



CHILDSPACE DAY CARE CORPORATION POLICE / CRIMINAL REFERENCE CHECK POLICY

Created: January 2008 | Revised: November 6, 2020, April 2021

Introduction

Childspace Day Care Corporation (“Childspace”) is committed to providing a high-quality, safe and secure environment for all children, clients, and visitors to our premises. In addition to reviewing an applicant's past experience and educational background, all prospective applicant's employees and volunteers will be required to provide a police/criminal reference check as part of the hiring process for all positions within the organization. Staff, volunteers, and students over 18 years of age must have an acceptable criminal check completed. Staff, volunteers, and students are always supervised and are not left alone with children while awaiting acceptable Childspace's Police Reference Check. Staff, volunteers, and students who need to be supervised while awaiting the above check will be identified to all staff. This will ensure that safeguards are in place to protect the children.

Police Check is for board members or individuals who will not be near the children. All staff are required to do a Vulnerable Reference Check prior to working.

Purpose

As of March 1st, 1995, all agencies funded or licensed by the Ministry of Community and Social Services that provide direct services to children are required to do a Police Reference Check on all staff and volunteers who have direct contact with the children. Organizations are required to have Police/Criminal Reference check policies and procedures in place.

As of April 30th, 2009, all agencies also have to comply with amendments to the Memorandum of Understanding with the Toronto Police Services. Anyone authorized by the organization to collect or review the background check information must receive Human Rights Code training.

The Police Reference Check Program ('PRCP') is a precautionary measure designed to ascertain whether employees or volunteers providing direct service to children have a criminal history that would make them unsuitable for positions of trust.

Childspace has developed the following policy and guidelines in order to comply with the direction of the Ministry and Toronto Police Services.

A Vulnerable Reference Checks will have to be completed for all successful candidates for the following positions:

- Registered Early Childhood Educators (full and part-time positions)
- Teaching Assistants (full and part-time positions)
- Co-op and college students
- Supply staff
- Childspace Volunteer positions
- Our board members.



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This check must be renewed every three (3) years for supply teachers and every five (5) years for permanent employees. Childspace will cover the cost of the PRCP for supply staff. All staff, students, volunteers, and supply staff are required to read and sign the appropriate status and standing waiver, attesting that they are still without criminal activity or conviction after the check was completed.

Authorization

Only the Director, Supervisor or Assistant Supervisor, who has received Human Rights Code Training, along with the Human Resource Committee, will have access to the information received in the candidate's Vulnerable Reference Check.

It is the responsibility of the Director, Supervisor, and the Board of Directors to evaluate the information and make final decisions regarding a satisfactory Vulnerable Reference Check.

Process for Conducting Police Reference Checks

The Police Vulnerable Reference Check is a condition of employment/appointment (volunteers, students) for successful candidates with Childspace. The rationale behind obtaining the Vulnerable Reference Check and the procedures that will be followed will be explained in detail to all successful candidates. A positive result on a Vulnerable Reference Check does not necessarily preclude employment.

All successful candidates will be asked to review and sign the Consent of Disclosure form, consenting to the Police Reference Check as well as other work and personal reference checks. The candidate will submit the completed forms and documentation to the police.

Successful candidates may start work prior to receiving the information from the Police Reference Check if they have a previous Vulnerable Reference Check from another agency within the last six months. However, all conditional offers will contain clear language to indicate that continued involvement with the agency is contingent on receiving an updated satisfactory Vulnerable Reference Check from Childspace.

Conditional letters of employment or offers to volunteers will be provided to all successful candidates with precautionary measures (supervised access) until a satisfactory Vulnerable Reference Check is obtained.

The cost of obtaining the Police Reference Check will be the responsibility of the candidate/volunteer/student.

Process:

1. All applicants/candidates will be advised of the legal requirement regarding the Vulnerable Reference Check during the interview.
2. The policy and procedure will be provided to all successful candidates for review prior to hire or to volunteer (staff, students, volunteers, board members)



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3. The conditional offer of employment will only be provided to candidates who agree to undergo a Police Reference Check.
4. Successful candidates (volunteers, students, or board members if they also wish to volunteer with children) must be made aware that information regarding contact with the Toronto Police Service under the Mental Health Act will be disclosed.
5. Successful candidates will be provided the opportunity to read the Police Service's "Vulnerable Sector Screening Program – Police Reference Check Program" document.
6. The Executive Director and/or Supervisor (or other staff as authorized by the organization) must sign the Consent to Disclosure document prior to it being signed by the successful candidate.
7. All successful candidates who must obtain a Police Vulnerable Reference Check must sign the Consent of Disclosure document, agreeing to a Police Reference Check along with the conditional offer of employment.
8. The organization will fill in the police reference check form, where required, and provide the form to the successful candidate to deliver to the Toronto Police Services Board for processing.
9. All conditional offers of employment must be made in writing and successful candidates must agree to provide the results from the Police Reference Check as soon as they have been received. **Police may request that fingerprints be done. The candidate has the right to refuse to have this done. If this candidate invokes this right, he/she will not be employed (or volunteer) at Childspace.**

The conditional offer of employment will be withdrawn upon return of a Police Vulnerable Reference Check that Childspace determines to be unsatisfactory or should they choose to refuse to be fingerprinted by the police.

10. Those authorized by Childspace will review the results of the police reference checks, along with the successful candidate's work and personal references, to determine if the organization can remove the conditional offer of employment or if the offer of employment needs to be withdrawn.

Conditional Job Offers

Conditional job offers may be necessary during the time it takes to obtain the Police Reference Check. Successful candidates that produce a receipt for their Police Reference Check and have a recent Vulnerable criminal check from another agency that is less than 6 months old may be allowed to start their position or volunteer immediately with supervision.

If, within 4-6 weeks from the date on the police/criminal reference check receipt, a police/criminal reference check has not been submitted to Childspace, the candidate will be required to stop work until a PRC is successfully completed. The Supervisor will use



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Childspace's tracking system to see that the Police Reference Check has been returned in the required time.

Annual Declarations

A new offence declaration is required each year from staff, students, and volunteers except the year the vulnerable sector check is obtained. An offence declaration is a written declaration that lists all of the individual's convictions for offences under the Criminal Code (Canada), if any, up to the date of the declaration and is signed by the individual.

In the case of a positive result being returned on a Police Reference Check, the agency will consider the nature of and circumstances surrounding the charges, convictions, or contact with police, along with the candidate's employment record qualifications and references, and the specific duties and responsibilities of the position.

The candidate may be required to stop work until the Director/Supervisor, in conjunction with the Board of Directors, makes a final decision regarding the offer of employment. The candidate will be provided with an opportunity to discuss the results of a positive Police Reference Check and may be asked for additional information and/or documentation regarding the results.

A positive result on a Vulnerable Reference Check does not necessarily preclude employment with Childspace. However, it is the responsibility of the Director, Supervisor, and Board of Directors to evaluate the mitigating circumstances in each case surrounding the positive results of the Police Reference Check and to make the final decision.

Conditional offers of employment may be withdrawn due to unsatisfactory Vulnerable Police Reference Checks. Withdrawal of conditional offers of employment will be documented. The candidate will be advised both verbally and in writing the reasons for the organization's decision.

All information obtained through a Vulnerable Police Reference Check is strictly confidential. If subsequent inquiries are made regarding the selection decision, access to the Police Reference Check is limited to only those authorized by the agency.

Procedure for Dealing with an Employee who is convicted of a crime, while being employed at Childspace

Every employee will be screened annually to determine if there have been any changes in the employee's criminal history that may put children at risk. An offence declaration is required as soon as reasonably possible any time a person is convicted of an offence under the Criminal Code (Canada).

In the case where an employee of Childspace is convicted of a crime, Staff need to disclose a criminal conviction to the Supervisor as soon as reasonably possible as the type of conviction



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must be reviewed by the Supervisor and the Director to decide whether the staff, student or volunteer can continue to work/volunteer etc. in the child care Centre.

The agency will consider the nature of, and circumstances surrounding the charges, convictions, or contact with police, along with the candidate's employment record qualifications and references, and the specific duties and responsibilities of the position.

The candidate may be required to stop work until the Director/Supervisor, in conjunction with the Board of Directors, makes a final decision regarding employment. The employee will be provided with an opportunity to discuss the conviction and may be asked for additional information and/or documentation regarding the crime.

A conviction may not necessarily result in termination from Childspace. Acts of violence against children will result in termination. However, it is the responsibility of the Executive Director/Supervisor and Board of Directors to evaluate the mitigating circumstances in each conviction case to make the final decision

According to the Child Care and Early Years Act, 2014:

9(1) No individual shall provide childcare, or operate a premises where child care is provided if:

1. The individual has been convicted of any of the following offences:
 - a. An offence under this Act
 - b. An offence under any of the following sections of the Criminal Code (Canada):
 - i. Section 151 (sexual interference)
 - ii. Section 163.1 (child pornography)
 - iii. Section 215 (duty of persons to provide necessities)
 - iv. Section 229 (murder)
 - v. Section 233 (infanticide)
2. Any other federal or provincial offence prescribed by the regulations

Any staff who has been convicted of any offences under this act will be terminated immediately.

Records & Documentation

All information/records gathered through a Vulnerable Reference Check are confidential. The Director/Supervisor will keep the information in a separate sealed file segmented by the applicant/employee's name. The files will be maintained separately from an applicant/employee's general personnel file.

The background check records will include the following:

- ☐ Consent form
- ☐ The date of the criminal reference check and the date the check was accepted



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- ☐ Information collected from the background check
- ☐ Analysis and decision whether criminal activity (if any) was substantially related to the position
- ☐ Any correspondence related to the criminal background check

This policy will be reviewed with all staff, students, and volunteers prior to employment and annually thereafter. All staff, students, and volunteers will sign to demonstrate they have read and understood the policy.