

CRIMINAL REFERENCE CHECK POLICY

It is our policy that the Criminal Reference Check be one component of our overall selection criteria for all new employees. Criminal reference checks are required for all full and part-time positions as well as volunteers and students or replacement employees who have direct contact with the children.

The vulnerable sector screening is a background check completed by the police and is required of individuals who intend on working or volunteering with the vulnerable sector.

A vulnerable person is defined as a person who, because of their age, a disability, or other circumstances, whether temporary or permanent are (a) in a position of dependence on others or (b) are otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them.

Child Care and Early Years Act requires that child care centre shall obtain a **vulnerable sector check** from:

- (a) **every employee**, before the person begins their employment; and
- (b) **every volunteer or student** who is on an educational placement, before the person begins interacting with children at the child care centre

“The criminal reference check” is to be conducted by a **police force** and be prepared **no earlier than six months** before the day it is submitted to us.

The original of “The criminal reference check” is to be filed or **copy** with **the signature of Principal** on the back confirming that this is a **verified true copy**.

“Offence declaration” means a written declaration signed by an individual that lists all of the individual’s convictions for offences under the Criminal Code (Canada), if any, during the period specified in the declaration.

Employees

We will obtain from each person from whom we has previously obtained a vulnerable sector check a **new vulnerable sector check, on or before every fifth anniversary** after the date of the most recent vulnerable sector check and **an offence declaration, in every calendar year** except a year in which a vulnerable sector check is obtained (if the person continues to be in a position where he or she interacts with children).

Each **offence declaration** shall address the period since the most recent offence declaration or vulnerable sector check and must be obtained by the licensee **no later than 15 days** after the anniversary date of the most recent offence declaration or vulnerable sector check.

A person from whom we require to obtain a vulnerable sector check is required to provide **an offence declaration**, as soon as reasonably possible, **any time he or she is convicted** of an offence under the Criminal Code (Canada).

If our relationship with a person of whom we have previously obtained a vulnerable sector check **terminates** and then subsequently **resumes**, we will obtain a new vulnerable sector check or offence declaration as follows:

- if our relationship was terminated for **six or more months**, we will obtain a **new** vulnerable sector check from the person **before** the relationship resumes
- if our relationship was terminated for **less than six months** and, but for the termination, the person would have provided a vulnerable sector check or offence declaration during the period of termination, we will obtain from the person such vulnerable sector check or offence declaration before the relationship resumes

Volunteers and Students

In case of volunteer or student who is on an educational placement we **may accept a copy** of a vulnerable sector check instead of the original document, **except that**,

(a) if **more than six months but less than five years have passed** since the day the vulnerable sector check was performed, the volunteer or student must also provide **an offence declaration** that addresses the period since that day; and

(b) we will **not accept** a copy of a vulnerable sector check if **five or more years have passed since** the day it was performed and in this case, the volunteer or student must provide a **new** vulnerable sector check or copy

Exceptions

We may permit a person who has not provided a vulnerable sector check to start the employment or volunteer position, or otherwise start interacting with children if, we required

(a) the person to apply **to obtain** a vulnerable sector check **as soon as** reasonably **possible**;

(b) **the length of time** required to obtain a vulnerable sector check **justifies it**; and

(c) if it is necessary to have an individual working during the time period that the criminal reference check is being processed, **the precautionary additional measures** will be put in place, e.g. the individual will be allowed to work with the children only together with another staff and will be always supervised while working with children.

If a person while in a position where he or she interacts with children:

- **is under 18 years old** he/she is **not** required to provide or obtain a vulnerable sector check or offence declaration
- **turns 18 years old** we will obtain from the person, **within one month after the person turns 18 years old**, a **statement** that discloses every previous finding of guilt of the person under the [Youth Criminal Justice Act](#) (Canada), if the person received an adult sentence
- **turns 19 years old**, the person will apply to obtain a vulnerable sector check **within one month after the person turns 19 years old**

Despite any requirement that a licensee obtain a **vulnerable sector check**, if any **statute of Ontario or Canada prohibits** the disclosure of information contained in a vulnerable sector check in respect of a person, the requirement in those sections may be met by obtaining a **criminal reference check**.

Procedures

The Principal received **Human Rights Code Training** through a study program using resources available on the Commission's Website (www.ohrc.on.ca).

The potential employee is given **Consent to Disclosure form** and also Police Reference Check Program – **Information About the Vulnerable Sector Screening**, in order to be fully aware about the information available as a result of his/her contact with the Police Service.

The Principal will discuss and review with the potential employee both documents. The potential employee will sign the return slip that the he/she read the both Consent to Disclosure Form and Police Reference Check Program – Information About the Vulnerable Sector Screening.

The Criminal Reference Check must be submitted in the final stages of a job offer.

If there will be a significant delay before the Criminal Reference Check can be completed, a job offer will be conditional on a negative criminal reference check.

Past conduct

No individual will be employed if:

1. The individual has been convicted of any of the following offences:

- An offence under Child Care and Early Years Act, 2014
- The individual has been convicted of any of the following offences:
 - A. Sexual interference
 - B. Child pornography
 - C. Duty of persons to provide necessities
 - D. Murder
 - E. Infanticide
- Any other federal or provincial offence prescribed by the regulations.

2. The individual has been found guilty of professional misconduct under the *Early Childhood Educators Act, 2007*, the *Ontario College of Teachers Act, 1996*, the *Social Work and Social Service Work Act, 1998* or another prescribed Act, and based on that finding,

- the individual's membership in the regulatory body established under that Act was revoked and the individual has not been readmitted since that time,
- a certificate or documentation issued to the individual under that Act that authorized the individual to practice was revoked and has not been reissued since that time, or
- the individual's authority to practice was restricted in any other way prescribed by the regulations.

Individuals with outstanding Criminal Code Convictions or charges pending, for certain offences, will not be accepted for a direct service position with the children. These offences include, but are not necessarily limited to, the following:

- Physical or sexual assault;
- Current prohibitions or probation orders forbidding the individual to have contact with children under the age of 14;

- Offences under the Child and Family Services Act relating to abuse of children;
- Outstanding convictions or charges pending for any offence deemed violent, whether or not it involved weapons;
- Outstanding convictions or charges pending for criminal driving offences, including but not limited to impaired driving.

Individuals may be excluded from positions also as a result of other information gained during the police reference check process, and/or as a consequence of other factors identified through the screening process.

If the individual does not contact the Principal with the Criminal Reference Check results within 4 weeks after request for Criminal Reference Check was made, the offer may be revoked. If an individual has been working during the time period that the criminal reference check was being processed, she/he may be suspended or dismissed.

In case the potential employee returns the Criminal Reference Cheque with the available information, the Principal is to review the reference check and will determine the suitability of employee for the position he/she has applied for.

To ensure confidentiality and privacy of information, the Criminal Record Check document is maintained in **confidential and secure files**. The application information and the Criminal Record Check are kept confidential and accessible only to the Principal.