

- In 1 instance, the maximum wholesale and retail price for petroleum products set by the Commissioner was incorrectly calculated. In this instance, the maximum wholesale and retail price for diesel fuel in Zone 10 has been understated by 1.725 cents per litre including HST since the first period of price regulation began in October 2001.
- The Commissioner is not adequately monitoring compliance with the *Petroleum Products Act* and *Regulations*. In particular, required contact information has not been provided by all wholesalers and retailers, periodic reports have not been requested from wholesalers and retailers, and no inspections of wholesalers and retailers have been conducted. As a result, the Commissioner did not determine whether wholesalers and retailers are charging more than the established maximum price and did not obtain information on the factors which are influencing the costs of supplying petroleum products throughout the Province.

2.18 Child Care Services

The *Child Care Services Act* and *Child Care Services Regulations* provide the legislative framework for control over the provision of child care services in the Province.

Although the Department of Health and Community Services has overall responsibility for the child care services program, it has not adequately monitored and controlled the delivery of the program. For example, the Department did not release its approved policies relating to the *Child Care Services Act* and *Regulations* until November 2001, 29 months after the *Act* came into force.

As well, while the Department receives an annual report from each of the regional health and community services boards, these annual reports are on the overall operations of the regional boards and are not specific to the child care services program. The Department also receives monthly statistical reports from each of the regional health and community services boards; however, these reports do not include any information relating to visits by regional staff to monitor the operations of the child care facilities.

Identification of Providers of Child Care Services

Neither the St. John's Regional Health and Community Services Board nor the Western Regional Health and Community Services Board take the initiative to actively investigate whether there are any unlicensed child care service providers in their region. Instead, investigation of unlicensed providers is only performed in response to complaints received. Although complaints in the St. John's region are investigated, since June 1999 the Western Board has not conducted any on-site investigations resulting from complaints received.

Licensing of Child Care Facilities

Although licences are being issued to child care facilities, there are many instances where there is no evidence on file to indicate whether all licensing requirements outlined in the *Child Care Services Act* and *Regulations* were met. For example: for 16 facilities there was no evidence on file to indicate that staff had the required current certificate of conduct, first aid certificate, or immunization records; and for 21 facilities the required liability insurance had expired, the Province was not listed as an insured party as required, or the insurance policy did not provide coverage for the maximum number of children for which the centre was licensed. There was also 1 facility for which there was no evidence on file to show that any of the licensing requirements were met.

The *Child Care Services Act* was not complied with in that the two family child care agencies associated with the St. John's and Western regional boards were not licensed as required when they commenced operations in 2000. In fact, one agency was not licensed until 15 April 2003 and the other was not licensed until 11 June 2003. These agencies are responsible to ensure that all of the 33 affiliated family child care homes meet the requirements of the *Child Care Services Act* and *Child Care Services Regulations*.

Monitoring Providers of Child Care Services

Although policy requires that a formal annual evaluation be prepared for each facility, we found that in St. John's, none of the required annual evaluations were prepared. Furthermore, although policy

requires that monthly visits be conducted where possible, we found instances at both Boards where these monthly visits were not conducted.

As a result of the monitoring that was performed, violation orders were issued for matters such as: a 5 year old child was left unattended in a van in a supermarket parking lot; a 3 year old child was left unattended outside a centre; a child was administered medication, not as prescribed, resulting in an overdose; a bus driver did not have the required driver's licence or current certificate of conduct; food was not handled as required; the ratio of children to staff was exceeded; and a child younger than the licence age restriction was at a centre. We found instances where there was inadequate documentation to support the final resolution of the violations identified.

Violation orders are not always issued when warranted. For example, there were 4 centres which had a combined total of 31 health and safety violations for which no violation orders were issued as of March 2003. These violations included such things as: children left unattended; fire exit blocked; garbage left uncovered; emergency lighting not working; inadequate food servings; child to staff ratio exceeded; and lack of cleanliness. Discussions with Board officials indicated that any violation involving a child left unattended would be serious enough to have a violation order served and posted.

Inspections of Child Care Facilities

The required annual fire, life and safety, and environmental health inspections are not always being conducted by the Department of Government Services and Lands. For example, there were 20 facilities (17 family child care homes and 3 child care centres) known to be in operation but not included in the Department's database. Therefore, these facilities were not subjected to the required annual inspection. Furthermore, for the facilities included in the database and required to be inspected, we found that 45 did not have the required annual fire, life and safety inspection conducted since February 2002 and of these, 7 had not been inspected since February 2001. In addition, we found that 77 did not have an environmental health inspection conducted since February 2002 and of these, 7 had not been inspected since February 2001, and for 16, the database does not indicate any inspection ever having been conducted.