

**Early Learning and Child Development  
Family Child Care  
Operating Grant Program  
Policy and Standards Manual**

## Record of Updates

Version	Date	Update
1.0	November 2020	Initial Launch
2.0	January 2022	\$15.00/day Rate Change
2.1	April 2022	Added Notification to Client Regarding Repayments Amendment to Disbursements
3.0	July 2022	Added \$15.00/day Rate Structure Table Added section to Exceptional Circumstances Added Supplemental Funding Section Added Application Process Added Application Requirements Added Level of Service, Change in Circumstances Outline to Approval Process Added Change in Circumstance Section Added Registration Fee to Exceptions to Fees Added Review and Appeal Process Added Payment Process Revised Enrollment Statistics Added Closures, Monitoring and Evaluation, Funding Adjustments Added an Example of Overpayment to Funding Adjustments Added Financial Management – False Pretenses, Audits, Overpayments, Underpayments Added Complaints and Investigations Added Glossary of Terms
4.0	January 2023	Updated to the \$10 daily rate
4.1	April 2024	Updated all sections

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## PROGRAM OVERVIEW

The Operating Grant Program for regulated Family Child Care Service Providers is a voluntary program that is a key component of the Canada-Newfoundland and Labrador Canada-Wide Early Learning and Child Care Agreement. The intent of this program is to help improve the affordability and accessibility of quality child care services for families with young children throughout Newfoundland and Labrador. Participation by approved family child care services. A daily rate is set for child care fees at participating child care services.

Eligible applicants are all Family Child Care Service Providers that are regulated under the [Child Care Act, regulations](#) and related [policies](#) to provide flexible full time and/or part-time child care. Where an operating grant is approved, the Department of Education will advance up to three months operational funding in exchange for setting parent/guardian fees at the prescribed provincial rates and adhering to departmental initiatives which support quality, inclusive and accessible child care.

All operating grant program resources can be found at: [Operating Grant Program - Education \(gov.nl.ca\)](#)

## PROGRAM ELIGIBILITY: ELIGIBILITY, MAINTAINING ELIGIBILITY AND INELIGIBLE CIRCUMSTANCES

**Policy no.:** ELCD–2022–FCCOGP–A1

**Effective Date:** 2022-01-01

**Date Revised:** 2024-04-01

**Policy Cross References:**

**Legislative References:** [Child Care Act](#), [Child Care Regulations](#) and [Child Care Policy and Standards Manual](#)

### POLICY AND STANDARDS:

#### Eligibility

1. All regulated Family Child Care Service (FCCS) Providers are eligible to participate in the Family Child Care Operating Grant Program (FCC OGP).
2. FCCS Providers must submit an [Operating Grant Program – Family Child Care - Application/Renewal form](#) and sign a Service Agreement to participate in the FCC OGP.
3. FCC OGP participants are eligible for multi-year operational Service Agreements unless serious chronic compliance issues pertaining to adhering to legislation, reporting or noncompliance with federal or provincial legislation are identified. Where issues exist, the Director of Accountability and Reporting will determine eligibility on a case-by-case basis.
4. Eligibility is not a guarantee of FCC OGP funding. Funding is subject to compliance with the [Child Care Act](#), [regulations](#) and related [policies](#), FCC OGP Policy and Standards and Department of Education budget approval.

#### Maintaining Eligibility

1. To maintain eligibility, FCCS Providers must:
  - i. Actively participate in quality and inclusion child care initiatives through the Quality Enhancement and Inclusion programs.
  - ii. Cap daily child care fees at the provincially approved rate.

- iii. Participate in professional development/learning opportunities (PD/PL) when supported to do so.
  - iv. Participate in the Early Learning Gateway inclusive of the waitlist and family child care services portal; and
  - v. Comply with the [Child Care Act, regulations](#), related [policies](#), and all ELCD program policies.
2. FCCS Providers must attend and submit documentation of participation in community based anti-bias training before July 1 of each year from an approved organization. An approved list of organizations which offer anti-bias training, materials and resources can be found in [Appendix A](#).
3. FCCS Providers must meet the reporting requirements outlined in the Service Agreement. Failure to do so will result in the suspension of the agreement or delayed payments until reporting requirements are met.
4. FCCS Providers are responsible for informing the parent/guardian of all policies and fee structures in a parent handbook and/or contract. Handbooks must:
  - i. Include notice of changes must be informed to parents/ guardians at least thirty days before implementation; and
  - ii. Not contradict or circumvent guidelines in any legislation, regulations, program, or policy presented by the Department of Education or any other provincial or federal department.
5. All information on contracts, websites, social media, chat groups, posters, bulletin boards, etc. may only be reminders/repetition of the contents of the parent handbook. Spontaneous ad hoc policies or decisions posted in text groups or social media are prohibited.
6. FCCS Providers may not terminate registrations/enrollments without due cause. Services that are suspected of targeted terminations, bullying, harassment, intimidation, or violation of the Human Rights Act will be subject to suspended FCC OGP agreements until an investigation is completed.

### **Ineligible Circumstances**

1. The following circumstances are not eligible for FCC OGP funding:
  - i. Vacant or closed spaces.
  - ii. Child care services that are not operational.

- iii. Closures resulting from the [Child Care Act, regulations](#) or other violations (these closures will be deducted from subsequent payments);
- iv. Child care services operating in contravention of the Human Rights Act.
- v. Child care services that fraudulently acquire FCC OGP funding.
- vi. Child care services that prevent children from attending their currently enrolled space, e.g., turning away children due to late or mid-day arrival; and
- vii. Child care services that elect to voluntarily close/reduce operations during times of low attendance.

#### **REFERENCE DOCUMENTS:**

- Operating Grant Program – Family Child Care – Initial/Renewal Application [FCC-OGP-FILLABLE-Application-Form-2024.pdf \(gov.nl.ca\)](#)

## FCC OGP GRANT: RATES

**Policy no.:** ELCD-2022-FCCOGP-B1

**Effective Date:** 2022-01-01

**Date Revised:** 2024-04-01

**Policy Cross References:** [ELCD-2022-FCCOGP-B2](#); [ELCD-2022-FCCOGP-B3](#)

**Legislative References:**

### POLICY AND STANDARDS:

1. FCC OGP rates are set based on part- or full-time equivalencies and the age range of the children as outlined in the table below:

Age Range	FCC OGP Rate <sup>1</sup> per space/ per day as of April 1, 2024	Child Care Rate per space per/ day as of January 1, 2023	Total FCC Rate per space/ per day as of April 1, 2024
Infant <sup>2</sup> Only Services (Max. 3 Infants)	\$61.00	\$10.00	\$71.00
Infants (Full Time)	\$46.50	\$10.00	\$56.50
Toddlers (Full Time)	\$46.50	\$10.00	\$56.50
Preschool (Full Time)	\$46.50	\$10.00	\$56.50
School Age (Full Days)	\$46.50	\$10.00	\$56.50
After School	\$19.50	\$4.00	\$23.00
Before and After School	\$19.50	\$5.00	\$24.00
Infant (Part Time)	\$22.75	\$5.00	\$27.25
Toddler (Part Time)	\$22.75	\$5.00	\$27.25
Preschool (Part Time)	\$22.75	\$5.00	\$27.25

<sup>1</sup>Rate Includes meals and snacks.

<sup>2</sup>This amount does not include the additional \$30 per enrolled infant for verified operational days (not applicable to voluntary closures).



2. All approved enrolled spaces are eligible for FCC OGP funding. This means full time, part time and extended hours of child care offered through core, concurrent and consecutive programming.
3. The grant is based on the maximum number of children that can be present at one time as reflected on the approval certificate. For example, if the home is approved for six spaces, but ten part-time children are enrolled, the grant is calculated to a maximum of 6 spaces.
4. The grant for full-time spaces is based on full-time equivalency (FTE). Part-time spaces are pro-rated based on the number of hours/days that the child care service is open for attendance.
5. The daily per child rate is dependent on the following:
  - i. The child is enrolled and eligible to attend full time.
  - ii. The Family Child Care service is open and available for children to attend; and
  - iii. Where a child's parent/guardian has registered their child to attend full days, the \$10.00 rate may be charged, regardless of full time or part time attendance.
6. Funding is calculated as a maximum amount per quarter based on the FCCS Provider's operating days and average monthly enrollment, to a maximum of the FCCS Provider's approved capacity.
7. FCC OGP grants are calculated by multiplying the number of children by the regulated age type by the number of days of operation for each program offered at the service.
8. Due to operational costs in Labrador, FCC OGP participants in that region receive an additional 15 per cent allotment.
9. In recognition of unique geographical and enrollment challenges that may be experienced in non-urban areas, a rural and remote allowance is available to services in Labrador and all communities expected those defined as part of Census Metropolitan Area (CMS) or Census Agglomerations (CA) as per the 2021 [Population Counts](#). Eligible services will receive an additional 10 per cent of their FCC OGP funding.
10. To assist with sustaining the infant age range and encourage space creation, FCCS providers that provide services to children in the infant age range will receive an additional \$30 per enrolled infant for verified operational days. Older children currently occupying potential infant spaces as of April 1, 2024, must not be displaced

due to this incentive. Funding will be contingent on confirmation of past and current enrollment. This incentive is not applicable during voluntary closures.

11. FCC OGP rates include funding to offset the provision of meals and snacks. More information on meals and snacks can be found in section [ELCD-2022-FCCOGP-B2](#) of this manual.
12. Fees other than the exemptions outlined in section [ELCD-2022-FCCOGP-B3](#) of this manual and the approved child care daily rate are prohibited. This includes, but is not limited to:
  - i. Annual registration fees.
  - ii. Dismissal and re-registration fees.
  - iii. Multiple permanent and/or temporary registrations/enrollments for a single space.
  - iv. Waitlist fees.
  - v. Holding fees.
  - vi. Field trips, extra-curricular activities, occasions involving extra food.
  - vii. Toys, arts and crafts, supplies, materials.
  - viii. Seasonal clothing, costumes, regalia, uniforms, cultural events; and
  - ix. Photos of regular or special events and entertainment.

## REFERENCE DOCUMENTS:

- 2021 Population Counts  
[Pop CMA CA Components NL 2021.pdf \(gov.nl.ca\)](#)

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## FCC OGP GRANT: MEALS AND SNACKS

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**Policy no.:** ELCD-2022-FCCOGP-B2

**Effective Date:** 2022-01-01

**Date Revised:** 2024-04-01

**Policy Cross References:**

**Legislative References:**

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### POLICY AND STANDARDS:

#### Meals and Snacks

1. A FCCS Provider must provide meals and snacks, unless exempt. Meals and snacks must be sufficient in quantity and quality as required by child care legislation. The amount/Type of funding is dependent on hours of operation as outlined on Child Care Approval Certificate.
2. The FCC OPG provides \$1.00 per snack and \$3.00 per meal to offset the cost associated with providing this service.

#### No or Minimal Provisions for Meals and/or Snacks

1. Child care services can be exempt from providing meals and snacks where there is a lack of appropriate facilities for preparing and serving the food as determined by Digital Government and Service NL (DGSNL).
2. Where meals and snacks are not offered the OPG funding amount will be reduced by the meal and/or snack allowance.
3. FCCS Providers exempt from providing meals and snacks are required to have food on hand to replace insufficient meals and snacks. The number and frequency of replacement meals and snacks must be informed to FCC OGP on the initial application, renewal, or change of circumstance form as well as the monthly stats form. The information provided will determine the amount issued to help offset the provision of food. Verification may be required.

4. FCCS Providers must permit families with children who have documented special dietary needs due to medical conditions to provide special meals to the child care service for their child as deemed appropriate by the family. When meals and snacks provided by the family, the FCCS Provider must be cognizant of any food allergies that may be applicable/present.

### **Additional Meals and/or Snacks**

1. FCCS Providers offering full time child care prior to 7:30 am and after 6:30 pm are required to serve breakfast and/or supper.
2. FCCS Providers with hours of operation later than 6:30 pm are eligible for additional funding for an evening meal or snack. It is the responsibility of the FCCS Provider to request this additional funding. To qualify for additional funding, the applicant must:
  - i. Indicate on the Operating Grant Program Initial/Renewal Application or Change of Circumstance form the number of additional meals and/or snacks provided.
  - ii. Submit a copy of the approval certificate. The operational hours and conditions on the approval certificate must be reflective of time the additional meal or snack is being offered.
  - iii. Provide evidence families are notified of extended hours of operation and additional meals.
  - iv. Meals and snacks are **not** provided by the parent/guardian; and
  - v. Confirmation from the Family Child Care Agency will be used to verify that the home is operating during these hours and that additional meals and/or snacks are served.
3. Child Care Services serving families who are experiencing food insecurity may request additional meals and snacks allotments for those children. Verification may be required.

### **REFERENCE DOCUMENTS:**

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## FCC OGP GRANT: EXCEPTIONS

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**Policy no.:** ELCD-2022-FCCOGP-B3

**Effective Date:** 2022-01-01

**Date Revised:** 2024-04-01

**Policy Cross References:**

**Legislative References:**

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### POLICY AND STANDARDS:

#### Exceptions

1. There are three exceptions to the approved child care daily rates for FCCS Providers participating in the FCC OGP, they are administration/registration, transportation, and late fees.
2. Parents/guardians are responsible for paying the exceptional fees set by this policy.

#### Administration/Registration Fees

1. An administration fee may be collected under the following circumstances:
  - i. The fee is \$25 or less.
  - ii. It is a one-time fee per child for new enrollment where the child has not previously attended the service.
  - iii. The space is not available for three weeks or more.
  - iv. The fee is equal to or less than two weeks of daily rates (excluding FCC OGP daily rates); and
  - v. The family is credited the registration fee minus an administration fee of \$25 during the first month of enrollment at the service.

2. Detailed invoices for administration fees must accompany all financial transactions as per guidelines set out by the [Canada Revenue Agency](#).
3. If the FCCS Provider does not enroll a child within three months of accepting registration fees, the full amount of the fee must be reimbursed to the payer.
4. The FCCS Provider is not required to reimburse any part of a registration fee where a parent/guardian has not provided at least two weeks of written notice that their child will not be availing of a space for which they signed a contract.
5. When provided payment in advance, the FCCS Provider may not withhold funds for children departed/terminated from the service.
6. Parents/guardians are not responsible for fees beyond the two-week notice period.

### **Transportation**

1. Fees are permitted for transportation that is:
  - i. Optional; and
  - ii. Provided between the child's home or school and the family child care service.
2. Transportation fees must be clearly outlined in a parent handbook to include:
  - i. Amounts and conditions; and
  - ii. At least two weeks of advanced written notification of any changes in amounts or conditions.

### **Late Fees**

1. Late fees are permitted where:
  - i. Late pick up or early drop off and requires the FCCS Provider to provide child care outside the regularly scheduled hours of child care.
  - ii. Insufficient funds penalties have been applied to parental/guardian accounts; and
  - iii. An accumulating per day \$10 late payment fee when the parent/guardian did not pay the child care invoice by the due date. This fee is only applicable after a regularly scheduled due date for payment of child care fees has been communicated in advance in the parent/guardian handbook and contract.

## Exceptions to Regular Days of Operation

1. Payment of the daily rate to the FCCS Provider by parents/guardians on a statutory/designated holiday, or involuntary closure is required and not considered to be an exception or an extra fee.
2. In addition to the below days, FCC OGP will fund two closure days for FCCS Provider PD/PL and ten extra closure days, which are to be determined at the discretion of the FCCS Provider:
  - i. New Year's Day, Good Friday, Easter Sunday (if operational on that day), Victoria Day, Memorial/Canada Day, Labour Day, Truth and Reconciliation Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and a relevant civic holiday (if one exists).
3. The FCC OGP office must be notified 30 days in advance of closures where possible. FCCS Provider PD/PL closures can be organized through Agency or the Quality Enhancement Program and must have prior approval. Extended sick leave closures must have prior approval of the Director of Accountability and Reporting.
4. Parents/guardians are required to be notified of closures at least 30 days in advance and can be charged child care fees during statutory holidays and involuntary and voluntary closures including PD/PL days.
5. Where parents/guardians have not been provided with notice of child care space termination, FCC OGP will fund an empty space up to a maximum of four weeks to allow the FCCS Provider to fill the vacancy.
6. The department reserves the right to request written verification of child care fees including:
  - i. A copy of the Child Care Service policies and/or fee structure that is provided to parents/guardians upon registration or otherwise requested (e.g., parent handbook).
  - ii. A copy of an advertisement or other notice outlining the child care fee structure including any charges as exceptions to FCC OGP requirements.
  - iii. A letter of attestation confirming rates are set as per Family Child Care Operating Grant Program Policy and Standards Manual and signed Service Agreement; and
  - iv. Confirmation from parents/guardians (e.g., email, letter, signed declaration form) of the fee structure for the space in which their child is enrolled and/or confirmation that surcharges (e.g., field trips, program supplies, celebratory food, and special events/entertainment).

**REFERENCE DOCUMENTS:**

- Canada Revenue Agency  
[Canada Revenue Agency - Canada.ca](https://www.cra.gc.ca)



## APPLICATION: TYPES

**Policy no.:** ELCD-2022-FCCOGP-C1

**Effective Date:** 2022-01-01

**Date Revised:** 2024-04-01

**Policy Cross References:**

**Legislative References:**

## POLICY AND STANDARDS:

### Application Types

1. There are three types of FCC OGP applications, Initial, Renewal and Change of Circumstance Form.

### Initial application

1. An initial application applies to FCCS Providers that:
  - i. Participated in the Family Home Child Care Capacity Initiative (FHCCCI) and is transitioning from developmental to operational funding with children enrolled and attending the service; and
  - ii. Has not received any previous operational funding from the FCC OGP.

### Renewal application

1. Renewal applications apply to applicants who have previously participated in the FCC OGP and have signed a previous Service Agreement.
2. Renewal applications and supporting documentation must be received by the Department 30 days prior to the end of the Service Agreement.
3. It is the responsibility of the applicant to renew a Service Agreement within the periods set out in this manual to avoid a lapse in service.

4. Service Agreements may be automatically renewed or extended for up to five years if the financial statements and/or other reporting requirements are met, reviewed, and approved by FCC OGP financial officers. It is the responsibility of the FCCS Provider to submit the financial documents to trigger an automatic renewal of the Service Agreement.
5. If a renewal application is more than 30 days late, the applicant may submit a written request to the Director of Accountability and Reporting to have the application considered to be effective at the end of the previous Service Agreement. Requests will only be considered in extenuating circumstances and only if all monthly stats, supporting documentation and financial statements are submitted with the application.
6. Applications submitted for renewal will be assessed based on projected enrollment of the child care service.

### **Change of Circumstance Form**

1. A [Change in Circumstance Form](#) is required where a Service Agreement Amendment is required. Applications to amend an FCC OGP Service Agreement are applicable if:
  - i. An Approval Certificate is varied to reflect changes in:
    - a. Approved age range(s) (e.g., Infant Only to Mixed-Age).
    - b. The number of spaces (e.g., increases or decreases in capacity); and
    - c. Operational hours/days (e.g., increase or decrease in the number of hours per day and/or number of days per year).
  - ii. Voluntary closures are planned or have occurred without prior notice to the Department; and
  - iii. A loss of revenue can be demonstrated due to providing additional hours of child care because of additional school closures unforeseen at the time of application.
2. FCCS Providers must notify the Department in writing, within thirty business days of an approval certificate change or voluntary closure.
3. Applicants may apply for an amendment to an existing Service Agreement at least 30 to 90 days prior to the end of the Service Agreement if the following conditions exist:

- i. The applicant demonstrates providing additional hours/days of child care due to unplanned school closures not anticipated at the time of the initial application or not projected at the time of renewal; and
  - ii. The approval certificate was varied/changed. A copy of the approval certificate must be submitted with the Change of Circumstance Form.
4. If additional closures occur in the last month of the Service Agreement, the FCCS Provider must notify the FCC OGP office immediately.

**REFERENCE DOCUMENTS:**

- Change in Circumstance Form  
[Fillable-Amendment-or-Change-in-Circumstance-Form-Family-Child\\_Care-2023-01-15.pdf \(gov.nl.ca\)](#)

## APPLICATION: REQUIREMENTS

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<b>Policy no.:</b>	ELCD-2022-FCCOGP-C2
<b>Effective Date:</b>	2022-01-01
<b>Date Revised:</b>	2024-04-01
<b>Policy Cross References:</b>	<a href="#">ELCD-2023-FCCOGP-A1</a>
<b>Legislative References:</b>	<a href="#">Child Care Act</a> , <a href="#">Child Care Regulations</a> and <a href="#">Child Care Policy and Standards Manual</a>

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## POLICY AND STANDARDS:

### Requirements

1. An applicant must be the Administrator of the child care service and eligible as outlined in Section [ELCD-2023-FCCOGP-A1](#).
2. Applicants must ensure that all supporting documentation is submitted with the completed [Operating Grant Program – Family Child Care – Initial/Renewal Application](#) including:
  - i. The vendor numbers. If the FCCS Provider does not have a Government of NL vendor number, the applicant must include:
    - a. A [Supplier Set-up and Maintenance Form](#) for Direct Deposit; and
    - b. Banking information form and void cheque.
  - ii. Financial Statement, as per previous Service Agreement.
  - iii. Confirmation of good standing with Workers Compensation and Benefits Commission (WorkplaceNL); and
  - iv. Confirmation of good standing with [Canada Revenue Agency](#).

3. Incomplete or ineligible applications will be returned to the applicant with a written explanation detailing why the application cannot be processed. Notifications are provided to applicants via e-mail unless otherwise requested by the applicant.
4. The [Operating Grant Program – Family Child Care – Initial/Renewal Application](#) and all supporting documentation must be submitted to the ELCD office for processing. The application may be submitted electronically (preferred) via the Early Learning Gateway (when available) or via email to: [FCCOGP@gov.nl.ca](mailto:FCCOGP@gov.nl.ca).
5. The application can also be submitted via fax, mail, or courier to the address below:

**Mail / Fax**

FCC Operating Grant Program  
Division of Early Learning and Child  
Development  
Department of Education  
P.O. Box 8700  
St. John's, NL  
A1B 4J6  
Fax (709)729-1400

**Courier / In Person**

FCC Operating Grant Program  
Division of Early Learning and Child  
Development  
Department of Education  
100 Prince Phillip Drive  
3rd Floor West Block  
Confederation Building

6. If additionally requested information or supporting documentation listed in this section is not submitted within 30 days after the initial application, the FCC OGP file will be closed. Submission of a new application will be required should the applicant wish to proceed after that period.
7. The initial FCC OGP grant may be backdated to the date that the application was received if the applicant provides verification that the child care fee was set no higher than the provincial rate and children were enrolled and present at the service. This includes services participating in the FHCCCI. FHCCCI entitlements are only applicable if the service is open, and children are enrolled and present at the service.
8. A submitted application is not a guarantee of funding. Funding will be approved once there is a Service Agreement signed by the FCCS Provider and the Minister of Education or Designate. Funding is subject to compliance with the [Child Care Act, regulations](#) and related [policies](#), FCC OGP policy and procedures, and Department of Education budget approval.

**REFERENCE DOCUMENTS:**

- Operating Grant Program – Family Child Care – Initial/Renewal Application  
[Operating Grant Program – Family Child Care – Initial/Renewal Application](#)
- Supplier Set Up and Maintenance Form  
[Supplier-set-up-maintenance-form.pdf \(gov.nl.ca\)](#)

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**APPLICATION: ASSESSMENT**

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**Policy no.:** ELCD-2022-FCCOGP-C3

**Effective Date:** 2022-01-01

**Date Revised:** 2024-04-01

**Policy Cross References:** [ELCD-2022-FCCOGP-B3](#); [ELCD-2022-FCCOGP-C4](#)

**Legislative References:**

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**POLICY AND STANDARDS:****Assessment**

1. The type and amount of funding that an applicant is eligible for is determined through an assessment process.
2. Once the application package has been reviewed and the annual grant calculations completed, Department personnel will prepare and submit a recommendation for approval to the Director of Accountability and Reporting which includes:
  - i. A copy of the maximum eligible grant with the number/type of spaces; and
  - ii. The number of operational days, including involuntary closures as outlined in section [ELCD-2022-FCCOGP-B3](#) of this manual.
3. The Director will review the package and determine whether the recommendation proposal is:
  - i. Approved.
  - ii. Declined; or
  - iii. Requires reassessment.
4. Upon approval, Department personnel will prepare a Service Agreement including the amount of funding committed, the Service Agreement period, and the terms and conditions of the Agreement for notification to the applicant.

5. The first Service Agreement will be aligned to match Government of Newfoundland and Labrador fiscal quarters and as such may be pro-rated.

### **Notification to Applicants**

1. Where an application for funding is approved, Department personnel will prepare a Service Agreement and notification of approval for the applicant.
2. The Service Agreement is sent to the applicant via email unless otherwise requested.
3. Upon receipt of the Service Agreement, the FCCS Provider must:
  - i. Review the Service Agreement to ensure that all information (Schedules, terms and conditions, approval certificate information) is accurate; and
  - ii. Notify the Department immediately if inaccuracies exist.
4. The FCCS Provider must sign and date the Service Agreement and return it to the ELCD office within 20 days of receipt. Failure to submit a signed Service Agreement within this time may result in a delayed payment.
5. By signing the Service Agreement, the FCCS Provider agrees to the Terms and Conditions of the Operating Grant Program policies.
6. Once the Service Agreement has been signed and returned to the Department, it is sent to the Minister of Education, or authorized delegate, for signature.
7. Where a recommendation has been declined, the Department will notify the applicant via email.
8. Where an applicant is not satisfied with the decision and the issue cannot be resolved through communication with the Department, the applicant may appeal the decision as per section [ELCD-2022-FCCOGP-C4](#) of this manual.

### **REFERENCE DOCUMENTS:**

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## APPLICATION: REVIEW AND APPEAL PROCESS

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**Policy no.:** ELCD-2022-FCCOGP-C4

**Effective Date:** 2022-01-01

**Date Revised:** 2024-04-01

**Policy Cross References:**

**Legislative References:**

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### POLICY AND STANDARDS:

#### Request for Review and Appeal

1. Where an applicant is not satisfied with the results of their operating grant eligibility and/or assessment and the situation cannot be resolved through discussion with the Provincial personnel, an applicant may request a review of their application by submitting a written request to the Director of Accountability and Reporting within 30 days of the date that notification was provided.
2. A review shall be performed within fifteen business days of receipt of the written inquiry and the outcome of the review shall be communicated in writing to the applicant.
3. Should the applicant not be satisfied with the outcome of a review, they may request an appeal, in writing, to the Assistant Deputy Minister (ADM) of Early Learning and Child Care within 30 days of the date that the outcome of the review was completed. The appeal must include the rationale for the review and any supporting documentation requested by the ADM.
4. A review of the appeal shall be performed within thirty business days of receipt of the letter and the outcome shall be communicated by email to the applicant. The decision of the Assistant Deputy Minister's is final.

### REFERENCE DOCUMENTS:



## PAYMENT: REQUIREMENTS

**Policy no.:** ELCD-2022-FCCOGP-D1

**Effective Date:** 2022-01-01

**Date Revised:** 2024-04-01

**Policy Cross References:** [ELCD-2017-L2](#)

**Legislative References:**

## POLICY AND STANDARDS:

### Requirements

1. The Department of Education, as per the Child Care Legislation, requires regulated child care services to maintain a daily register that records the attendance for all children. Details of the time of arrival and departure of each child must be recorded each day, as outlined in [ELCD-2017-L2](#) of the [Child Care Policy and Standards Manual](#).
2. The FCCS Provider must use the data from the daily register to track the enrollment, by age group to report as Monthly Enrollment Statistics for each month. The FCC OGP reserves the right to request Agency Monitors to complete random audits of a child care service's daily register to verify enrollment. Monthly Enrollment Statistics must be:
  - i. Submitted no later than five days following the end of each month to ensure timely processing of payments.
  - ii. Submitted on the correct forms and in an acceptable format (e.g., PDF). Photos of documents and other unacceptable formats will be returned to the applicant unprocessed.
  - iii. Verified by an Agency Monitor. Forms submitted without signature verification will be returned to the applicant.
  - iv. Reported as full-time equivalents. Where children are enrolled part-time, the spaces must be calculated to be equivalent to one full-time space (e.g., one child attending Monday, Wednesday, Friday, and another child attending

Tuesday and Thursday is equivalent to one full time space); and

- v. Submitted via email to [FCCOGP@gov.nl.ca](mailto:FCCOGP@gov.nl.ca) by an Agency Monitor. If this is not possible, the FCCS Provider must contact the Department to arrange an alternate method.
3. FCCS Providers must ensure that an Agency Monitor has reviewed and verified the Monthly Enrollment Statistics form.
  4. The Department may request confirmation from the Regional Office of the Department of Education or the Family Child Care Agency that conditions of funding are being met.
  5. The Department may request that the Agency Monitor confirm the attendance of the children enrolled in the Family Child Care service, by:
    - i. Reviewing the registration form on the child's file to confirm full name and date of birth.
    - ii. Reviewing the daily register noting arrival and departures times.
    - iii. Noting the number of children enrolled in services offering longer hour service.
    - iv. Verifying that meals and snacks are being served (if applicable); and
    - v. Ensuring Parent/Guardian Declaration Forms are submitted directly from the parent/guardian to [FCCOGP@gov.nl.ca](mailto:FCCOGP@gov.nl.ca).
  6. Agency Monitors will advise the Department of any significant changes noted to the Family Child Care service including, but not limited to:
    - i. Fluctuations in enrollment.
    - ii. Concerns related to the quality or quantity of foods served.
    - iii. Quality of programming.
    - iv. Not meeting legislation requirements (e.g., lapse in insurance policy).
    - v. Closures not reported on Monthly Enrolment Statistics Form; and
    - vi. Violations.
  7. Incorrect Enrollment Statistics forms will not be processed and may result in late payments.

8. Late Enrollment Statistics forms will result in late payment processing and disbursement to FCCS Providers.
9. As per the Service Agreement, an audited financial statement and Letter of Attestation verifying that funding issued through the Operating Grant Program were spent in compliance with the Operating Grant Program is required within 30 days of the end of the government fiscal year.
10. Both the Financial statements and Letter of Attestation, must be prepared by an independent third party with a financial delegation, such as a Chartered Professional Accountant (CPA), demonstrating that operating grant funds were used to fund the child care service, including that:
  - i. Child care fees were set at the published daily provincial rates; and
  - ii. No additional charges were levied to parent/guardians, and/or other government departments or agencies.

#### **REFERENCE DOCUMENTS:**

## FINANCIAL MANAGEMENT

**Policy no.:** ELCD-2022-FCCOGP-E1

**Effective Date:** 2022-01-01

**Date Revised:** 2024-04-01

**Policy Cross References:** [ELCD-2022-FCCOGP- F1](#)

**Legislative References:**

### POLICY AND STANDARDS:

#### Disbursements

1. The Department's financial commitment is up to the approved amount in the Service Agreement. The covering period of the Service Agreement will be aligned with government fiscal quarters wherever possible.
2. The terms and conditions of the operating grant funding are effective in accordance with the start and end date of the Service Agreement.
3. Payments are processed based on the Service Agreement and enrollment statistics submitted.
4. Funding will be disbursed at the published rates that were in effect at the time of the signed Service Agreement. Where published rates are adjusted during the covering period of the Service Agreement, the Department will prepare a new Service Agreement upon the completion and submission of the Monthly Enrollment Statistics form.
5. Funding is paid directly to the vendor in advance of the upcoming quarter and is disbursed via direct deposit in accordance with the dates/timelines outlined in the signed Service Agreement.
6. The Quarter 1 payment is issued upon receipt of a signed Service Agreement. Subsequent Quarter payments are upon receipt and assessment of the Monthly Enrollment Statistics form, This form is available on the Government of Newfoundland and Labrador website at: [Operating Grant Program - Education \(gov.nl.ca\)](#)

7. Due to the advancement of payments, FCCS Providers withdrawing from the Operating Grant Program must provide six (6) months' notice to the FCC OGP office where possible to avoid overpayments.

### **Audits**

1. A random selection of Operating Grant Program files may be audited by the Department and/or independent financial auditor each fiscal year. The audit review may include, but is not limited to:
  - i. Ensuring all documentation meets the requirements of Operating Grant Program policy and/or requirements of Federal/Provincial Agreements.
  - ii. Adherence to [Canada Revenue Agency](#) Obligations.
  - iii. Parent Declaration Forms.
  - iv. Cross referencing payment of other grants within the Department (e.g., staffing grants issued through the Child Care Inclusion Program) and with other government departments (e.g., wage subsidies through the Department of Immigration and Population Growth); and
  - v. Requesting that the Family Child Care Agency Monitor or Regional Child Care Inspector for a child care service collect information from the daily register and/or make copies of the Register for verification purposes.

### **Funding Adjustments**

1. Payments may be adjusted based on the average monthly enrollment statistics and/or the number of operational hours/ days.
2. A FCCS Provider may request to receive the full grant amount where extenuating circumstances exist and can be verified by the Agency. In such circumstances the FCCS Provider must submit in writing the extenuating circumstances for consideration.
3. Any approved payment adjustments will be applied to the subsequent payment.
4. At the end of the Service Agreement, a final Service Agreement review and reconciliation will be completed and any under or over payment will be issued or recovered:
  - i. Where amount owing is less than \$500, the amount will be taken off the next Operating Grant payment; and

- ii. Where the amount owing is \$500 or greater, the provider will be notified via email and provided with repayment options as outlined under in this section.

## **Overpayment**

1. Where a Family Child Care service, during any point of the Service Agreement period, ceases or reduces operations, and/or does not meet the terms and conditions as outlined in Schedule A and B of the Service Agreement, the Department will recover all overpayments.
2. An overpayment is defined as an operating grant payment provided to a FCCS Provider, where it is determined that the service was not entitled to partial or any of the funding which includes but not limited to:
  - i. Enrollment changes (e.g., decrease in enrollment).
  - ii. The service or spaces closed for partial, one or more days.
  - iii. The service received violations, came under investigation, or became unregulated during the contract period.
  - iv. Meals and snacks were not served or deemed by Agency Monitors to be of insufficient quality.
  - v. Changes to the approval certificate such as the number of operational days, number of spaces.
  - vi. Keying errors resulting in overpayment; and
  - vii. Parent/Guardian or ECE declarations contradict information provided by the service about fees, closures or other activities by the service that warrant an investigation.
3. Repayment of all overpayments is mandatory and may be processed through governmental collections.
4. The Department will determine the amount of the overpayment and will work with the FCCS Provider to develop an appropriate repayment schedule.
5. New/renewal applications and/or subsequent payments under the same or new approval certificates will not be processed until the outstanding balance is paid or an agreement made to reduce the amount of funding owed is in place.
6. Unexpended/ excess funds paid to a FCCS Provider throughout the year shall be applied against the subsequent year for regulated services continuing with the

program. For FCCS Providers receiving excess funds and withdrawing from the program, a repayment schedule will be established through provincial collections.

7. Where an overpayment has been made, the repayment options are as follows:
  - i. A credit note may be applied to recover the amount set or negotiated for repayment from one or more upcoming payments from any of the following programs:
    - a. FCC OGP where the FCCS Provider continues to participate.
    - b. Child Care Capacity.
    - c. Subsidy.
    - d. Inclusion; and
    - e. ELCC Quality Enhancement.
  - ii. A reduced prorated or subsequent FCC OGP or other program payment may be issued.
  - iii. A cheque issued to the Exchequer of Newfoundland and Labrador for the amount owing and send it to the FCC OGP office; or
  - iv. Reimburse or issue credits to families for erroneous charges.
8. Additional steps will be taken to recover the overpayment should the FCCS Provider refuse to pay the outstanding amount. All payments through the FCC OGP will be suspended until repayment has been issued or a repayment plan has been agreed upon. Where repayment has not been received or a repayment plan has not been agreed upon, information regarding overpayment will be sent to the Government Accounting Division of the Treasury Board Secretariat for collections services.
9. Where an overpayment has been created because of an error or omission by Departmental personnel, the overpayment is valid and will be recovered.

## **Underpayment**

1. An underpayment refers to operating grant funding that was issued at a lower amount than the FCCS Provider was eligible for, this includes but is not limited to:
  - i. Grants being initially approved at a reduced regulated capacity.
  - ii. Enrollment changes (e.g., increase in the number of children attending); and

- iii. Changes in the number of operational days and/or type of service provided.
2. Upon receipt of a [Change in Circumstance Form](#) within required timeframes, the Department will determine the amount of the underpayment and will issue a payment for the amount owed to the FCCS Provider.
3. Where a FCCS Provider is owed money from an underpayment also owes a debt to the Crown, the money owing to the Crown may be recovered from the money owing and the remainder, if any, shall be paid to the FCCS Provider.

## No Payment

1. Payment(s) will be withheld in the following situations until a resolution is found and outstanding issues are resolved. Situations include but are not limited to the FCCS Provider:
  - i. Reduces or ceases operations.
  - ii. becomes unregulated.
  - iii. is under investigation or a complaint has been received alleging one or more terms and conditions of the FCC OGP or affiliated policies have not been met.
  - iv. Withdraws prior to the start of a new service agreement; and
  - v. Experienced fluctuations in actual enrollment that did not reflect the numbers projected at the point of renewal or initial application.

## False Pretenses

1. A FCCS Provider shall not on behalf of themselves or another person:
  - i. Knowingly seek FCC OGP allotments that they are not entitled to receive.
  - ii. Aid or abet another person in applying for, obtaining, or receiving FCC OGP funding for which the person is not eligible.
  - iii. Retain funds received in error; and
  - iv. Provide false or misleading information in relation to the FCC OGP to the Department of Education.
2. Where a person has obtained FCC OGP funding under false pretenses, a referral will be made by the Regional Manager to the Director of Accountability and



Reporting, for follow up by the Departmental Controller.

3. A FCCS Provider who has committed fraud with respect to the FCC OGP and/or any other funded programs under ELCD is guilty of an offence and shall repay the funding to the FCC OGP or return inappropriate fees to parents/guardians.
4. Where a FCCS Provider has obtained FCC OGP funding under false pretenses, or for non-operational days outside the terms and conditions set out in this policy or the Service Agreement, an investigation will take place. More information on investigations can be found in section [ELCD-2022-FCCOGP- F1](#) of this Manual.
5. Any change in operational circumstance must be informed to the Department within fourteen days of the change to determine if FCC OGP eligibility remains applicable.

### **Termination**

1. The Department may, at any time, by notice to the client, cancel the Service Agreement if, in the opinion of the Department, the FCCS Provider failed to meet or comply with one or more of the terms and conditions of the Service Agreement, FCC OGP or affiliated policies. The decision will be communicated to the FCCS Provider in writing and a repayment arrangement will be established with the FCCS Provider where required.

### **REFERENCE DOCUMENTS:**

- Enrollment Statistics Form  
[FCC-OGP-Enrollment-Stats-Form-2023.pdf \(gov.nl.ca\)](#)  
[FCC-OGP-Long-Enrollment-Stats-Form2023.pdf \(gov.nl.ca\)](#)
- Canada Revenue Agency  
[Canada Revenue Agency - Canada.ca](#)
- Change in Circumstance Form  
[Fillable-Amendment-or-Change-in-Circumstance-Form-Family-Child\\_Care-2023-01-15.pdf \(gov.nl.ca\)](#)

## COMPLAINTS AND INVESTIGATIONS

**Policy no.:** ELCD-2022-FCCOGP- F1

**Effective Date:** 2022-01-01

**Date Revised:** 2024-04-01

**Policy Cross References:** [ELCD-2022-FCCOGP-E1](#)

**Legislative References:**

### POLICY AND STANDARDS:

1. FCCS Providers participating in the FCC OGP must comply with the policies, procedures and terms and conditions of the program as outlined in their signed Service Agreement and this manual.
2. When the Department receives a complaint regarding a FCCS Provider participating in the FCC OGP, an investigation will be initiated. The investigation will include an audit as outlined in section [ELCD-2022-FCCOGP-E1](#) of this manual and the following information will be collected and/or copied:
  - i. Daily Registers.
  - ii. Parent/guardian verifications; and
  - iii. Declaration forms.
3. Where the Department receives a complaint or concern, the process will be as follows:
  - i. Where possible, the Department will protect the anonymity of the complainant when requested to do so.
  - ii. The complainant will be invited to complete a declaration form; and
  - iii. The Department will assess complaints to determine if a breach of the terms and conditions of the FCC OGP policies, regardless of intentionality, have occurred and whether an investigation into the complaint is warranted.

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4. Investigations will be conducted where complaints related to one or more of the following situations are received. They include, but are not limited to:
- i. Charging and collecting fees, levies, and/or other surcharges not permitted by child care services participating in the FCC OGP during the hours that the service is regulated.
  - ii. Providing inadequate notice to the Department of any significant changes that impact funding where notice could have been provided (e.g., increases/decreases in enrollment, number of operational days/hours).
  - iii. Providing false or inaccurate information.
  - iv. Termination of registrations/enrollments that are a result of being targeted, bullied, harassed, intimidated or other violation of Human Rights; and
  - v. Other situations as deemed necessary by the Director of Accountability and Reporting.
5. Where the Department receives a complaint that one or more of the terms and conditions has been breached, the FCCS Provider's participation in the FCC OGP may be suspended and/or the disbursement of the next scheduled payment may be withheld until the complaint or violation has been satisfactorily resolved.

#### **REFERENCE DOCUMENTS:**

## Glossary of Terms

Term	Definition
Chartered Professional Accountant (CPA)	Chartered Professional Accountant is the professional designation which unites the three Canadian accounting designations that previously existed: Chartered Accountant, Certified General Accountant Certified Management Accountant. CPAs plan, organize and administer accounting systems for individuals and establishments.
Credit Note	A method of recuperating funds from a child care service due to an overpayment.
Daily Rates	Daily rates are set based on part- or full-time equivalents and the age range of the children enrolled in a service.
Designated Holidays	Paid holidays scheduled by the Employer or as prescribed by FCC OGP Service Agreement or collective agreement.
Family Child Care Service	A child care service that is operated in a facility in which the child care service provider lives and operates the service.
Hours of Operation	The hours that a child care service operates as stated on the Child Care Approval Certificate.
Human Rights Act	The Human Rights Act prohibits discrimination based on race, language, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income and political opinion. The Human Rights Act is legislated inclusivity and is applicable to child care services.
Inclusive Child Care	Inclusive child care means that children of all abilities and diversities have equitable access to quality child care programs and are supported in learning through play along with their peers. Inclusive child care supports the individual strengths and abilities of each child to participate meaningfully in all aspects of the child care day.

Involuntary Closure	Closures are caused by events that create unsafe conditions for children, families, and the FCCS Provider. For example, failure of infrastructure such as burst pipes, power outages, water shutoffs. Involuntary closures may be known in advance due to forecasts. The cause of the closure is outside the realm of responsibility of child care services.
Parent/Guardian Verification	Written statement/form provided by a parent or guardian that verifies or contests a statement or information provided by the child care service operator, licensee, or administrator. The statement /form may be solicited or unsolicited.
Part-Time	Part-time care is four or less consecutive hours.
Professional Development / Learning	Gaining new skills through continuing education and career training after entering the workforce.
Service Agreement	A legal document that lays out the conditions surrounding the transfer of operational funding from government to child care services.
Statutory Holidays	New Year's Day, Good Friday, Easter Sunday (if operational on that day), Victoria Day, Memorial/Canada Day, Labour Day, Truth & Reconciliation Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and a civic holiday (e.g., Regatta Day) as fixed by the municipality's council.
Unplanned School Closures	School closures that are unexpected due to weather, or failure of infrastructure such as burst pipes, power outages or water shutoffs.
Voluntary Closure	A closure within the realm of responsibility of a child care service which makes a child care service inaccessible to children and families. Voluntary closures may be planned or unplanned.

## Appendix A

### Approved Community Organizations for Anti-bias Training, Materials & Resources

Association of New Canadians

<https://ancnl.ca/>

Autism Society of NL

<https://asnl.ca/>

Autism Speaks Canada

<https://www.autismspeaks.ca/>

Black Health Alliance

<https://blackhealthalliance.ca/>

Black Lives Matter Canada

<https://www.blacklivesmatter.ca/>

Canadian Hard of Hearing Association

<https://www.chha-nl.ca/>

Crow Kinship Consulting

<https://www.instagram.com/crowkinshipconsulting/>

Diversity NL

<https://diversitynl.com/>

Easter Seals

[https://www.easterseals.com/dfv/?gad\\_source=1&qclid=Cj0KCQjw2PSvBhDjARIsAKc2cgMzYjSd90foX46FlaxkKt-XkvK4FRL5MMO\\_Ovwo8BFDoLhNKcq389waAk-9EALw\\_wcB](https://www.easterseals.com/dfv/?gad_source=1&qclid=Cj0KCQjw2PSvBhDjARIsAKc2cgMzYjSd90foX46FlaxkKt-XkvK4FRL5MMO_Ovwo8BFDoLhNKcq389waAk-9EALw_wcB)

EGALE Canada

<https://egale.ca/>

Empowered Parents

<https://www.empoweredparentservices.com/>

First Light

[First Light | Newfoundland and Labrador \(firstlightnl.ca\)](https://firstlightnl.ca/)

Human Rights Commission

[Human Rights Commission - Newfoundland and Labrador \(thinkhumanrights.ca\)](https://thinkhumanrights.ca/)

National Centre for Truth and Reconciliation  
<https://nctr.ca/about/history-of-the-trc/trc-website/>

Quadrangle NL  
<https://www.thequadnl.com/>

Relationships First  
<https://www.rfnl.org/>

Rick Hansen Foundation  
[https://secure.rickhansen.com/f/onlinedonation?gad\\_source=1&qclid=Cj0KCQjw2PSvBhDjARIsAKc2cgOhWgfYgJvkJBWhJ91fLPL9Jn7nSvDZ2IT-VtuTm\\_J5VsgUdid65acaAq5XEALw\\_wcB](https://secure.rickhansen.com/f/onlinedonation?gad_source=1&qclid=Cj0KCQjw2PSvBhDjARIsAKc2cgOhWgfYgJvkJBWhJ91fLPL9Jn7nSvDZ2IT-VtuTm_J5VsgUdid65acaAq5XEALw_wcB)

Status of Women  
<https://pacsww.ca/>

Trans Support NL  
<https://tsnl.org/training-options/>

Violence Prevention  
<https://violencepreventionae.ca/lgbt/>

YWCA St. John's  
<https://www.ywcastjohns.com/>