

Quality Standards Framework Regulations

Implementation Bulletin #3: Pre-Service Qualifications

JANUARY 18, 2023

In follow up to the January 11, 2023, email, this is the third of the weekly communications that will be sent by the Ministry of Children, Community and Social Services (ministry) to out of home care¹ service providers and placing agencies on the new and updated [Quality Standards Framework](#) related regulations, which come into effect on July 1, 2023.

The weekly bulletins will cover the 10 regulatory topics with the intent to help familiarize licensees and placing agencies with the new and updated requirements, and answer questions about how they can start preparing for implementation.

This bulletin will focus on new mandatory pre-service qualifications for any persons employed or otherwise engaged to provide care or supervision to children or young persons.

Pre-Service Qualifications Q&As

1. Who do the new pre-service qualifications requirements apply to?

The new pre-service qualifications requirements apply to all licensees, including children's residence licensees, foster care licensees and staff model home licensees. This includes children's aid societies who hold a foster care licence, as well as licensees operating youth justice facilities (operating a place of temporary detention or a place of secure custody or of open custody).

The new pre-service qualifications requirements will apply to:

- Any persons employed or otherwise engaged by the licensee to provide direct care to, or supervise, a child or young person in a children's residence or another place where out of home care is provided under the authority of the licensee's licence.
 - This could include but is not limited to: employees of the licensee, persons who provide direct care or supervision to children or young persons

¹ Although the term *residential* is a legal term under the CYFSA and its regulations, the ministry is using the term "out-of-home care" instead of "residential" to acknowledge the traumatic history of the Residential School system in Canada. We recognize the importance of choosing different language, especially, since the term may be triggering to some.

pursuant to a contract or agreement with the licensee, persons who provide direct care or supervision to children or young persons pursuant to a contract or agreement with the licensee and an employment agency or other third party; child in care workers, resource workers and foster care workers (i.e., persons assigned to supervise and support the foster parent).

- Any persons employed or otherwise engaged by the licensee to supervise persons described above.
 - This includes but is not limited to: supervisors, managers, directors.
 - Any person enrolled in a program to obtain a certificate, diploma or degree that meets the requirements of the regulation (i.e., student).
-

2. Who is not in scope for the pre-service qualification requirements?

The new pre-service educational qualifications requirements do not apply to:

- Volunteers
 - Foster Parents; and
 - Persons with whom a child has been placed for adoption under Part VIII (Adoption and Adoption Licensing) of the Act.
-

3. Overview of New Requirements:

Note that the information that follows does not constitute legal advice. It provides general information about the regulatory amendments made to licensing requirements under the CYFSA. If you require assistance with respect to the interpretation of the regulatory requirements and their potential application in specific circumstances, you should seek legal advice.

By July 1, 2023, all persons employed or otherwise engaged by the licensee to provide direct care or supervision to children and young persons in licensed out of home care settings (children’s residences, foster homes, staff model homes) under the *Child, Youth and Family Services Act, 2017* (CYFSA), and those who supervise these persons, must meet one of the following requirements:

Qualification Option 1: The Person Holds a Degree, Certificate, Diploma that Meets Regulatory Requirements

The person must hold a certificate, diploma or degree that meets the following requirements:

The program that led to the certificate, diploma or degree must have:

1. included content, both academic and practical that is directly relevant to:
 - (i) the person’s duties,

- (ii) the program provided by the licensee, and
 - (iii) the needs of the children or young persons served by the licensee.
2. received any approvals required by the legislation governing the educational institution that issued the certificate, diploma or degree.

The certificate, degree or diploma must have been issued by an institution defined in regulation (refer to s. 80.3(5), para. 2) (e.g., a university or other post-secondary institution).

Qualification Option 2: The Person has Relevant Skills and Experience

The person must have skills and experiences directly relevant to their duties, the program provided by the licensee and the needs of the children or young persons.

Qualification Option 3: The Person is a First Nation, Inuit or Métis (FNIM) Elder, Knowledge Keeper, Healer, Medicine Person, Cultural Person and/or Traditional Person

The person must be a FNIM Elder, Knowledge Keeper, Healer, Medicine Person, Traditional Person or Cultural Person who possesses cultural knowledge and skills directly relevant to their duties, the program provided by the licensee and the needs of the children or young persons.

Option 4: The Person is Enrolled in Programs to Obtain a Degree, Diploma or Certificate that Meets Regulatory Requirements

The person must be enrolled in a program to obtain a certificate, diploma or degree that meets the requirements under “Option 1”.

A person that falls under this category must be supervised by a person who satisfies any of the qualifications set out in Options 1-3. The licensee is also required to verify at least once every 12 months that the person is enrolled in the program.

4. How do the new pre-service qualifications requirements enhance quality of care?

There are currently no regulatory requirements for pre-service educational qualifications for staff who directly provide care for children and young persons in licensed care. Recent reports have called for raising staff qualifications to improve quality of care, and stakeholders, including youth with lived experience, have highlighted the workforce as an important contributor to quality of care.

Enhanced pre-service qualifications requirements is part of the work to embed the [Quality Standards Framework](#) into regulation. Quality Standard 8 of the [Quality](#)

[Standards Framework](#) speaks to the need for staff and caregivers to have appropriate educational qualifications, skills, training and experience in order to provide high-quality care to children and young persons.

Staff and caregivers working in out of home care settings make the biggest difference in the lives of the children and young persons in their care. These children and young persons do not go “home” at the end of the day, but rather, these places are their homes, even if only for a short period of time. Healthy relationships between staff, caregivers and children or young persons, based on highly skilled human resources, provide for the best and longest lasting positive outcomes for children and young persons in licensed out of home care settings.

The goal of the new pre-service educational qualification requirements is to better support children and young persons by requiring staff to have certain educational or experiential qualifications relevant to their duties, the program provided by the licensee and the needs of the children being served.

5. Where can I find the regulations?

The regulations related to the pre-service requirements can be found here: [O. Reg. 156/18, s. 80.3](#). The new regulatory requirements will be highlighted in grey for ease of accessing on the e-laws website until they come into effect on July 1, 2023. These regulations are applicable to all licensees, including children’s residence licensees, foster care licensees and staff model home licensees.

6. What resources will be available to me in future to support implementation of the new requirements?

In the coming months, the following will be available to service providers to support understanding and compliance with the new pre-service qualifications' requirements:

- A guidance document covering the new requirements, purpose for the new requirements, indicators used by the ministry to assess compliance, guidance for placing agencies and best practices for implementation (March 2023).
 - A Pre-Service Qualifications Template (March 2023).
 - Training for service providers on the new requirements (spring 2023).
-

7. Who should I be sharing this information with?

Information regarding the new pre-service qualification requirements should be shared with all out of home care licensees for children and young persons, including children’s residences licensees, staff-model home licensees and foster care licensees. This

information should also be shared with placing agencies, employees and persons engaged by the licensee to provide direct care and supervision to children and young persons.

8. Who can I contact if I have questions about the new regulations?

If you require assistance with respect to the interpretation of the legislation and its potential application in specific circumstances, you should seek legal advice. You may also contact your regional licensing team for more information as you implement the new requirements. Any additional questions pertaining to future activities to support operationalization of the new regulations can be directed to qualitystandardsframework@ontario.ca.

9. What's next?

Stay tuned! The next Quality Standards Framework Regulations Implementation Bulletin topic will be on **pre-admission/pre-placement assessment and conditions on placement**.