



Education (E-1)
PO Box 2703, Whitehorse, Yukon Y1A 2C6

October 1, 2026

Jason Pedlar
Yukon Ombudsman
3162 Third Ave
Whitehorse, Yukon Y1A1G3

Dear Jason Pedlar:

Re: File OMB-INV-2025-09-185

I am writing in response to your final Investigation Report as provided to the Department of Education on September 11, 2026.

The Department of Education recognizes the importance of fair and effective processes. We are committed to continuous improvement to advance the key priorities of the department and the branch, notably the development of a high-quality early learning and child care system that is accessible, affordable, and inclusive.

As you recognize in your report, the new *Early Learning and Child Care Act* received unanimous assent in the Legislative Assembly in May 2025. Work is now underway to develop the regulations required to bring this Act into force. This legislation represents a shift in early learning and child care philosophy. Not only does it enshrine the principles of quality, affordability, accessibility, and inclusivity, but it will also enhance transparency and accountability through the required tabling of annual reports. The Act will address several of the recommendations you have made.

I would like to recognize that the final report has incorporated much of the feedback provided by the Department of Education to the preliminary report. I do note the following areas that require clarification or correction:

- We would like to clarify that in contrast to your statement in paragraph 81, a lack of full documentation regarding rectifying of non-compliances only occurs in the minority of cases. On most occasions, after a child care operator rectifies a non-compliance, inspectors collect documentation through photos, documents, or verbal/email confirmation. This is recorded in the programs physical or electronic file held by the Early Learning and Child Care Branch.
- The Department of Education respectfully disagrees with your statement in paragraph 82 that we do not ensure repeatedly non-compliant childcare programs receive appropriate consequences and penalties. Inspectors regularly assess the risk and implement appropriate consequences, including requiring material changes, requiring professional development, issuing an order to comply, just to name a few.
- As we clarified in the preliminary report, the Department does not provide exemptions for staff-to-child ratios. Training exemptions may be granted for communities where there are barriers to recruitment and retention of certified early childhood educators, but staff are still required to meet other regulatory requirements, notably vulnerable sector checks. Programs are not granted exemptions to increase group sizes or ratios.

The Department has reviewed and responded to your recommendations, as outlined in the following table:

Recommendation		Department of Education response	Action proposed or taken	Timeline
Enforcement of compliance				
1	The Authority should create a standardized form that outlines when and what actions have been taken to remedy non-compliance.	Partially agree. The Early Learning and Child Care (ELCC) branch currently uses a standardized form to note non-compliances. The branch also uses internal guiding documents to determine level of risk by regulation and timeline required for remedy. Flexibility in	ELCC will review inspection checklists and non-compliance forms with all inspectors to support consistent timelines of non-compliance remedies. ELCC will regularly rotate caseloads of inspectors.	By December 31, 2026, and annually ongoing

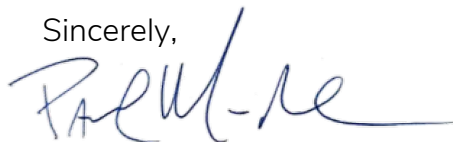
		implementing timelines allows flexibility to ensure context. For example, programs in remote communities may require more time to order supplies or confirm contractors.		
2	The Authority should make summaries of inspection and investigation outcomes available for the public or publish the summaries on its website, making sure to protect confidential information, to promote public accountability and transparency.	Partially agree. Inspection reports are currently available in the ELCC office and in all licensed programs. The current <i>Child Care Act</i> does not provide the authority to publish inspection and investigation outcomes broadly.	ELCC will explore options to provide greater transparency within the legislative limits. ELCC will consider this in development of regulations for the new <i>Early Learning and Child Care Act</i> .	Regulation drafting timeline TBD
3	The Authority should create a policy that addresses how the Director is approving staff prior to their employment at child care programs, in line with the requirements in the <i>Regulation</i> .	Agree in principle. Effective implementation of this recommendation will depend upon operators notifying the Director.	ELCC will continue to remind all licensed operators in writing of the requirement to a) notify the Director before any new staff begins employment and b) ensure all staff documentation is complete, including a vulnerable sector check.	December 31, 2026
4	The Authority should consider avenues to ensure that child care	Agree in principle. Inspections represent the tool available to	ELCC will remind all licensed operators in	December 31, 2026

	programs are consistently performing fire and evacuation drills as required by the Regulation, prior to an inspection.	ELCC to ensure regulatory requirements are met.	writing of the regulatory requirement to consistently perform fire and evacuation drills.	
5	The Authority should track child care program staff hiring and turnover. This would identify trends that would allow the Authority to prioritize enforcement.	Agree in principle. Program staff lists are currently tracked in Microsoft Word. Analysis of hiring and turnover trends across the sector would be time and resource intensive. Digitization of ELCC systems has begun but is expected to take multiple years to fully digitize all data collection points.	ELCC will explore efficient and effective ways to identify trends in child care program staff hiring and turnover.	March 31, 2027
Authority's complaints process				
6	The Authority should create a publicly available complaints and investigations policy that outlines information about where and how people can make complaints about childcare educators or programs. This policy should include a means of informing the complainant about the outcome or a summary of the investigation outcome without revealing confidential information.	Agree in principle.	Post existing policy online on Open Data, recognizing it will be updated once new Act comes into force.	December 31, 2026

7	The Authority should make available all its complaints and investigations policies on its website and at its office, as well as at childcare programs.	Agree in principle.	Post existing policy online on Open Data, recognizing it will be updated once new Act comes into force.	December 31, 2026
8	The Authority should recommend including confidential reporting and reprisal protections in the Regulation currently being drafted.	Agree in principle.	According to the <i>Early Learning and Child Care Act</i> section 63, 4(c): "The Director may take steps to protect the identity of the complainant from the person who is the subject of the complaint and, if that person is employed or engaged as a volunteer in a licensed provider's licensed program, the licensed provider, if the director considers it necessary to prevent retaliation."	Regulation drafting timeline TBD

I look forward to implementing these actions in order to best support the early learning sector and children, families, educators, and operators in the Yukon.

Sincerely,



Paul Moore

Deputy Minister

Department of Education