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Criminal Reference Check Policy

Purpose

The **Police Vulnerable Sector Check** will be a condition of employment for all staff at Angus Valley Montessori School ("Angus Valley Montessori"). This condition must be met prior to their appointment. Every 5 years the Criminal Reference checks are done again.

Staff Screening Measures and Criminal Reference Checks policy is established to fulfil the obligations set out under Ontario Regulation 137/15 sets out requirements for licensees to obtain offence declarations and attestations from individuals providing care in child care centres.

Positions required providing Police Vulnerable Sector check:

Checks will not be required for employees making employment moves within the campus. The following positions (full or part-time) are considered to have direct contact with the children and are affected by this policy:

- Teachers/Teaching Assistants
- Supervisor/Administrator/Director
- Assistant Supervisor
- Program Staff/ volunteer
- Temporary Staff/ Staff / Staff over 19
- Volunteers working directly with the children/ Volunteers over 19/ Parents

Parents/Guardians of children attending the program considering volunteering are required to provide VSC to supply a check. **Volunteers/Staff at 18 years of age are not required to provide a check.** The school shall require the person to apply to obtain a vulnerable sector check within one month after the Volunteer / Staff turns 19 years old.

A **Police Criminal Record Check (PCRC)** is a search of the RCMP databases and is usually required for employment purposes, by-law licenses or immigration purposes. It is not intended for individuals seeking employment or a volunteer position working with children or vulnerable persons.

The **Police Vulnerable Sector Check** was established to provide screening 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.

Process of hiring:

- Applicants shall be advised of a Police Vulnerable Sector Check as part of the hiring process
- Before permanent offer of employment is extended to any candidate, he/she must obtain and submit a Police Vulnerable Sector Check.
- After any break in working contract between an individual and AMVS, a new Vulnerable Sector Check will be obtained

All VSCs will be reviewed by 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 AVM, for employees (see exception above 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.

Conditional Offer of Employment/ Supervision:

- In a situation where the Check has not been received, the candidate may begin work providing arrangements are made to ensure they are not left alone with any children at any time or under any circumstances. This option will only be used in circumstances where staffing is a major difficulty, otherwise, until the completed Police Vulnerable Sector Check is reviewed and accepted.

Positive Criminal Reference Check:

In the event of a positive Criminal Reference Check, the candidate will be invited by the Supervisor for an interview on the particulars surrounding the charges/convictions listed. The candidate will be given the opportunity to meet with the Hiring Committee to discuss the results of the Criminal Reference Check. Should the candidate be working in the Campus on a conditional offer of employment, such will cease immediately until a final decision of the Hiring Committee is made.

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 Angus Valley Montessori 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 AVM 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 AVM. 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 AVM.

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 confidential, in a sealed envelope in their respected files. The document is private and confidential and will not be disclosed to anyone other than the applicant and officers of the court.

The Hiring Committee will review the offense, taking into consideration:

- The nature of the offense(s).
- The lengths of time since the offense(s) were committed.
- The specific duties and responsibilities associated with the position applied for and the relevance of the particular conviction to that position. A decision will be based on the Committee's assessment of whether the candidate would be considered high-risk with regard to contact with the children.
- The Committee will document its discussion and the reasons for its decision.
- The candidate will be advised, in writing, of the Committee's decision.

The following exceptions will apply to volunteers and students only:

- 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 AVM.
 - 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 AVM will be asked by the Supervisor 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 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 AVM will be asked by the Supervisor to apply for a VSC within one month after their 19th birthday. That person must provide AVM with evidence that they have submitted a VSC application.
- All VSCs provided to AVM 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).

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 Supervisor ; or
- iii. provide the original PRC to Supervisor for review prior to starting the position or otherwise interacting with children
- iv. if the VSC has been completed online a link and login information must be provided to the Supervisor in order to confirm the legitimacy of the VSC or CSC

2. Upon receipt of a PRC, 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 AVM 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 AVM with limited access.

3. 6 months before a new VSC is required, Supervisor must:

- i. notify the individual(s) who need to provide a new VSC 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

- The **Supervisor or designate** must:
 - Ensure the Offence Declaration (OD) template is always available at Angus Valley Montessori (AVM) for individuals required to complete an OD.
 - Provide written notification to individuals before their OD anniversary date, reminding them of the requirement and providing the OD template.
- The **individual required to provide an OD** must:
 - Complete the OD covering the period **since the most recent offence declaration or vulnerable sector check**, as required by **Ontario Regulation 137/15, section 62(2)**.
 - Submit the completed OD to the Supervisor **no later than 15 days after the anniversary date** of their most recent OD or Vulnerable Sector Check.
- Upon receipt of an OD, the **Supervisor** must:
 - **Review the OD confidentially** to ensure compliance with legal requirements.
 - Ensure that all ODs **explicitly cover the period since the last OD or Vulnerable Sector Check**.
 - **Securely store** the OD in a confidential file with limited access, in compliance with privacy policies.

C. Obtaining an Attestation

Process and Responsibilities

1. Supervisor must inform any ‘other person’ that an attestation is required prior to interacting with children.

Upon receipt of an attestation, 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.

Process for obtaining a Venerable Sector Check

1. The actual cost of the Police Vulnerable Sector Check will be determined by the police. The candidate will be responsible for providing the reference and for the cost of securing it.
2. Forms for the Police Vulnerable Sector Check may be directly obtained from the Agency. Police Vulnerable Sector Check will be sent to the applicant home.
3. The applicant is responsible for providing AVM with a copy of their Criminal Reference Check. The original must be brought in for viewing.
4. All information received from the Criminal Reference Check must indicate that the Check was completed within the last 6 months.

Confidentiality of information in a Vulnerable Sector Check

5. All information obtained through a Criminal Reference Check is kept confidential, in a sealed envelope in their respected files. The document is private and confidential and will not be disclosed to anyone other than the applicant and officers of the court.

Annual Offence Declaration Form:

6. Each employee, board members, volunteer, contract staff and supply staff will sign the offence declaration every calendar year by February 1st of each year. Except the year in which Vulnerable Sector Check is obtained.
7. Annual Offence Declaration is valid for a whole calendar year.
8. Angus Valley Montessori will ensure that an annual offence declaration form is signed and kept on file before the previous ones expire.

Glossary

Attestation: A written declaration provided for an 'other person' who provides child care or other services to children in a child care centre, completed by the person's employer or the person or entity who retained the person's services (e.g. a parent/guardian of a child). See the Attestations section of this policy for information on what needs to be included in an attestation.

Break in a Relationship with the Licensee: The ending of a relationship between the licensee and an individual from whom a VSC is required (i.e. employee, student or volunteer) that is later restarted. Examples of breaks in relationship include, but are not limited to:

- The end of an employee's contract and the start of a new contract after a period of time has passed.
- A student's placement ends and the student is hired as an employee the following week.



- A volunteer completes their volunteer hours and starts volunteering again after a period of time has passed.

Breaks in relationship do not include vacations, parental leaves or sick leaves where the person intends to return to their position after a period of time.

Certified Translated Copy: A copy of a police record check that is signed and dated by a translator certified with a body belonging to the Canadian Translators, Terminologists and Interpreters Council (CTTIC), that certifies that the translated copy is a true copy of the original document.

Police Record Check: A document concerning an individual that was prepared by a police service or service from national data on the Canadian Police Information Centre system and contains information concerning the individual's personal criminal history. There are three types of police record checks: (1) Criminal Record Checks (2) Criminal Records and Judicial Matters Checks (3) Vulnerable Sector Checks.

Criminal Record Check (CRC): A basic type of police record check that is not intended for people who are seeking positions working with vulnerable persons.

Criminal Records and Judicial Matters Check: A type of police record check that may include criminal convictions, findings of guilt under the Youth Criminal Justice Act (Canada), outstanding charges, warrants and judicial orders, absolute discharges, conditional discharges and other records as authorized by the Criminal Records Act (Canada). This check is not intended for people who are seeking positions with vulnerable persons and cannot take the place of a vulnerable sector check.

Vulnerable Sector Check (VSC): An enhanced type of criminal record check for persons who may hold positions of trust or authority over vulnerable persons, that is performed at the request of an organization responsible for the well-being of a child or vulnerable person to protect children and vulnerable persons, as governed by section 6.3(3) of the Criminal Records Act (Canada). A VSC verifies whether an individual has a criminal record and any record suspensions for sexual offences and local police records for information relevant to the VSC.

Employee: An individual paid directly by the licensee (not a third party) to provide a service in the childcare program (e.g. program staff).

Interacting: To be or become involved in communication, social activity or work with somebody else or one another (Source: Encarta Dictionary). Examples of interactions with children include conversing, playing, directing, intervening, supervising or assisting in fulfilling their needs (e.g. food/drink consumption, toilet use).

Licensee: The individual or corporation named on the licence issued by the Ministry of Education responsible for the operation and management of the childcare centre.

Offence Declaration (OD): A written declaration signed by an individual that lists all of their convictions for offences under the *Criminal Code* (Canada), if any, during the period stated in the declaration.

Other person providing childcare or other services to children at the childcare centre ("other person"): Any person who provides child care or other services to a child who receives child care at the child care centre, other than an employee, student or volunteer (e.g. resource teachers, nurses, occupational therapists, speech pathologists, entertainers, sport/activity instructors, etc.). This would not include Ministry of Education program advisors, fire/health inspectors, CAS investigators, quality assurance analysts or other inspectors.



Student: An individual who is on an educational placement with the childcare centre and interacts with children in care.

True Copy: A photocopy or digital copy of an original document that is signed and dated by the individual who reviewed it, confirming that the original was reviewed and that the photocopy matches the original document. **True copies may be kept in hardcopy or electronically.**

Volunteer: An individual who participates in the childcare program and interacts with children in care but is not paid by the licensee (e.g. parents assisting on an occasional or recurring basis with child care programming, such as excursions, field trips, etc.).

Vulnerable Person: A person who, because of his or her age, disability or other circumstances, whether temporary or permanent is:

- a) in a position of dependency on others; or
- b) is otherwise at a greater risk than the general population of being harmed by a person in a position of trust or authority towards them.