

# Coronavirus (COVID-19)

INFORMATION BULLETIN, JUNE 11, 2020

FOR PROVIDERS OF SUBSIDIZED EDUCATIONAL CHILDCARE

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## 1- MANAGEMENT OF SERVICE AGREEMENTS AND USE OF TEMPORARY SPACES: ANSWERS TO YOUR QUESTIONS

A number of questions have been asked since the network began re-opening. These questions concern situations involving children or family members with fragile health, the return of children prior to the date agreed to with the childcare facility, and the sharing of spaces. To help you in this regard, the Ministère de la Famille (MFA) wishes to propose a few solutions.

The following proposals are intended to meet families' needs while ensuring optimal use of childcare spaces and public funds.

On the one hand, many parents are impatiently waiting for a subsidized space for their child, while on the other, some parents do not wish to return their child to his or her childcare facility for health reasons. The possibility of temporarily offering unused spaces to parents who are waiting for their own spaces represents responsible use of public funds.

If possible, we ask you to draw inspiration from the following proposals. Their aim is to accommodate both parents who do not wish to return their child to childcare for health reasons but who want to retain access to their child's space, and parents who are currently looking for a subsidized space for their child.

### A) Parents who wish to retain their spaces beyond September 1, 2020 for health reasons

- Parent A fears for his or her health or for that of his or her child or a family member, and therefore does not wish to return the child to the childcare facility but wishes to retain his or her space.
- The director of the childcare facility wishes to fill the vacant space.
- Parent B cannot find a space in a childcare facility.

## *Proposed solution*

1. Parent A and the childcare facility could mutually agree (the childcare facility may ask for a medical certificate attesting to the fact that the child must not return to childcare after September 1, 2020) to terminate the current agreement on August 31, 2020 (this date could be moved up to an earlier date if the childcare facility is able to replace the child);<sup>1</sup>
2. Parent A and the childcare facility sign Agreement 1, to take effect on January 1, 2021 (for example);
3. Parent B and the childcare facility sign Agreement 2, to take effect on September 1, 2020 and end on December 31, 2020;
4. When Agreement 2 expires, Parent A will have three choices:
  - To return his or her child to the childcare facility and honour Agreement 1;
  - To remove his or her child definitively (or put the child back on the list);
  - Negotiate a new agreement with the childcare facility to extend the child's absence.

## *Details regarding payment*

Parents in situation A, like all other parents who wish to retain their child's space, must honour the service agreement they have signed and pay the parent contribution as of the date when the network is operating at 100% capacity (June 22, 2020 in cold zones, and July 13, 2020 – if the epidemiological situation allows – in the Montreal metropolitan community [CMM]<sup>2</sup>), until the expiry date of their service agreement. A parent who does not wish to pay for a space that his or her child is not using, particularly during the summer, always has the option of terminating his or her agreement.

## **B) Parents who wish to accelerate their child's return to his or her childcare facility when the facility has offered the temporarily available space to another parent**

### *Context and description of the issue*

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<sup>1</sup> All dates are provided for information purposes only. The actual dates may vary, but may not be later than September 1 apart from exceptional cases where it is justified by the parent's or child's health.

<sup>2</sup> To lighten the text, the CMM should be understood to include the RCM of Joliette and the municipality of L'Épiphanie.

Some parents who work in priority sectors or activities answered the questionnaire sent to them by their childcare facility at the end of April by indicating that they did not want their child to return to the childcare facility until September 1, 2020, for example, and then, for one reason or another, changed their minds and wanted to have their child return to the facility the following week. However, given that in many instances the childcare facility thought this space was available until September 1, 2020, it entered into a service agreement with another parent to allow his or her child to attend the facility until that date.

### *Proposed solution*

Childcare facilities may inform parents who have changed their minds that the number of children the facility is allowed to accept will increase gradually with each phase of the re-opening and may give them the date on which their child will be able to return, according to the scheduled start of the next phase. For now, the change in phase, and accordingly, the increase in the number of children that can attend a childcare facility, is scheduled to take place in two weeks. Normally, the usual parent should regain access to his or her space if the childcare facility is operating at 100% capacity. In the event that the childcare facility cannot accommodate his or her child, the parent will have to look for a space among the temporary spaces posted on the La Place 0-5 website.

### **C) Parents who would like to temporarily share the use of a childcare space<sup>3</sup>**

#### *Context and description of the issue*

Even before the pandemic, two children would frequently attend the same childcare facility on a part-time basis and thus be regarded as occupying the “same space.”

For legal reasons, in such circumstances, the parents of each child have to sign their own agreement with the childcare facility.

The prescribed childcare services agreement template (mandatory for childcare centres and subsidized daycare centres) does not provide for a possible “note” or “addendum” for offering childcare services to two children from different families. Moreover, it is important to remember that a service agreement is always, and must always be, entered

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<sup>3</sup> This involves supplementary agreements concerning regular replacements

into exclusively by two parties: one parent (or two parents from the same family) and a childcare facility. Two families cannot enter into or be covered by the same service agreement.

## *Proposed solution*

It is nonetheless feasible and easy for two families to reach an agreement with the childcare facility to this effect and for each family to enter into a service agreement that reflects their own childcare needs, with each parent paying only for the services that he or she in fact uses. **Parent A wishes to benefit from a space at the end of the space-sharing period.**

1. Parent A and the childcare facility could reach a mutual agreement to terminate the current agreement;
2. Parent A and the childcare facility sign Agreement 1 to take effect on September 1, 2020;
3. Parent A and the childcare facility sign Agreement 2 to take immediate effect and to end on August 31, 2020, and mentioning, for example, attendance on Mondays, Wednesdays and Fridays;
4. Parent B and the childcare facility sign Agreement 3 to take immediate effect and to end on August 31, 2020, and mentioning, for example, attendance on Tuesdays and Thursdays.

Remember that childcare facilities are required to ensure adequate and optimal occupancy of the subsidized spaces they have been granted while adhering to the two principles for managing the occupancy of childcare spaces mentioned in the *Règles de l'occupation* (<https://www.mfa.gouv.qc.ca/fr/publication/Documents/RO-cpe-gard.pdf>) (in French only), referred to below:

- First principle: The service agreements signed with parents reflect their real needs. Educational childcare providers must enter into agreements that reflect the parents' real childcare needs. In fact, in accordance with section 9 of the *Reduced Contribution Regulation*, "the parent must agree with the childcare provider, in a written agreement, on the childcare services required for the child, on whether they are to be provided on a day or half-day basis, on the days of attendance required, and within the limits set in sections 6 to 8.1, on the hours of childcare that meet the parent's

childcare needs.” Thus, a parent whose weekly childcare needs are less than five days a week must enter into an agreement that reflects this part-time need.

- Second principle: Absent children are replaced so as to optimize use of subsidized spaces. Childcare providers must optimize use of subsidized spaces by replacing absent children, particularly when the absences are foreseeable. They must therefore encourage parents to make wise use of the subsidized spaces and to notify them as soon as possible if their child will be absent. When an absent child is replaced, the childcare providers must, in all cases, enter into a service agreement with the parent whose child will be replacing the absent child.

*The Information Bulletin from the Ministère de la Famille is a publication that provides periodic information updates for educational childcare providers during the pandemic. Be sure to always consult the latest version of the Bulletin because the information on a given topic will most likely be updated as the situation evolves.*

If you do not find the answers to your questions on these websites, please call the Centre des services à la clientèle et des plaintes of the MFA at the toll-free number 1-855-336-8568, between 8:30 a.m. and 4:30 p.m., Monday to Friday.