

# Quality Standards Framework Regulations Implementation Bulletin #6: Plans of Care

FEBRUARY 8, 2023

In follow up to the February 1, 2023, email, this is the sixth of the weekly communications that will be sent by the Ministry of Children, Community and Social Services (ministry) to out of home care<sup>1</sup> 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.

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 *Child, Youth and Family Services Act, 2017 (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.

## 1. Who do the updated plan of care requirements apply to?

The updated plan of care regulatory requirements apply to all licence types, including children’s residence licensees, foster care licensees and staff model home licensees. This captures children’s aid societies who hold a foster care license, as well as secure treatment licensees, licensees operating a place of temporary detention, of secure custody or of open custody.

---

## 2. Overview of new and updated plan of care requirements for all licensees (Children’s Residences and Staff Model Homes, and Foster Care)

On July 1, 2023, all licensees will be required to be in compliance with the following requirements (**Sections A-L below**) pertaining to a child or young person’s plan of care:

---

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

**A. Timelines:**

1. The plan of care is to be developed within 30 days after admission to the licensed setting,
2. The review of the plan to be completed 90 days after admission, 180 days after admission and every 180 days after that,
3. All licensees must review the plan of care as soon as possible after any of the following occurs:
  - a. There is a material change in the child or young person's circumstances that necessitates a review of the plan of care,
  - b. New information comes to the attention of the licensee about the child or young person's needs, behaviours, or diagnosis, and/or
  - c. The child or young person, their placing agency or parent, or other person who placed the child recommends that the plan of care be reviewed.

*The purpose of the review is to make sure that all information included in the plan of care is current, and the services, treatment and supports referenced in the plan of care that have been provided to the child/young person are documented.*

**B. Meeting with the Child or Young Person:**

1. Before developing or reviewing the plan of care, the licensee or person designated by the licensee must meet with the child or young person (to the extent possible given their age and maturity) to explain the following:
  - a. The purpose for developing or reviewing the plan of care,
  - b. The type of information that will be discussed during the development or review and the type of information that will be included in the plan of care, and
  - c. The role of the child or young person in the development or review of their plan of care.

*Note: The meeting with the child or young person must be documented and maintained in their file.*

**C. Information Required for Development or Review of the Plan:**

1. Licensees must use the information in the child or young person's file, notably:
  - a. Documents from pre-placement/admission assessment,
  - b. Safety plan, if applicable,
  - c. Any reports respecting the child/young person prepared by the licensee, foster parents or other persons providing direct care to the child on behalf of the licensee, including SORs and incident reports and contain information that is reasonably necessary for the development or review of the plan of care, and
  - d. Any personal, family, and social history or assessment about the child or young person that was prepared by or provided to the licensee and that contains information that is reasonably necessary for the provision of out of home care to the child or young person.

**D. Needs Assessment:**

1. When developing or reviewing the plan of care, the licensee must:
  - a. Assess whether the needs of the child or young person can be met in licensed setting based on the information that must be used to develop and review the plan of care (see *Section C – “Information Required for Development or Review of the Plan”*), and
  - b. Document that assessment in the child/young person’s plan of care.

**E. Persons Required to be Consulted on and Involved in the Development and Review of the Plan:**

1. The following people must be consulted on and involved in the development or review of a plan of care:
  - a. The placing agency, if it is not the licensee,
  - b. The child/young person’s parents, if appropriate,
  - c. The child/young person, to the extent possible given their age and maturity,
  - d. **For foster care licensees only** – the foster parents, and
  - e. *If the child/young person is FNIM, a representative chosen by each of their bands or FNIM communities.*

**F. Meeting Required:**

1. The consultation must include at least one (1) meeting which includes the licensee and all persons the licensee is able to consult with and involve in the development or review of the plan of care.
2. The licensee must ensure that:
  - a. Reasonable notice of the meeting is given to the people invited.
  - b. The meeting is scheduled at a time that is convenient for the child/young person.
  - c. The meeting is conducted in a way that encourages participation from the child/young person.

**G. Signatures Required:**

1. The licensee must make reasonable efforts to have a plan of care signed and dated by the people who must be consulted and involved in the development and review of the plan of care to indicate their agreement with the information set out in the plan of care (see *Section E – “Persons Required”*)
2. If a person required to sign refuses to do so, the licensee must, within the plan of care, indicate that the person refused to sign and set out the reasons why.
3. If the child/young person is not able to understand the plan of care because of their age or maturity or refuses to sign the plan of care, the licensee is not required to have them sign the plan of care.
4. If the child/young person is able to understand the plan of care and wants to sign, the licensee must ensure that the child/young person does not sign the plan of care until:
  - a. The plan of care is explained to the child/young person using language suitable to their age and maturity, and

- b. The child/young person is asked if they would like to receive a copy of their plan of care and, if so, whether they would like to receive a copy in written or electronic format.
      - i. If the child/young person wants to receive a copy, the licensee must provide it to the child/young person within 7 days after the plan of care is developed or reviewed in the format requested.
- 5. If a person who must be consulted (see *Section E – “Persons Required”*) was not consulted on or involved in the development or review of the plan of care, the licensee must:
  - a. Make reasonable efforts to consult with and involve them after the development or review of the plan of care, and document those efforts, and
  - b. Amend the plan of care, if necessary, to reflect their input.

#### **H. Consultation with Other Persons with Relevant Information:**

1. The licensee must also consult with the following people if the licensee is of the opinion that these people have relevant information to support the development or review of the plan of care, or if one of the people who must be consulted (see *Section E – “Persons Required”*) recommends one or all of these people should be consulted. These people include:
  - a. The child or young person’s probation officer, if any,
  - b. Any medical professionals or clinicians providing services, treatment, or support to the child/young person,
  - c. The child/young person’s resource person ([see s. 5 of O. Reg 156/18](#)),
  - d. A representative from the child/young person’s school,
  - e. The child/young person’s primary worker or any person who provides direct care to the child/young person on behalf of the licensee (**also includes foster care**),
  - f. *For reviews only\** – the adult identified as being a positive influence in the child or young person’s life, if any such adult is identified in the plan of care.
2. The licensee must ensure that a plan of care includes:
  - a. The names and, if applicable, job titles of the people consulted on and involved in the development or review of the plan of care, and
  - b. The dates of any meetings held to discuss the development or review of the plan of care and the names of the people who participated in that meeting.

#### **I. Plan of Care Content:**

The licensee must ensure the content set out in the **Tables** under section [94.2 \(for licensees operating children’s residences and staff model homes\)](#) and [131.3 \(for foster care licensees\)](#) is included in each plan of care, and if the plan of care is amended after its initial development, it is to be clearly labeled as an “**amended plan of care**”

#### **J. Availability of Plan of Care and Record Keeping:**

1. A licensee must:

- a. Take reasonable steps to ensure that all people providing direct care to children/young persons on behalf of the licensee, including foster parents, review the content of the most recent version of the child or young person's plan of care,
  - b. Ensure a copy of the most recent plan of care is kept at the licensed setting and is readily available to those who provide direct care to the child or young person on behalf of the licensee, including foster parents, and
  - c. Ensure the child/young person's parent/placing agency or other person who placed them is provided with a copy of the initial plan of care and any amended version, following its development or review.
2. A licensee must make sure that the following is included in the child/young person's file:
    - a. The initial and any amended plan of care,
    - b. An indication of whether the plan of care was provided to the child/young person, and if so, in what format (written or electronic), and
    - c. Documentation respecting the meeting with the child or Young Person (see *Section B - Meeting with the Child or Young Person*).

**K. Implementation of Plan of Care:**

1. A licensee must ensure that any person providing direct care to a child/young person, including the foster parent(s), does so in accordance with what is set out in their plan of care.

**L. Transfer or Discharge Requirements (section 80.2 of O. Reg. 156/18):**

1. All licensees must, as soon as possible and by no later than 7 days after the transfer or discharge of a child or young person from the licensed setting, provide the following information to the person or agency to whom the child or young person is transferred or discharged:
  - a. A copy of the most recent version of the child or young person's plan of care.
  - b. A copy of the most recent version of the child's safety plan, if one is required for the child.
  - c. Any other information that, in the opinion of the licensee, is relevant to the provision of out of home care to the child or young person at the time of the transfer or discharge.

---

**3. How do the new plan of care requirements enhance quality of care?**

The plan of care is a key document that acts as a "roadmap" for the care planning team about a child in out of home care. It identifies the services, supports, timelines, and responsibilities of service providers that must and/or should be involved in supporting the child or young person in meeting their needs, goals and intended outcomes. It is intended to be a "living document" that reflects the child or young person's needs over time and is centered on their best interests.

Enhancements to the existing requirements for plans of care were made to ensure that children and young persons receiving out of home care services are receiving individualized care and continuous support that helps meet their unique needs, recognizes their strengths, and encompasses all aspects of their lives and well-being. The changes are also intended to better prepare and support children and young persons transitioning from and between placements (For example: placement changes, transitioning out of care; returning home, to independence and adulthood, and adult services). Plans of care should reflect the child or young person's voice.

---

#### **4. Where can I find the regulations?**

The new plan of care regulations can be found on E-Laws accessible at the following link: [O. Reg. 156/18. For children's residences and staff model homes, refer to ss. 94-94.4; for foster care, refer to ss. 131.1-131.5.](#)

---

#### **5. 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 plan of care 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 Plan of Care Template (optional) (March 2023).
  - Information webinars for service providers on the new requirements (Spring 2023).
- 

#### **6. Who should I be sharing this information with?**

Information regarding the new plan of care 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, front-line staff members and foster parents.

---

## 7. Who can I contact if I have questions about the updated 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](mailto:qualitystandardsframework@ontario.ca).

---

## 8. What's Next?

Stay tuned! The next Quality Standards Framework Regulations Implementation Bulletin topic will be on **physical restraints**.