

LICENSING SERVICES HANDBOOK

Child-Caring Facilities

*Nova Scotia
Department of
Community Services*

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Introduction

This handbook is intended to be used as a reference if you operate a licensed Child and Youth Caring Home, under the *Children and Family Services Act* or are interested in opening a licensed Child and Youth Caring Home. It provides information on the following topics:

- The license application process
- Information about the license
- What is involved in the inspection and monitoring of your licensed Child and Youth Caring Home
- How to prepare for a licensing inspection
- Compliance and Enforcement policy
- How to report complaints and how Licensing Services responds to complaints

Licensing Services is a unit within the Department of Community Services. Our purpose is to protect the health, safety, and well-being of those receiving out-of-home care. We do this through inspections to ensure compliance with minimum requirements set out in the *Children and Family Services Act*, the *Children and Family Services Regulations*, and the *Provincial Policies for Child and Youth Caring Homes*. Throughout this handbook these three sources are collectively referred to as the *Children and Family Services Act*.

Licensing Services is accountable for the following:

- Processing license applications, ensuring licensing requirements are met and issuing the license
- Providing technical assistance to facilities to help in achieving compliance with the regulations and standards
- Performing a minimum of two inspections per year on-site at each licensed facility
- Carrying out compliance enforcement activities for facilities that are found to be in non-compliance of any requirement of the *Children and Family Services Act*
- Receiving and following up on complaints made against licensed and unlicensed facilities

Information about Licensing Services

For additional information about the application and licensing process, the Act and Regulations, and the Nova Scotia Department of Community Services (DCS) licensed programs, see the DCS Licensing Services website: <https://novascotia.ca/coms/licensing/>

Information for Children, Youth & Families

Community Services provides a range of community-based, prevention-oriented services to children, youth, and their families. More information about the programs and resources is available online at the DCS website: <http://novascotia.ca/coms/families/index.html>

Information about Community Child-Caring Services

Additional information about child-caring facilities may be obtained from the Child Welfare and Child and Youth Caring Services (CWS) website: <http://novascotia.ca/coms/families/ResidentialServices.html>

Section 1 – Initial application process

If you are interested in providing care and support for children and youth under 16 years of age, you must have a license to operate a child-caring facility.

There are two stages to obtaining an initial license:

1. Child Welfare Services (CWS) approval for a proposal
2. Licensing Services recommendation and Minister approval

Stage 1: CWS approval for a proposal

Initial proposals to operate a child-caring facility are first submitted to the CWS program where they are reviewed. When all requirements are met, approval for a proposal is granted. For more information about the CWS program and for information on license proposals, guidance, and packages, contact the CWS office in your region (refer to [Section 9 – Child Welfare regional contact information](#)).

During the proposal stage, the CWS program will provide you with the Licensing Services license application form. You can contact a Licensing Supervisor to discuss the application form and licensing requirements (refer to [Section 10 – Licensing Services contact information](#)).

Stage 2: Licensing Services recommendation and Minister approval

After your license proposal is approved by the CWS program, you will be required to complete a license application form with the following documentation:

- A letter from the Municipality stating that the facility conforms to zoning by-laws
- A copy of the Occupancy Permit from the Municipal Building Inspector
- A letter from a qualified electrician, plumber, and heating expert approving the electrical, plumbing and heating aspects of the facility
- Proof of fire and liability insurance
- A copy of the Health Inspection Report, indicating that all health safety requirements are met
- A copy of the Fire Inspection Report, indicating that all fire safety requirements are met
- A current floor plan of the facility
- A current water analysis report (if on well supply)

It is recommended that you contact the Office of the Fire Marshal (fire inspection) and the Department of Environment (health inspection) early in the process because of the time it may take to arrange for these inspections (refer to [Section 8—Useful Resources](#) for contact information).

Submit your completed application and all the required documentation to Licensing Services:

Licensing Services

Licensing Supervisor

P.O. Box 696

Halifax, NS, B3J 2T7

dcslicensing@gov.ns.ca

Licensing Services is committed to having your initial license issued to you within 10 business days of receipt of the complete application, including all the required documentation. A Licensing Supervisor will review your application to verify that all required documentation has been submitted.

Before you are issued a license, a Licensing Officer will be assigned and will contact you to arrange an on-site inspection of your facility to confirm that all the requirements of the *Children and Family Services Act* are met. Once this is completed, a recommendation will be made to issue your new license. The Minister of Community Services provides the final approval and signs the license.

If you require any assistance during this stage of the application process, you can contact your assigned Licensing Officer directly or a Licensing Supervisor (refer to [Section 10 – Licensing Services contact information](#)).

Section 2 – Information about the issued license

This section provides details of your responsibilities and what to expect once you have your child-caring facility license, as well as the tools available to you should you wish to request a change.

The Minister of Community Services issues the license to your registered Licensee name. The license contains the following information:

- Name of the facility
- Location of the facility
- Terms, Conditions, or Restrictions of the license
- Effective dates of the license

Term

Licenses are issued for a period up to five years.

Conditions

For a child-caring facility, the following conditions are detailed on the license:

- **Maximum number of residents** – the total number of residents that can be living at the facility at one time
- **Age range** – the allowable age range of the residents living at the facility
- **Other terms, conditions, or restrictions** – any additional items will be detailed here (if, for example, the facility is temporarily located at another address, the facility has a waiver for a specific regulation, or the facility is operating under a Probationary License).

Renewal

At least 30 days before the end of the term of your license, you will receive a license renewal application form, asking you to verify the conditions on your license and confirm that you want your license renewed for another five-year term.

Voluntary Closure

If for any reason during the term of your license you decide to close your facility, you must advise your Licensing Officer of your decision. Licensing Services will issue a letter acknowledging your decision to close the facility and will cancel your license.

Changing the License

At any time during the term of your license, you may request to changes to your license (to change, for example, the maximum number of residents, the age range of residents, or the location of the facility). To request a change to your license, you will need to contact CWS and discuss the proposed change. CWS will provide guidance on the steps required and will provide a recommendation to proceed with the change (refer to [Section 9 – Child Welfare regional contact information](#)).

Once CWS has recommended your requested change, a Licensing Supervisor will provide you with a change request application form, which you will have to complete and forward to the Licensing Services Head Office along with the required documentation.

Many change requests require you to submit a Fire and Health inspection report. In that case, you will have to submit either a new inspection report or your current inspection report accompanied by an email or letter from your Fire and Health Inspectors indicating that they are aware of the change and that the existing inspection report is satisfactory.

A Licensing Supervisor will review your application to verify that all required documentation has been submitted. If the application is not complete, the Licensing Supervisor will return it to you and detail the outstanding documentation required to proceed with the change request.

Depending on the type of change requested, a Licensing Officer may conduct an inspection to ensure compliance with the *Children and Family Services Act*. If your request has been approved, an updated license will be issued.

Section 3 – Licensing inspections

This section provides information on the purpose of licensing inspections and a description of each type of inspection.

Purpose of Inspections

All licensed child-caring facilities are required by law to be inspected. Inspections are intended to ensure that all licensed facilities adhere to the *Children and Family Services Act*. Licensed facilities will receive a minimum of two licensing inspections during a 12-month-period. However, if non-compliance is identified or a complaint received, licensing staff may conduct additional inspections.

Licensing Inspection Report

Once the inspection has been completed, your Licensing Officer will issue a Licensing Inspection Report, which provides the results of the inspection and details of any identified non-compliance items. The Licensing Officer will review the inspection report with the facility's Administrator, or designate, who will need to sign the Licensing Inspection Report.

If you are not the Administrator of the facility, an additional copy of the Licensing Inspection Report will be generated, with the expectation that the Administrator will send you a signed copy for your records.

Type of Inspections

Initial License Inspection

This inspection occurs when you apply for an initial child-caring facility license. Its purpose is to ensure adherence to the *Children and Family Services Act*. The inspection will be scheduled in advance by the Licensing Officer who will conduct it.

Initial Unannounced Inspection

This inspection takes place three (3) to six (6) months after your initial license is issued. You are not informed in advance of the inspection date. If your facility is in full compliance, the next scheduled inspection would occur on or before the Annual Inspection anniversary date. If non-compliance items have been identified, a Monitoring Inspection will be scheduled.

Annual Inspection

Annual Inspections are performed at all licensed facilities. This inspection occurs on or before your Annual Inspection anniversary date. Your Licensing Officer will contact you to schedule this inspection and will answer any questions you may have. If your facility is in full compliance, the next inspection would be an Annual Unannounced Inspection, which would occur in four (4) to six (6) months. If non-compliance items have been identified, a Monitoring Inspection will be scheduled.

Annual Unannounced Inspection

This unannounced inspection occurs at least once within a 12-month period. The inspection is done four (4) to six (6) months from the date of your Annual Inspection, and you are not informed of the inspection date. If your facility is in full compliance, the next inspection would be your Annual Inspection. If non-compliance items have been identified, a Monitoring Inspection will be scheduled.

Monitoring Inspections

Monitoring Inspections are conducted if non-compliance items were identified during an inspection. A Licensing Officer will conduct a Monitoring Inspection by the date specified on the Licensing Inspection Report to correct the identified non-compliance items. If you are not sure how to correct the non-compliance item, you can contact your Licensing Officer for technical assistance.

If there are non-compliance items still outstanding and not corrected after a Monitoring Inspection, an additional Monitoring Inspection is conducted with new correct-by date specified. Additional Monitoring Inspections will also result in enforcement measures being implemented according to the Compliance and Enforcement Policy (refer to [Section 5 – Compliance and Enforcement Policy](#)).

Enhanced Monitoring Inspections

Licensing Services may deem it necessary to conduct additional Monitoring Inspections to ensure continued safety of residents during periods of non-compliance or when renovations are occurring at your facility. These visits may be scheduled or unannounced.

Complaint Investigations

Licensing Services receives and manages complaints about child-caring facilities. It may be determined, based on the information received, that a Licensing Officer will have to visit your facility in order to determine if any action is required. If the complaint results in non-compliance with the requirements of the *Children and Family Services Act*, the item and correct-by date is noted on the Licensing Inspection Report, and a Monitoring Inspection will be scheduled. If no action is required, a Licensing Inspection Report will be issued indicating there are no areas of non-compliance.

Some complaints pertain to other Departments or programs (CWS, for example, or the Department of Environment, or the Office of the Fire Marshal). In these cases, a referral will be made to the appropriate area (refer to [Section 6 – Complaints](#)).

Section 4 – How to prepare for an inspection

This section provides some recommended practices to ensure that you and your facility are prepared for an inspection. The purpose of an inspection is to determine whether your facility is complying with the minimum requirements for a licensed child-caring facility.

Technical Assistance

You may request technical assistance from either your Licensing Officer or a Licensing Supervisor. The intent of technical assistance is to provide information and support to help you meet and maintain compliance with the *Children and Family Services Act*. We are also available to meet with you and your staff to answer any questions you may have. Our goal at Licensing Services is to help facilities meet compliance, and we encourage you to contact us at any time. Technical Assistance can occur via telephone, through site visits, by letter, or by email.

Know the minimum requirements

To ensure that your facility meets the minimum requirements at all times, it is important that you and your staff are familiar with the *Children and Family Services Act*, the *Children and Family Services Regulations* and the *Provincial Policies for Child-Caring Facilities*. If you have questions or need clarification, your Licensing Officer is available to assist you and go over your questions.

Review the Inspection Checklist form

You may wish to review the Child-Caring Facility Inspection Checklist used by Licensing Officers during inspection visits. A copy of the checklist is available on our website: <https://novascotia.ca/coms/licensing/> or you may request a copy from your Licensing Officer or by contacting Licensing Services.

Review previous Licensing Inspection Reports

You may wish to review Licensing Inspection Reports from previous inspections, as this will give you a listing of non-compliance items identified in the past.

Have resident and administrative records ready

Check to see that all records and required documentation are complete, organized and up-to-date. Also, make sure that all required administrative records and postings are accessible for review. Here are some examples of the records and documentation the Licensing Officer will ask to see:

- a copy of your policies and procedures
- program plan
- residents' files
- medication records
- child abuse registry checks
- criminal record checks
- staff training

Some of the documentation, such as fire inspection reports, child abuse registry checks, or confirmation of required staff training, may take several weeks to be completed. You will need to ensure that the documentation is obtained early enough in advance so that it can be reviewed at the time of your inspection.

Talk with your staff

You may wish to speak to your staff about the licensing inspection in order to better prepare them and help them understand the process. It is important for staff members to be familiar with the Child-Caring Facility Inspection Checklist and to understand what the Licensing Officer may be looking for. They should feel free to speak with the Licensing Officer and to ask questions. Staff should be encouraged to follow regular routines during the inspection.

Talk with your residents

You may wish to speak to your residents about the licensing inspection in order to better prepare them and help them understand the process. They should feel free to speak with the Licensing Officer and to ask questions. Residents should be encouraged to follow regular routines during the inspection.

What to expect during an inspection

During an inspection, a Licensing Officer will record notes, complete observations, review records and postings, and speak with the facility Administrator, staff, and residents. Once the inspection is complete, the Licensing Officer will determine whether your facility meets the requirements. If there are any identified non-compliance items, the Licensing Officer will provide details on them and specify a correct-

by date. The Licensing Officer will review the results of the inspection and generate the Licensing Inspection Report.

The length of an inspection varies and may take several hours. Feel free to inform the Licensing Officer of any needs during this timeframe (such as scheduled appointments or staff break coverage).

Section 5 – Compliance and Enforcement Policy

This section provides a summary of the actions that occur under the Compliance and Enforcement process when non-compliance to the *Children and Family Services Act* is identified. The *Compliance and Enforcement Policy* can be reviewed online at

<https://novascotia.ca/coms/licensing/docs/Compliance-Enforcement-Policy.pdf>.

First Monitoring Inspection

If non-compliance is identified during an inspection, a Monitoring Inspection is conducted by a Licensing Officer on or before the date specified on the Licensing Inspection Report to correct the identified non-compliance.

Probationary Warning Letter

If at the first Monitoring Inspection, the non-compliance items are not corrected, the Licensing Officer will escalate the non-compliance to a Licensing Supervisor and assign a second Monitoring Inspection date. The Supervisor, after reviewing the information on the outstanding non-compliance items, may recommend that the Director of Licensing Services issue a Probationary Warning Letter. This letter will advise you that if the non-compliance items are not corrected by the specified correct-by date, a Probationary License may be issued.

Probationary License

If at the second Monitoring Inspection, the non-compliance items are not corrected, a Licensing Supervisor will escalate the non-compliance to the Director, Licensing Services and assign a third Monitoring Inspection date. The Director, after reviewing the information on the outstanding non-compliance items, may recommend that the Minister of Community Services issue a Probationary License. A letter accompanying the Probationary License and will advise you that if the non-compliance items are not corrected by the expiry date identified on the Probationary License, a recommendation will be made to the Minister to suspend or cancel your license.

Suspension or Cancellation of License

If at the third Monitoring Inspection, the non-compliance items are not corrected, a Licensing Supervisor will escalate the non-compliance to the Director of Licensing Services. The Director, after reviewing the information on the outstanding non-compliance items, may recommend that the Minister of Community Services suspend or cancel your license. A letter from the Minister will be issued detailing the suspension or cancellation decision and the required next steps.

Please note that the Minister may at any time suspend or cancel a license. This would only occur when there is sufficient evidence to warrant the suspension or cancellation.

Action Plans

Depending on the nature of a non-compliance item and the circumstances around coming into compliance, your Licensing Officer may suggest establishing an Action Plan for your facility to come into compliance.

Here is an example situation where an Action Plan could be implemented to correct non-compliance with the regulations; a facility has to undertake renovations, repairs, or replacements, but the work, for various reasons, cannot reasonably be completed within the identified correct-by date.

To establish an Action Plan, you will need to coordinate with your Licensing Officer and complete a Facility Action Plan form. The completed form, which provides the details of your plan to come into compliance with the non-compliance item, will have to be approved by Licensing Services.

Section 6 – Complaints

Licensing Services is responsible for following up on any complaints pertaining to both licensed and unlicensed facilities. You are encouraged to contact us when you have any concerns or questions. Phone 1-877-223-9555 or email dcs_licensing@novascotia.ca.

Licensed facilities

When a complaint is received, the information is assessed, and a determination is made as to whether an investigation is required. If the complainant provides information that indicates a contravention to the *Children and Family Services Act*, a Licensing Officer will investigate. Depending on the nature of the complaint, Licensing Services may also refer the complaint to other government departments or programs, such as CWS, Department of Environment, or the Office of the Fire Marshal.

Unlicensed facilities

The *Children and Family Services Act* states that no person shall conduct, maintain, operate or manage a child-caring facility, unless that person is issued a license to do so.

Anyone who has reason to believe that a person is running an unlicensed facility is encouraged to call **1-877-223-9555** and report the facility.

Suspected Child Abuse

Everyone has the duty to immediately report to a child welfare agency even a suspicion that a child under 16 may need protective services. If you suspect that a child is being abused or neglected, you have a **duty to report**. Once a report is made, child protection social workers assess the information provided to determine an appropriate response.

If you suspect that a child is being abused or neglected; contact the child welfare agency in the area where the child lives. It is best if you contact the agency by telephone or in person. To find the child welfare agency in your area, refer to [Section 9 – Child Welfare Services regional contact information](#).

After regular business hours call **1-866-922-2434** if you believe a child is in immediate danger.

Section 7 – Department operated facilities

The Department of Community Services (DCS) currently operates a number of Child and Youth Caring Homes; this section provides information on Licensing Services accountabilities for these facilities.

Licenses

DCS operated Child and Youth Caring Homes, under the authority of the *Children and Family Services Act*, are issued an approval to operate by the Minister of Community Services. These facilities do not receive a license to operate.

Inspections

All DCS operated Child and Youth Caring Homes are required by law to be inspected. Inspections are intended to ensure that all facilities adhere to the *Children and Family Services Act*. All facilities will receive a minimum of two licensing inspections during a 12-month-period. However, if non-compliance is identified or a complaint received, licensing staff may conduct additional inspections. Refer to [Section 3 – Licensing Inspections](#) for further information on the types of inspections.

Compliance and Enforcement

The compliance and enforcement process for DCS operated Child and Youth Caring Homes is the same as for non-Departmental licensed Child and Youth Caring Homes, with the following two differences:

- Instead of a Probation Warning Letter being issued, a Non-Compliance letter is issued to DCS staff responsible for the facility
- Instead of a Probationary License being issued, a Non-Compliance letter is issued to the DCS Associate Deputy Minister

Refer to [Section 5 – Compliance and Enforcement Policy](#) for further information on the escalation process.

Section 8 – Useful Resources

This section provides links to related information and other resources you might find useful.

Children and Family Services Act and Regulations

<http://novascotia.ca/coms/families/ResidentialServices.html>

Licensing Services website

<https://novascotia.ca/coms/licensing/>

Licensing Services Child-Caring Facility Checklist

https://novascotia.ca/coms/licensing/docs/LIC - 713AP_CWS_Annual_Licensing_Checklist.pdf

The Children in Care and Custody Manual

<http://novascotia.ca/coms/families/ChildreninCare.html>

Office of the Fire Marshal

<https://beta.novascotia.ca/government/office-fire-marshal>

Health Inspections: Food Safety

<https://novascotia.ca/agri/programs-and-services/food-protection/>

Child Abuse Register

<http://novascotia.ca/coms/families/abuse/ChildAbuseRegister.html>

Section 9 – Child Welfare Services regional contact information

Eastern Region

360 Prince Street, Suite 25

Sydney, NS, B1P 5L1

Phone: (902) 563-3300

Fax: (902) 563-0516

Northern Region

610 East River Road, Suite 255

New Glasgow, NS, B2H 3S2

Phone: (902) 755-5950

Fax: (902) 755-7367

Central Region

2131 Gottingen Street

Halifax, NS, B3K 5Z7

Phone: (902) 424-5420

Fax: (902) 424-9424

Western Region

470 Main Street

Kentville, NS, B4N 1L2

Phone: (902) 679-5146

Fax: (902) 679-6127

Section 10 - Licensing Services contact information

General Inquiries and Complaints

Phone: 1-877-223-9555

Email: dcs_licensing@novascotia.ca

Licensing Services Head Office

5675 Spring Garden Road, 3rd Floor

P.O. Box 696, Halifax, NS B3J 2T7

Fax: (902) 428-5818

Supervisor, Licensing Services

Laurie Jacklyn (He/Him)

Phone: (902) 424-8273

Email: laurie.jacklyn@novascotia.ca

Section 11 – Your contacts information

Licensing Supervisor	
Name	
Phone	
Fax	
Email	

Licensing Officer	
Name	
Phone	
Fax	
Email	

CWS	
Name	
Phone	
Fax	
Email	