending an effective date of 2023 January 1 to ensure providers have adequate time to meet the application requirements and can benefit from Council's decision to use COVID-19 funding to waive business licence fees until 2023 March 16 to help businesses recover from the pandemic.

### **Child Care Accessibility**

Administration is embarking on a two-year project to renew Land Use Bylaw 1P2007 and is recommending that additional planning tools to enable and encourage the development of child

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care services be considered as part of the broader renewal. Opportunities within the scope of the renewal include allowing child care services in more land use districts and moving child care from a discretionary to a permitted use in some districts to reduce barriers to child care business development. The proposed recommendations will allow Administration to take a more holistic approach to enabling a range of services and amenities that benefit Calgarians, including child care, through work already planned and ensures any amendments that support child care expansion are in alignment with the final state of the Land Use Bylaw.

Through engagement, Administration heard that The City could support an integrated child care strategy for Calgary. Since child care is overseen by the Government of Alberta, The City has minimal data on child care supply, demand, and distribution across the city. Administration will collaborate with other levels of government and sector partners to improve information-sharing that can be used to inform municipal planning and policy development. The City will also advocate to the Government of Alberta to influence the local implementation of the Alberta Canada Early Learning and Child Care Agreement which will provide \$3.8 billion toward reducing child care fees to \$10/day by 2026. Through on-going stakeholder dialogue, Administration has identified opportunities to work with partners to coordinate efforts around provincial strategies for child care space creation, workforce planning and stakeholder engagement as they apply to Calgary.

### **STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)**

- Public Engagement was undertaken
- Public Communication or Engagement was not required
- Public/Stakeholders were informed
- Stakeholder dialogue/relations were undertaken

Administration engaged with home-based child care providers and parents/guardians through an online survey and held virtual workshops with home-based child care providers and representatives of family day home agencies. There were 6675 visitors to the online portal resulting in 597 contributions to the home-based child care provider survey and 439 contributions to the parents/guardians survey. Opportunities to provide input were advertised online and in print media, and through signs placed in 44 communities across Calgary. Advertisements appeared in multiple languages online and in multicultural publications. Engagement opportunities were also circulated by City of Calgary Community Social Workers and members of the Gender Equity Diversity and Inclusion subcommittee of the Social Wellbeing Advisory Committee through their respective networks. Results of the engagement can be found in the full What We Heard report included as Attachment 4.

Stakeholder dialogue was also undertaken with the Gender Equity, Diversity and Inclusion subcommittee of the Social Wellbeing Advisory Committee, the Government of Alberta and subject matter experts from academia and child care advocacy groups. Engagement was conducted through in-person and virtual meetings.

### **IMPLICATIONS**

#### **Social**

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Enough for All, Calgary's community-driven poverty reduction strategy, identifies early learning and care as one of ten 'Levers of Change' toward reducing poverty. Improved access to safe, affordable child care supports child growth and development and helps reduce families' financial vulnerability. The proposed recommendations also advance the Social Wellbeing Principle of prevention by introducing minimum safety standards (i.e., valid first aid certification and police information checks with vulnerable sector searches) for private home-based child care providers to obtain a business licence.

### **Environmental**

Communities with safe, accessible child care within walking distance reduces vehicle usage for families and employees of child care facilities, contributing to lower greenhouse gas emissions.

### **Economic**

Access to a range of safe, affordable child care options increases labour force participation, especially among women, and supports job creation and retention in the child care sector, which provides income to Calgarians and stimulates economic growth and recovery from COVID-19.

### **Service and Financial Implications**

#### **Existing operating funding - base**

### **RISK**

There is a risk that home-based child care providers and families will not be aware of the requirement to obtain a business licence or will not understand how a municipal business licence differs from a licence granted by the Government of Alberta. Administration will mitigate this risk by developing a communications campaign to raise awareness of the business licence requirement and to clarify The City's role in child care regulation.

If there is low uptake for the proposed business licence, or if it is perceived as adding red tape for private home-based child care businesses, the proposed bylaw may not help reduce the risk of children being exposed to abuse, neglect or other harms while in care. Administration will mitigate this risk by minimizing barriers to obtain the licence and will focus public awareness efforts on clearly communicating how the licence will strengthen child care safety. Administration will also streamline the application process by expanding the Business Experience Representative service to include private home-based child care businesses and will explore opportunities to add additional value to the licence by creating an online database to help connect families with municipally licensed providers and by partnering with community groups and child care sector organizations to offer resources and support to licence holders.

### **ATTACHMENTS**

1. Background and Previous Council Direction
2. Notice of Motion PFC2021-1129 – Summary of Council Directions and Actions from Administration
3. Proposed Wording for an Amendment to Bylaw 32M98, The Business Licence Bylaw
4. What We Heard Report
5. Presentation

### **Department Circulation**

Community Services Report to  
Community Development Committee  
2022 July 28

ISC: UNRESTRICTED  
CD2022-0910  
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Jill Floen	Law & Legislative Services	Consult
Chris Arthurs	Deputy City Manager's Office	Inform