



Community Care and Assisted Living Appeal Board

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DECISION NO. 2012-CCA-001(a)

In the matter of an appeal under section 29(2)(d) of the *Community Care and Assisted Living Act*, S.B.C. 2002, c. 75

BETWEEN:	RKS (Certificate Applicant)	APPELLANT
AND:	Anne Wetherill, Director, Early Childhood Educator Registry	RESPONDENT
BEFORE:	A Panel of the Community Care and Assisted Living Appeal Board: Richard Margetts, Q.C., Panel Chair Wendy Cooper, Panel Member Harry Gray, Panel Member	
DATE:	Conducted by way of written submissions concluding on June 29, 2012	
APPEARING:	For the Appellant:	Self-represented
	For the Respondent:	Self-represented

APPEAL

[1] This is an appeal by RKS, (the Appellant), of the decision of the Early Childhood Educator Registry (Registry) that the Appellant has not met the requirements to be granted an Early Childhood Educator (ECE) – One Year certificate.

[2] The issue in this appeal is whether the Appellant's training which she undertook in the United Kingdom and in India, and additional courses and experience working as an early childhood educator in the UK and Canada is equivalent to the completion of a basic early childhood education training program through an educational institution listed in item 1 of Schedule D to the Child Care Licensing Regulation, B.C. Reg. 26/2008 (the Regulation).

[3] The matter was heard by way of written submissions.

BACKGROUND

[4] The Appellant has a broad and substantial academic past. She has graduated the Panjab University of Chandigarh, India with a Bachelor of Arts in

1989 and a Master of Arts in 1991. We understand that academic equivalency was recognized for these qualifications in the United Kingdom where it appears the Appellant commenced to reside some time in 2003.

[5] While in the United Kingdom, and upon her immigration to Canada, the Appellant pursued other studies and work opportunities in the area of childcare and education.

[6] The Appellant's curriculum vitae sets out these various forms of work experience and further academic studies, the totality of which, she claims ought to provide a satisfactory basis, upon the consideration of equivalency for her to meet such requirements that she be granted Early Childhood Educator – One Year status.

[7] The Appellant first applied for consideration to the ECE Registry in about September of 2011. She provided the appropriate form of application and supporting documentation, including an International Credential Evaluation Service (ICES) report. The Director of the Early Childhood Educator Registry (referred to in this decision as the Director or the Respondent), reviewed the various documents and upon consideration, rejected the Appellant's application on the basis that:

1. the training institution, London Careers Institute, the Appellant attended was not recognized by the province, state or country in which it was based; and,
2. according to the ICES report not all the academic requirements of the ECE Registry had been met from the Appellant's training at Panjab University.

[8] The decision of the Registry was conveyed to the Appellant by its letter of October 24, 2011.

[9] The Appellant requested reconsideration of the decision of October 24, 2011, and on March 2, 2012, the Respondent confirmed that the Appellant had not met the requirements to be granted an Early Childhood Educator – One Year certificate.

[10] That decision noted the Appellant's academic background and considered additional documentation submitted by the Appellant, including her National Vocational Qualification – Level 2 for Teaching Assistants (NVQ L2) Certificate and an updated ICES report. The Registry undertook research into equivalency and an equivalency checklist was prepared. The Registry again concluded that the Appellant did not have equivalency for various areas of the instruction required to obtain certification as an Early Childhood Educator. In her correspondence of March 2, 2012, the Respondent noted as follows:

“A review of the course outlines confirmed that the program you completed emphasized the supportive role of teaching assistants and the authority of the classroom teacher. It was also determined that the National Vocational Qualification – Level 2 for Teaching Assistants program content did meet the following course content requirements for certification as an Early Childhood Educator and you have been granted full (✓) or no equivalency (x) for the following areas of instruction required to obtain certification as an Early Childhood Educator.”

Equivalency Checklist
(x) Child Growth and Development
(x) ECE Program Development, Curriculum and Foundations
(✓) Interpersonal Skills/Community Relations / Interacting with Families
(x) Health, Safety and Nutrition
(x) Practicum with 3 -5 year olds It should be noted that the National Vocational Qualification – Level 2 for Teaching Assistants program is a work based program. However, taking into consideration the large gaps in course content when compared to an early childhood education program, and that the program was intended for individuals employed in a school setting, no hours were acknowledged towards practicum

[11] It is from this decision that the Appellant appeals to this Board.

PRELIMINARY ISSUE – Time Limit to File Notice of Appeal

[12] Although it would appear that the appeal was not taken within 30 days from the date of the decision appealed from (March 2, 2012), the Appellant appealed within a reasonable period from the time that she first had knowledge of the decision of the Respondent. The Notice of Appeal was dated 16 April 2012, and it states that “[I]t has been over 30 days since the reconsideration of the ECE Registry’s letter has been sent to me. The reason for me receiving the letter late (22 / 03 /12) was that I was busy and moving to a new location. Before moving, I changed my address with the Registry but the Registry seemed to dismiss this and sent the letter to my old address ...”

[13] The Respondent did not raise delay as an issue with respect to moving forward with the appeal.

[14] Section 29(2) of the *Community Care and Assisted Living Act* (the Act) allows a person to appeal within 30 days of receiving notification of the decision to be appealed. The Appellant states she received the decision on March 22, 2012 and the Respondent does not dispute this. Therefore, we find that the Appellant received notice on March 22, 2012 and therefore her notice of appeal, received by the Board on April 18, 2012, was filed within the statutory time limit. In any event, even if the Appellant had filed her appeal outside the 30-day time limit, section 24(2) of the *Administrative Tribunals Act*, allows the Board to extend the time to appeal if satisfied that special circumstances exist. Given that: (1) the appeal was filed within 47 days of the date the decision was issued and dated within 25 days of the date the Appellant says she received the decision; (2) the Appellant was in the midst of a move at the time and the decision was delivered to her old address; and (3) there was no objection from the Respondent; it is likely that the Panel would have found special circumstances to exist to justify extending the time to file, had that been necessary. However, given our finding that the appeal was filed in time, we do not need to decide that here.

DISCUSSION AND ANALYSIS

[15] The Appellant provided a substantive statement of her position by way of her correspondence dated June 4, 2012. The substance of the Appellants' appeal is, as we understand it, relatively straightforward - that despite the academic requirement, she has "more than four years experience working with young children in London, UK". She raises the question of why, if " my UK NVQ L2 does not hold any credit towards a Canadian ECE license, then how was I employed at a strictly government registered and monitored school/nursery/preschool for more than four years?"

[16] Further, the Appellant notes that she now has five hundred hours of work experience from a licensed daycare in Canada.

[17] A letter confirming 500 hours of work experience supervised by an early childhood educator in Canada is a requirement only for applicants applying for a 5 year licence. It is of note that at the time the Appellant's application for an ECE one year certificate was rejected by the Director in October of 2011, there was no letter from an employer attesting to this aspect of experience in the Appellant's application and accordingly, while she may not have achieved that level of work experience at that time, it is not a matter that could have been considered by the Director, nor can it now be considered by this Board in reviewing the propriety of the Director's decision of March 2, 2012 regarding the Appellant's application for a one year certificate.

[18] The requirement for a minimum of 500 hours of work experience is applicable only to an ECE – Five Year Certificate, not an ECE – One Year Certificate, which is what the Appellant applied for and the Registry reconsidered. In addition, the requirement for 500 hours of work experience is

not a substitute requirement for completion of an early childhood training program through an approved institution. Rather, it is an *additional* requirement for the 5 year certificate. Therefore, the confirmation of 500 hours work experience provided by the Appellant on appeal in and of itself does not assist the Appellant in meeting the requirement for an approved training program or equivalent, which is the issue on this appeal. The Respondent argues that section 28 of the Regulation does not permit it to consider work experience in determining equivalency. Whether and to what extent the Appellant's considerable work experience in the early childhood education field assists her in establishing equivalency for purposes of this appeal will be discussed further below.

[19] As noted above, the Appellant's right of appeal arises from section 29 of the Act. The Board must receive evidence and argument in a proceeding before it as if the Board were considering the matter at first instance but an Appellant bears the burden of proving the decision under appeal was not justified.

[20] The Board can receive any information that it considers relevant, necessary and appropriate in terms of the scope of evidence. It is not bound by the strict rules of evidence that bind a Court.

[21] The issue therefore is whether, upon all the evidence on appeal, the Appellant has proved that the Respondent's decision of March 2, 2012, refusing to grant an ECE One Year certificate was not justified.

[22] The appeal process requires the Board to review the evidence placed before the Respondent by the Appellant, and the work product of the Respondent's own investigation, as well as any additional new evidence provided by either of the parties on appeal, and determine whether the decision to reject the application was justified.

[23] The Appellant has met the requirement to submit an application and demonstrate that she is of good character. She has not, however, met the third requirement for an ECE One-Year certificate - completion of a basic early childhood education training program through an educational institution listed in Schedule D. As mentioned above, section 28 of the Regulation provides the Director with the authority to consider equivalent training when an applicant for certification has not completed an approved early childhood education training program. The Appellant chose to use a Credential Evaluation process to establish her eligibility for a certificate. Accordingly the Director undertook a determination of whether the Appellant's program or courses from the UK and India were equivalent to an approved program in Canada and found that they were not.

[24] For purposes of this appeal, the Registry conducted further research and contacted the Department of Education within the UK Government to confirm whether or not the completion of the Appellant's NVQ Level 2 for Teaching

Assistants met the academic requirements to be employed in a role equivalent to an Early Childhood Educator. The Registry determined that the Appellant's credential does not meet all of the required or mandatory training requirements. However, based on the Registry's analysis of the course outlines and the information provided through the Early Years Qualification analysis, the NVO Level 2 for Teaching Assistants would meet the following areas:

- Interpersonal Skills, Community Relations and Families – full equivalency
- Practicum (in a variety of early childhood settings) – partial equivalency

[25] As such, the Respondent submitted that this training would not enable the Appellant to be employed in a role equivalent to an Early Childhood Educator in the UK, but it would enable her to be employed in a role equivalent to an ECE Assistant.

[26] Based on the Appellant's postgraduate diploma through the International Teacher's College, the Respondent submits that the Appellant has been granted partial equivalency for Program Development, Curriculum and Foundations.

[27] Viewing globally the Respondent's assessment in the March 2012 decision and the further evidence provided on the appeal, the Respondent submits that an assessment of her training now reveals that the Appellant has met, partially met or not met the following areas required for certification as an Early Childhood Educator:

- Child Growth and Development – no equivalency
- Program Development, Curriculum and Foundations (including child guidance) – partial equivalency
- Health, Safety and Nutrition – full equivalency
- Interpersonal Skills, Community Relations and Families – full equivalency
- Practicum (in a variety of early childhood settings) – partial equivalency

The Respondent further submits that "[t]aking this information into consideration, [the Appellant] is eligible for an Early Childhood Educator Assistant Certificate. However, she has not met the academic requirements to be eligible for an Early Childhood Educator Certificate."

Alternative Qualification Paths

[28] Section 8 of the Act provides that a certificate may be issued to a person stating that person has the qualifications required to be an educator of children in a community care facility. The Director of the Early Childhood Educator Registry is responsible for issuing these ECE certificates. In order to be granted a

certificate, the applicant must meet all of the requirements set out in section 25 of the Regulation. One of these requirements is that the applicant has successfully completed a basic early childhood education training program through an approved educational institution that is listed in Schedule D of the Regulation.

[29] Despite the requirement for completion of an ECE program through one of these institutions, section 28 allows the Director to exempt an applicant from this training requirement if the applicant has completed a program or course through another educational institution and the Director considers that program or course to be at least equivalent to the required program or course.

[30] For those applicants who have completed their education outside of BC, through its policies, the Registry has established three routes to have credentials evaluated to determine academic equivalency required for licensure in BC. The first option, for those whose training was completed outside of Canada, is to get a Credential Evaluation through the International Credential Evaluation Service (ICES) and to submit a Program Confirmation Form completed by the training institution and forwarded by that training institution to the ECE Registry. The Registry then considers the report from ICES and from the out of country training institution and makes a determination as to whether the program is at least equivalent to a program taken in BC. This is the option that was chosen and followed by the Appellant for purposes of determining the equivalency of her training for certification purposes.

[31] A second option is for an applicant to contact an ECE training institution approved by the Registry to discuss an academic assessment. It is possible that an applicant may be able to use some of their previous education and courses from another institution as credit at an approved institution towards the educational requirements for an ECE certificate.

[32] The third option is called a Prior Learning Assessment and Recognition (PLAR), which is currently available through Douglas College or Northern Lights College. PLAR is a process that allows an applicant to demonstrate their knowledge and skills through challenge exams, portfolio submissions and demonstrative practicum. This option is particularly appropriate for applicants whose educational training is limited or not likely to be considered equivalent, but have significant work experience that they would like to have evaluated as part of their eligibility for an ECE certificate.

[33] In her submissions, the Appellant suggests that "instead of looking to see if all my diplomas and degrees etc. match up with the Canadian standards...", she points to her 4 years of experience working with young children in London, UK and the 500 hundred hours of supervised work experience in a licensed daycare in BC as proof that she is an eligible candidate for an ECE certificate.

[34] In light of this experience the Registry has encouraged the Appellant to consider completing a PLAR. This is the method of competency assessment that will allow the Appellant to demonstrate her skills, knowledge and competence developed through her years of working with children. Short of completing a training program from an approved educational institution in BC, the PLAR may be the Appellant's best option for meeting the requirements for certification. However, there is a specific process for completing a PLAR and the Appellant needs to use that process in order to rely on her work experience for equivalency. The Respondent stated in its submissions that in the event the Appellant does complete the PLAR process, the Registry would be willing to reassess her application for certification. We would encourage her to avail herself of this opportunity. However, as outlined in the Regulation and ECE Registry policy, the Director, and this Panel, cannot simply accept a letter of work experience in lieu of the required approved training course or educational program.

DECISION

[35] We agree with the submissions of the Respondent. While the Appellant may have significant experience in working with children and has completed a variety of training related to early childhood education, we agree that the Appellant's relevant training programs primarily emphasized the supportive role of a teaching assistant and the authority of the classroom teacher, not the specialized training in all areas required in BC for a licensed early childhood educator. Accordingly, while the Appellant has been granted full equivalency in some areas, and partial equivalency in others, we find that there are still significant gaps in her training. Additional training or competency assessment is still required in the areas of child growth and development, program development, curriculum and foundations, and in practicum.

[36] Other than pointing to her work experience, which we have already dealt with above, the Appellant has not provided any evidence or argument on appeal to suggest that this equivalency assessment of her credentials is incorrect or lacking.

[37] In our view, the training the Appellant was able to demonstrate through the Credential Evaluation process is not fully equivalent to the academic requirements for an early childhood educator in BC and as such, we find that the Respondent's decision to refuse an ECE One Year certificate was justified.

[38] Accordingly, we confirm the Respondent's decision to refuse to issue the Appellant an Early Childhood Educator – One Year Certificate.

[39] We note that the Respondent has determined that the Appellant is eligible for an Early Childhood Educator Assistant certificate and should the Appellant complete the PLAR process, we trust the Registry will consider the results and reassess the Appellant's application for an Early Childhood Educator certificate.

[40] The appeal is dismissed.

“Richard Margetts”

Richard Margetts, Q.C., Panel Chair
Community Care and Assisted Living Appeal Board

“Wendy Cooper”

Wendy Cooper, Member
Community Care and Assisted Living Appeal Board

“Harry Gray”

Harry Gray, Member
Community Care and Assisted Living Appeal Board

February 19, 2013