

Criminal Reference Check Policy

August 2022

The Elora Cooperative Preschool of the County of Wellington requires that all applicants for positions at Elora Cooperative Preschool, 75A Geddes St, Fergus, Ontario, who may have contact with children, including but not limited to Early Childhood Educators, students and volunteers, and Board Members must undergo a criminal reference check, including a vulnerable sector check.

The criminal reference check must be

- Conducted by a police force
- Have been prepared within the prior 6 months before being presented to the RCCP
- Provided to the ECP, and reviewed by the ECP Supervisor, before:
 - o The employee starts employment
 - o The volunteer/student starts interacting with children at the RCCP
 - ♣ A copy, instead of the original document, may be provided by a volunteer/student, but if greater than 6 months but less than 5 years have passed since the check was performed, an offence declaration that addresses the period since that date must also be provided
 - ♣ A copy is not accepted by the RCCP if more than 5 years have passed since the day it was performed. In this case, a new vulnerable sector check or copy must be provided

Upon obtaining and reviewing a vulnerable sector check that was conducted no earlier than 6 months before the day it was obtained by the ECP for employees/volunteers/students, the document (or copy thereof for volunteers/students) will reside in the employee/volunteer/student file, OR the file will contain an attestation signed by the ECP Supervisor that indicates:

- the vulnerable sector check was obtained and reviewed prior to the employee starting work, or the volunteer/student interacting with children.
- The vulnerable sector check was conducted no earlier than 6 months before the day it was obtained by the ECP.

An offence declaration may also be required for students/volunteers as outlined above.

Exceptions:

In recognition that local police services may experience backlogs in processing police record checks, the ECP may permit a person who has not provided a vulnerable sector check to start volunteer/employment position if:

- The person applies for a vulnerable sector check as soon as is reasonably possible, and there is written evidence (eg receipt) provided to the ECP supervisor that confirms a request was submitted
- The length of time required to obtain a vulnerable sector check justifies it
- Additional measures are followed including:
 - o Not leaving children unsupervised/alone with the individual until a vulnerable sector check is obtained
 - o A declaration is obtained from the person obtaining the vulnerable sector check that they do not have any previous offences that would contravene Section 9 of the Child Care and Early Years Act, 2014

No person under the age of 18 is required to provide or obtain a vulnerable sector check or offence declaration as per the Childcare Licensing Manual.

- If a person at the ECP who interacts with children turns 18 years old, they shall provide, within one month of turning 18, 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.
 - o The file of such a person will contain a statement signed by the ECP supervisor that includes the name of the individual and a statement that discloses guilt as outlined above or confirms such a statement was not required
- If a person at the ECP who interacts with children turns 19 years old, they shall provide a vulnerable sector check within one month of turning 19, which will be kept in their file or a signed attestation confirming that this as performed and obtained and reviewed by the ECP supervisor

Timing of checks

A new vulnerable sector check is required from each person from who it was previously obtained every 5 years, and shall be submitted to reviewed by the ECP Supervisor.

An offence declaration is obtained by these individuals every calendar year, and shall be submitted to and reviewed by the ECP Supervisor. The offence declaration shall be current 15 calendar days to the previous one.

Any person from whom a vulnerable sector check is required must provide the ECP Supervisor with an offence declaration any time he/she is convicted of an offence under the criminal code (Canada).

If the RCCP's relationship with a person in respect of who it has previously required a vulnerable sector check terminates for six or more months, the ECP Supervisor shall obtain a new vulnerable sector check before the relationship resumes. If the relationship terminated for less than 6 months but a vulnerable sector check or offence declaration would have been submitted during that time, a new vulnerable sector check or offence declaration must be provided before the relationship resumes.

Confidentiality

All criminal reference check, vulnerable sector check, offence declarations are reviewed by the ECP Supervisor only, thus maintaining confidentiality.

Procedure for dealing with any positive information on vulnerable sector check or offence declaration

Should the ECP Supervisor consider any information revealed within the vulnerable sector check or offence declaration be of concern relating to the potential or ongoing employment of the employee or hosting of the volunteer/student, the ECP supervisor will take the following steps:

- Inform the board members
- The information will be reviewed
- A decision will be made with respect to whether the person may be or will continue to be employed/hosted by the ECP.
 - o The person involved may be required to stop work until a final decision is made by the supervisor and board regarding the proposed or ongoing employment or hosting of the individual
- The person involved will be given the opportunity to discuss the results of the vulnerable sector check of offence declaration.

- It is the responsibility of the Supervisor and board members to evaluate the mitigating circumstances surrounding each case and to make the final decision