

## **Ontario Ombudsman finds children at risk in poorly monitored unlicensed daycares**

**(TORONTO – October 22, 2014)** Ontario Ombudsman André Marin today called on the province to take urgent action to protect children in unlicensed daycares, after his latest investigation revealed systemic government ineptitude that has put them at risk for years.

Mr. Marin's latest report, *Careless About Child Care*, is the result of a probe sparked by the July 2013 death of two-year-old Eva Ravikovich in what Mr. Marin calls a "brazenly illegal" unlicensed home daycare in Vaughan. Some 29 children and 14 dogs were allegedly found amid unsanitary and dangerous conditions at the location. The Ministry of Education later discovered that it had received five complaints about the same daycare in the past, but failed to follow up as required.

Eva was one of four children in the Greater Toronto Area to die in unlicensed care in a seven-month period in 2013-2014. However, the Ombudsman's investigation revealed a "legacy of dysfunction" dating back several years that was compounded when responsibility for daycare was shifted from the Ministry of Children and Youth Services to Education in 2012.

The archaically-named *Day Nurseries Act* dates back to 1946 and hasn't had a comprehensive review since 1983, despite coroner's inquests urging reform after other child deaths, Mr. Marin notes. As well, the province rarely and inconsistently enforces the few lax rules it has for unlicensed daycare operators and has done little to educate parents, care providers and even its own staff about them. Meanwhile, high costs and long waiting lists for licensed daycare spaces have driven more and more families to the unlicensed sector.

Among the systemic problems the Ombudsman identifies in this report:

- Sloppy, inconsistent complaint intake practices and an inadequate complaint tracking system;
- Ministry guidelines not followed, inspections delayed or never done;
- Staff untrained in conducting investigations or on the legislation they enforce;
- Poor inspection practices, careless evidence gathering; and
- Failure to involve or educate parents about daycare standards and facilities that are not in compliance with them.

Investigators with the Special Ombudsman Response Team (SORT) also found alarming loopholes in the law that have allowed illegal daycares and operators who are repeat violators of the Act to do business with impunity as "private schools" or "camps."

Most concerning, Mr. Marin said, was a “reactive, passive and conflicted enforcement culture” amongst those entrusted with ensuring unlicensed daycare operators comply with the law. Some did not see themselves as inspectors and shied away from unannounced visits to illegal daycares – “to the detriment of ensuring the health, welfare and safety of children,” Mr. Marin says in the report. Even conducting online research to catch operators who blatantly advertised illegal services was frowned upon, he notes.

The Ombudsman makes an unprecedented 113 recommendations in the report, all of which have been accepted; the Ministry estimates that 95 are already being addressed – including the establishment this summer of a dedicated enforcement unit for investigating complaints about unlicensed daycares. The government also has new daycare legislation in the works that, once passed, will address 35 of the recommendations.

Mr. Marin lauded the Ministry’s co-operation with his investigation and its “genuine and focused efforts” to make changes in the past year. However, in the report, he notes that many amounted to “too little, too late,” and the Ministry need not wait for the new law to pass to educate the public about the daycare system. While he did not recommend that all daycares be licensed, he urged the Ministry to consider such options as a centralized registry and tougher standards for the unlicensed sector.

“The stakes in the child care system are high. Mistakes put the lives and welfare of young children at risk,” the Ombudsman says in the report.

*Aussi disponible en français*

For the full report, backgrounders and video of the Ombudsman’s news conference, go to [www.ombudsman.on.ca](http://www.ombudsman.on.ca)

For further information, please contact:

Linda Williamson, Director of Communications, 416-586-3426, [lwilliamson@ombudsman.on.ca](mailto:lwilliamson@ombudsman.on.ca)  
Ashley Bursey, Assistant Manager, Communications, 416-586-3521, [abursey@ombudsman.on.ca](mailto:abursey@ombudsman.on.ca)  
Laura Nadeau, Communications Officer, 416-586-3402, [lnadeau@ombudsman.on.ca](mailto:lnadeau@ombudsman.on.ca)  
Cynthia McQueen, Communications Officer, 416-586-3525, [cmcqueen@ombudsman.on.ca](mailto:cmcqueen@ombudsman.on.ca)