

## **Kidsville Early Learning Center**

### **Police Record Check Policy and Procedures**

**Name of Child Care Centre: Kidsville Early Learning Center Inc.**

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**Date Policy and Procedures Established: June 28, 2023**

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**Date Policy and Procedures Updated:**

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### **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 child care 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 Kidsville Early Learning Center by setting out measures to verify that individuals involved in providing child care 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 help 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 a child care centre.

### **Policy**

#### **Vulnerable Sector Checks (VSCs)**

Kidsville Early Learning Center's offer to any individual for employment, student placement or volunteer duties is conditional upon the receipt and review of an original CRCVSC.

- Kidsville Early Learning Center Inc. 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 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 On-Site Supervisor 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 the child care centre, 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;
  - 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 the child care centre will be accepted as long as the VSC is less than 5 years old from the date it was performed to the child care centre. In these cases, the volunteer/student will also be required to provide the child care centre with an offence declaration addressing the period since the day the VSC was performed.
  - The child care centre 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 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 the child care centre.
- 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 the child care centre will be asked by the On-Site Supervisor 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 On-Site Supervisor 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 the child care centre will be asked by the On-site Supervisor to apply for a VSC within one month after their 19<sup>th</sup> birthday. That person must provide the child care centre with evidence that they have submitted a VSC application.
- All VSCs provided to the child care program 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 On-Site Supervisor 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 child care or other services to children at the child care centre

### 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 child care/other services).
- ODs will be obtained from the individuals mentioned above every calendar year except if the individual has to provide a VSC that year.
- Any individual from whom the child care centre is required to obtain a VSC must provide ODs to the On-Site Supervisor at the child care centre as soon as reasonably possible any time they are convicted of any offence under the Criminal Code (Canada).
- Where the templates in Appendix A are not used, the On-Site Supervisor will ensure that every OD includes all of the following information:
  - the name of the individual who is making the offence declaration;

- the date of the last VSC or OD, or date of 18<sup>th</sup> birthday (whichever is most recent);
  - a list of all of the individual's convictions for offences under the *Criminal Code* (Canada), if any, from the date of the last VSC or OD (whichever is most recent), or a statement that the individual has not been convicted of any offences under the *Criminal Code* (Canada);
  - the date the OD was made; and
  - the signature of the individual who is making the offence declaration.
- The On-Site Supervisor who received an OD from an individual will review it and keep it on file at the child care centre in a secure location for three years after it was created.

## Attestations

- The On-Site Supervisor is responsible for obtaining an attestation from the following individuals in accordance with the timelines indicated below.

### Individual

Other persons who provide child care or other services to children at the child care centre

### 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 child care/other 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).
  - Where the template in Appendix B is not used, every attestation will include the following confirmations:
    - the employer, person or entity has obtained and reviewed a VSC from that person;
    - the VSC was performed within the last 5 years; and
    - the VSC did not list any convictions for any offences under the Criminal Code of Canada which are listed in subparagraph 1 ii of subsection 9 (1) of the CCEYA.
  - The On-Site Supervisor who received an attestation from an individual will review it and keep it on file at the child care centre in a secure location for three years after it was created.
  - Where an individual needs to keep their original attestation, The On-Site Supervisor will review the attestation and create a true copy to keep on file at the child care centre.

## 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 Kidsville Early Learning Center Inc. 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 the child care centre 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 at the child care centre. 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 at the child care centre.
- 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, attestations and statements of findings of guilt under the YCJA will be kept **On site at Kidsville Learning Center Inc. in a secure location.**

## 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 The On-Site Supervisor.

- Until a VSC is obtained, the child care centre 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:
  - obtaining an offence declaration from the individual until a VSC is obtained;
  - ensuring all interactions between the person and children are supervised at all times 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 On-Site Supervisor and/or 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
  - conducting informal interviews with staff who work with the individual at the child care centre to collect their observations of the individual's behaviour with children, parents and colleagues.
- If a VSC is not provided by the time of their start date, the child care centre will follow all the above measures, except in extenuating circumstances where evidence is provided that indicates that the delay for obtaining a VSC is out of the individual's control.
- The On-Site Supervisor will keep a tracking record of when a staff/volunteers need a new VSC, OD or Attestation using the centres tracking form.

#### **Additional Policy Statements**

- The On-Site Supervisor will keep a tracking record of when a staff/volunteers need a new VSC, OD or Attestation using the centres tracking form.

## Police Record Check Procedures

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

#### PROCESS AND RESPONSIBILITIES

1. The person from whom a PRC is required must:
  - i. apply for a PRC from the local police department where the individual resides, submit the required fee for a PRC; and
  - ii. provide the evidence of application (where there is a delay in processing the application) to The On-site Supervisor ; or
  - iii. provide the original PRC to The On-Site Supervisor for review prior to starting the position or otherwise interacting with children, or within [time period] if the person has been allowed to start their position or interact with children.
2. Upon receipt of a PRC, The On-Site Supervisor must:
  - i. confidentially review the PRC to ensure that it meets the requirements outlined in this policy;
  - ii. where the individual needs to keep their original PRC, create a true copy of the document to keep on file at the child care centre for three years after the true copy was created; and
  - iii. place the PRC (original or true copy, where applicable) in a secure location at the child care centre with limited access.
3. 6 months before a new VSC is required, The On-Site Supervisor must:
  - i. notify the individual(s) who need to provide a new VSC Verbally or in writing and require them to apply for a new VSC; and
  - ii. obtain a new VSC from the individual(s) no later than the 5-year anniversary date of the most recent VSC.

#### How to create a true copy of a PRC:

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

## B. Submitting an Offence Declaration

### PROCESS AND RESPONSIBILITIES

1. The On-Site Supervisor or designate must:
  - i. Make the OD template available at all times at the child care centre 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 either the template available online or at the child care centre, or complete their own OD that contains all the required information;
  - ii. Provide the completed OD to The On-Site Supervisor no later than 15 days after the anniversary date of the most recent OD.
  
3. Upon receipt of an OD, The On-Site Supervisor must:
  - i. confidentially review the OD to ensure that it meets the requirements outlined in this policy; and
  - ii. Place the OD in a secure location at the child care centre with access limited.

## C. Obtaining an Attestation

### PROCESS AND RESPONSIBILITIES

1. The On-Site Supervisor must inform any 'other person' that an attestation is required prior to interacting with children.

Upon receipt of an attestation, The On-Site Supervisor 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 PRC, 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.