

Vulnerable Screen Check Policy and Procedures Central Eglinton Children's Centre

Date Policy and Procedures Established: July 5, 2022

Date Policy and Procedures Updated: January 31, 2023, March 6, 2024

PURPOSE

The purpose of this policy and the procedures outlined is to provide clear and transparent rules and processes for regularly collecting and using information in police record checks, offence declarations and attestations for staff, students and volunteers and other persons who provide childcare and other services to children.

This policy is intended to help protect the health, safety and well-being of children, families and those involved with the childcare centre by setting out measures to verify that individuals involved in providing childcare in positions of trust are not prohibited doing so under the *Child Care and Early Years Act, 2014* (CCEYA) and do not have a criminal history that may put children in care at risk.

This policy sets out additional measures to protect children while a vulnerable sector check is being obtained, which helps to reduce risk where there is a gap between the time an individual starts interacting with children and the time they provide their vulnerable sector check (VSC).

This policy is intended to fulfill the obligations set out under Ontario Regulation 137/15 for staff screening and police record checks for CECC.

Policy

Vulnerable Sector Checks (VSCs)

- CECC will obtain a VSC from the following individuals in accordance with the timelines indicated below.

Individual

Employees, volunteers, and students who interact with children

Timeline

- Before beginning employment (results may not be immediate, see below) or otherwise interacting with children.
- On or before the 5th anniversary after the date the most recent VSC.
- After any break in the relationship with the licensee that has lasted 6 or more months, before the relationship resumes; and
- After any break in the relationship with the licensee that has lasted less than 6 months, only if a VSC would have been required during the break, before the relationship resumes.
- All VSCs will be reviewed by the directors to ensure that they are:
 - conducted by a police service from the city or town in which the person lives, where applicable.
 - prepared no earlier than six months before the day it was obtained by CECC, for employees (see exception below for students and volunteers).
 - the original documents (i.e., not a photocopy, see exception below for students and volunteers).
 - not altered.

- clear and legible.
- provided in English (otherwise a certified translated copy into English must be provided).
- complete (i.e., no information missing or cut off).
- inclusive of all information required about Criminal Code (Canada) convictions as set out in section 9 of the CCEYA.
- The following exceptions will apply to volunteers and students only:
 - VSCs for volunteers and students that are performed more than six months before the day they are provided to CECC will be accepted as long as the VSC is less than 5 years old from the date it was provided to CECC. In these cases, the volunteer/student will also be required to provide CECC with an offence declaration addressing the period since the day the VSC was performed.
 - CECC will accept a photocopy of a VSC from a volunteer or student as long as it is less than 5 years old from the date it was performed.
- A criminal record check (CRC) will only be accepted in the place of a VSC where:
 - any statute of Ontario or Canada prohibits the disclosure of information contained in a VSC in respect of a person (e.g., information about persons under 18 years of age, pardoned offences, etc.).
 - A police service will only issue a CRC, not a VSC, for an individual; and/or
 - A licensee is a corporation, and the director or officer does not interact with children at CECC.
- A Criminal Record and Judicial Matters Check will be accepted in place of a CRC but will not be accepted in place of a VSC.
- Any person who turns 18 while in a position where they interact with children at CECC will be asked by the Director to provide a statement disclosing every previous finding of guilt under the Youth Criminal Justice Act (YCJA) if they received an adult sentence. Where the individual confirms that there are no such findings, the Director will document the request and the individual's confirmation in their file.
- Any person who turns 19 while in a position where they interact with children at CECC will be asked by the Director to apply for a VSC within one month after their 19th birthday. That person must provide CECC with evidence that they have submitted a VSC application.
- All VSCs provided to CECC must be intended for the position that the individual will hold (i.e., employee and volunteer positions). Where the VSC has not been provided for the correct position, it will not be accepted.
- There will be no exceptions made for individuals to obtain a police record check (e.g., for medical reasons).

Offence Declarations (ODs)

- The Director is responsible for obtaining an OD from the following individuals in accordance with the timelines indicated below.

Individual

Employees, volunteers, students (including international students)

Timeline

- Annually, no later than 15 days after the anniversary of the most recent VSC or OD.
- Where a VSC has been provided by a student or volunteer that is more than 6 months old and less than 5 years old before the individual starts interacting with children; and
- After any break in the relationship with the licensee that has lasted less than 6 months, only if an OD would have been required during the break, before the relationship resumes.

Individual

Other persons who provide childcare or other services to children at CECC.

Timeline

- if an attestation is not otherwise provided, prior to interacting with children; and
- annually, no later than 15 days after the anniversary date of the most recent OD or attestation (if the person continues to provide such childcare/other services).
- ODs will be obtained from the individuals mentioned above every calendar year except if the individual must provide a VSC that year.
- Any individual from whom CECC is required to obtain a VSC must provide ODs to the Director at the childcare centre as soon as reasonably possible any time they are convicted of any offence under the Criminal Code (Canada).
- The Director who received an OD from an individual will review it and keep it on file at CECC in a secure location for three years after it was created.

Attestations

- The Directors are responsible for obtaining an attestation from the following individuals in accordance with the timelines indicated below.

Individual

Other persons who provide other services to children at CECC, i.e., CDI, Community Living, music teacher.

Timeline

- If an offence declaration is not otherwise provided, prior to interacting with children; and
- Annually, no later than 15 days after the anniversary date of the most recent OD or attestation (if the person continues to provide such services).
- All attestations will be from the person's employer or the person/entity who retained the person's services (e.g., a child's parent).

Using Information Revealed in a VSC, OD and/or Attestation and Confidentiality

- No individual will be hired as an employee, accepted as a volunteer or student, or be allowed to otherwise interact with children at CECC if their VSC, OD and/or attestation reveals any of the following findings:
 - Any conviction for an offence under the CCEYA.
 - Any conviction under the following sections of the *Criminal Code* (Canada):

- Section 151 (sexual interference).
 - Section 163.1 (child pornography).
 - Section 215 (duty of persons to provide necessities).
 - Section 229 (murder); and/or
 - Section 233 (infanticide);
- In addition, a person with other convictions under the Criminal Code (Canada) for offences that pose a high risk to the health, safety and well-being of children, families, and other representatives of CECC will not be hired or kept as an employee, accepted, or kept as a volunteer or student, or be allowed to otherwise interact with CECC. These include, but are not limited to:
 - Physical or sexual abuse or assault.
 - Manslaughter.
 - Indictable criminal offences for child abuse.
 - Convictions for any violent offence, whether or not it involved weapons.
 - Offences which indicate a pattern of behavior which could create risk in terms of the role the individual is expected to play; and
 - Current prohibitions or probation orders forbidding the individual to have contact with children under 16 years of age.
 - Any person with a work permit or work visa that indicates that the individual is not permitted to work with children will not be hired or kept as an employee, accepted, or kept as a volunteer or student, or be allowed to otherwise interact with children CECC.
 - Information about an individual's criminal record and history will be treated confidentially and every effort will be made to protect the privacy of staff, students, volunteers and any other person mentioned in this policy except when information must be disclosed for the purpose of implementing the procedures in this policy and for legal reasons (e.g., to the Ministry of Education, College of Early Childhood Educators, law enforcement authorities or a Children's Aid Society).
 - All CRCs, VSCs, ODs, and statements of findings of guilt under the YCJA will be kept in locked filing cabinets, copies of the employees' forms will be uploaded into File Director.

Additional Measures to Protect Children

- Where appropriate, a person who has not provided a VSC will be allowed to start their employment or volunteer position, or otherwise start interacting with children if they apply to obtain a VSC as soon as possible and provide evidence of their application to CECC's Director.
- Until a VSC is obtained, CECC will put additional measures in place to protect children who interact with a person who has not yet provided their VSC. Examples of the additional measures that will be used may include, as appropriate:
 - verifying the candidate's credentials (e.g., their standing with regulatory bodies) and three references.
 - obtaining an offence declaration from the individual until a VSC is obtained.
 - ensuring all interactions between the person and children are always supervised by an employee who has provided a clear VSC.
 - monitoring and documenting the individual's behaviour and interactions with children on a weekly basis, at a minimum, by the, designate or lead RECE in the program room(s) in which the individual works, where appropriate.
 - ensuring the individual is not left alone with children; and
- If a VSC is not provided within six weeks of their start date, CECC will review the employee or volunteer's position, which may result in termination, except in extenuating circumstances where evidence is provided that indicates that the delay for obtaining a VSC is out of the individual's control.

Police Record Check Procedures

A. Obtaining a PRC (i.e., VSC or CRC as applicable)

PROCESS AND RESPONSIBILITIES

1. The person from whom a VSC is required must:
 - i. apply for a VSC from the local police department where the individual resides, submit the required fee for a VSC; and
 - ii. provide the evidence of application (where there is a delay in processing the application) to CECC's Directors; or
 - iii. provide the original VSC to the Director for review prior to starting the position or otherwise interacting with children, or within six weeks if the person has been allowed to start their position or interact with children.

2. Upon receipt of a VSC, the Directors must:
 - i. confidentially review the VSC to ensure that it meets the requirements outlined in this policy.
 - ii. where the individual needs to keep their original VSC, create a true copy of the document to keep on file at CECC for three years after the true copy was created; and
 - iii. place the VSC (original or true copy, where applicable) in a secure location at CECC with limited access. Employees' VSC will be uploaded to their files in the File Director.

3. 6 months before a new VSC is required, the Directors must:
 - i. notify the individual(s) who need to provide a new VSC in writing and will require them to complete the VSC form
 - ii. obtain a new VSC from the individual(s) no later than the 5-year anniversary date of the most recent VSC.
 - iii. The Directors will send the forms, along with payment to Toronto Police Services, for those living in Toronto. Employees or volunteers living outside Toronto will be required to visit their local police service to obtain the VSC. The employee or volunteer will submit the receipt for payment to CECC.

How to create a true copy of a VSC:

1. Make a complete and legible photocopy of the original VSC.
2. Make a true copy statement on the photocopy by:
 - i. Writing "Original received and reviewed by:" and printing the full name of the individual who received and reviewed the original VSC.
 - ii. Writing "Date received and reviewed:" and printing the full date the VSC was received and reviewed; and
 - iii. Signing the true copy statement (the signature must be that of the individual who received and reviewed the VSC).

B. Submitting an Offence Declaration

PROCESS AND RESPONSIBILITIES

1. The Directors/designate must:
 - i. Always make the OD template available at CECC to individuals who are required to complete an OD; and
 - ii. When the anniversary date for a previous OD is approaching provide a reminder to the individual in writing and the OD template.

2. The individual who is required to provide an OD must:
 - i. Complete the Offence Declaration Form that contains all the required information.
 - ii. Provide the completed OD to the Directors no later than 15 days after the anniversary date of the most recent OD.

3. Upon receipt of an OD, the Directors must:
 - i. confidentially review the OD to ensure that it meets the requirements outlined in this policy; and
 - ii. Place the OD in a locked filing cabinet. The ODs for employees will be uploaded into their files in File Director, will access limited.

C. Obtaining an Attestation

PROCESS AND RESPONSIBILITIES

1. The Directors must inform any 'other person' that an attestation is required prior to interacting with children.

Upon receipt of an attestation, the Directors must:

- i. confidentially review the attestation to ensure that it meets the requirements outlined in this policy; and
- ii. Place the attestation in a confidential file in a securely locked cabinet with access limited to the licensee or designate only.

Where the immediate health and safety of the children are a concern (e.g., a VSC, OD or attestation reveals that an individual has been convicted of child pornography), the licensee or designate will:

- follow the serious occurrence policies and procedures.
- notify the local Children's Aid Society immediately in accordance with "duty to report" obligations under the *Child, Youth and Family Services Act, 2017* or subsequent legislation; and
- notify other authorities (e.g., College of Early Childhood Educators, Consolidated Municipal Service Manager/District Social Services Administration Board, local police service, local public health, etc.), as applicable.

CENTRAL EGLINTON CHILDREN'S CENTRE

VULNERABLE SCREEN CHECK POLICY

Name _____ Home # _____ Cell# _____

Address _____

Conditional Terms of Employees/Volunteers/Student Educators/Members of the Board of Directors:

CECC offers you temporary employment or student/volunteer/board placement while your VSC is being completed through a Police Services Board.

During this time:

1. You will work only under the supervision of the Centre's other employees. Volunteers will never be left alone with the children; Board members will have no direct contact with the children.

2. If a positive check is returned from the Police Services Board:
 - A) And it discloses that you have been convicted of a criminal offence, for which you have not received a pardon and the conviction is directly relevant to the position you hold, the term of employment/volunteer/board membership will be immediately terminated.

 - B) And you have been convicted of other criminal offences, for which a pardon has been granted, the Board of Directors and the Centre's Directors will consider the following:
 - * Nature of the conviction(s).
 - * Sentence received.
 - * The length of time since the conviction.
 - * The rehabilitative and other efforts subsequently made by you.
 - * Your employment record, qualifications, and references.
 - * The specific duties and responsibilities associated with the position and the relevance of the conviction.
 - * The risk posed to the children and programme because of your employment or placement.

A decision will be based on the Board's assessment of whether you would be considered a high-risk person, based on the above considerations.

The Board will document its discussion and the reason for its decision. You will be informed of the decision in writing.

- C) Employee - If the Police Record Check/VSC is returned with a negative result and you fulfill your role according to CECC's job description and probationary period of 3 months, you will receive a letter confirming permanent employment with CECC.

- D) Volunteer/Board Member - If the VSC is returned with a negative result and you fulfil your role according to CECC's Volunteer/Board Member Job Description, you will receive a letter confirming continuation of your volunteer placement.

Termination of Employment

If the employee is terminated because of the VSC, the Directors will:

- follow the serious occurrence policies and procedures.
- notify the local Children's Aid Society immediately in accordance with "duty to report" obligations under the *Child, Youth and Family Services Act, 2017* or subsequent legislation; and
- notify other authorities (e.g., College of Early Childhood Educators, Consolidated Municipal Service Manager/District Social Services Administration Board, local police service, local public health, etc.), as applicable.

Permanent Employment

I understand that I, on the anniversary of my first police check, will have to sign a "Declaration of Offence" that I have not been convicted of any criminal act. I will also undergo a VSC on the fifth-year anniversary of my first Police Check/VSC and every five years thereafter, as long as I am employed or am a volunteer/board member with CECC. I will complete a declaration form each year in years 1-4.

I have read and understood the terms and conditions of the Vulnerable Screen Check Policy and Procedures and agree to abide by them. I will inform the Directors when I receive information and consequent results of the VSC.

Signature of Applicant _____ Date _____

Signature of Witness _____

**Central Eglinton Children's Centre
Offence Declaration**

Please complete the following 3 sections:

Section 1

Name _____

(Please print clearly using ink)

Position with CECC _____

(Employee, Volunteer, Placement Student)

A VSC was performed within the last 5 years

Section 2

-I Declare, since the last Police Record Check/VSC, collected by CECC, or since the last "Offence Declaration" given by me to CECC, that:

-I have no convictions under the Criminal Code of Canada up to and including the date of this declaration for which a pardon has not been issued or granted under the Criminal Records Act (Canada)

-I have been convicted of the following criminal offenses under the Criminal Code of Canada for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted to me.

List of Offenses:

A) Date _____

B) Court Location _____

C) Conviction _____

A) Date _____

B) Court Location _____

C) Conviction _____

Use another page if necessary.

Section 3

Dated at _____, this _____ day of _____, _____
City Day Month Year

Employee/Volunteer Signature _____

Reviewer – Directors

Name _____, Signature _____

Original or True Copy

Attestations will be stored in a locked cabinet and kept on file for three years after it was created.

**Central Eglinton Children’s Centre
Attestation**

Please complete the following 3 sections:

Section 1

Name _____

(Please print clearly using ink)

Relationship to CECC _____

Visitor from an affiliated agency, service provider...

A VSC was performed within the last 5 years

Name of Employer _____ Position _____

I declare,

That my employer has obtained and reviewed a VSC for me and,

I have no convictions under the Criminal Code of Canada up to and including the date of this declaration for which a pardon has not been issued or granted under the Criminal Records Act (Canada)

I have been convicted of the following criminal offenses under the Criminal Code of Canada for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted to me.

I have attached the attestation, or copy from my employer

Reviewer – Director/Assistant Director

Name _____, Signature _____

Original or True Copy

Attestations will be stored in a locked cabinet and kept on file for three years after it was created.

Dated at Toronto, this _____ day of _____,

City

Day

Month

Year

Signature _____

