Vulnerable Sector Screening Policy and Procedure

Revised: August 29, 2016, October 20, 2016, October 30, 2017, May 7, 2020, June 23, 2022, January 7, 2025, June 30, 2026
Reference: Child Care and Early Years Act. 2014
Approved by Board of Directors: October 25, 2016, January 23, 2025, July 16, 2026

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 Orde Day Care 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. It will help to reduce the risk where there is a gap between the time the individual starts interacting with children and the time when 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.

Note: definitions for terms used throughout this policy are provided in a Glossary at the end of the document.

Policy

Orde Daycare has developed the following procedure in order to comply with the direction of the Ministry of Education and Toronto Police Services.

Vulnerable Sector Checks must be completed for all successful candidates for the following positions listed below If a staff/student/ volunteer refuses to complete a VSC, their employment/volunteer experience will be terminated

- Registered Early Childhood Educators (full- and part-time positions)
- Kitchen staff
- Teaching Assistants (full-and-part-time positions)
- Co-op and college students
- Supply staff
- Agency Volunteer/Parents who wish to volunteer in the classroom or on field trips
- Members of the Board of Directors

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

- 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 VSCCs must be forwarded to the Site Supervisor and will be reviewed by 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;
- 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.

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 VSCC 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 VSCC 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 VSCC where:

- any statute of Ontario or Canada prohibits the disclosure of information contained in a VSCC 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 VSCC, for an individual; a
- A Criminal Record and Judicial Matters Check will be accepted in place of a CRC but will not be accepted in place of a VSCC.
- Any person who turns 18 while in a position where they interact with children at the child care centre will be asked by the Executive Director 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 Executive Director 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 Executive Director to apply for a VSCC within one month after their 19th birthday. That person must provide the child care centre with evidence that they have submitted a VSCC application.
- All VSCCs 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 VSCC 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 Site Supervisor is responsible for obtaining an OD from the following individuals in accordance with the timelines indicated below.

- Registered Early Childhood Educators (full- and part-time positions)
- Kitchen staff
- Teaching Assistants (full-and-part-time positions)
- Co-op and college students
- Supply staff
- Agency Volunteer/Parents who wish to volunteer in the classroom or on field trips

Timeline

- Annually, no later than 15 days after the anniversary of the most recent VSCC or OD;
- Where a VSCC 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 the children;
- 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
- ODs will be obtained from the individuals mentioned above every calendar year except if the individual has to provide a VSCC that year.
- Any individual from whom the child care centre is required to obtain a VSCC must provide ODs to the - 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).

All Offence Declarations will ensure that the following information is contained in the document:

- the name of the individual who is making the offence declaration;
- the date of the last VSCC or OD, or date of 18th birthday (whichever is most recent);
- a list of all 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 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 Site Supervisor, or designate at each location 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 center, such as Resource Educator or Care taking staff

Timeline

- If an offence declaration is not otherwise provided, prior to interacting with children;
- 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.

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;
- 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 Site Supervisor who received the 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 need to keep their original attestation, the Supervisor will review the attestation and create a true copy to keep on file at the child care centre.

Using Information Revealed in a VSCC, 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 Orde Day Care if their VSCC, 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 necessaries);
  - 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.

As of July 1, 2026 Anyone working in at Orde Day who has been convicted of below noted offense must notifiy the Executive Director immediately and cannot continue working in or providing childcare

- Invitation to sexual touching
- Sexual exploitation
- Sexual exploitation of a person with a disability
- Bestiality
- Voyeurism
- Publication of intimate image without consent
- Parent or guardian procuring sexual activity
- Making sexually explicit material available to a child
- Luring a child
- Agreement or arrangement sexual offense against a child
- Sexual assault
- Sexual assault with a weapon, threats to a third party or bodily harm
- Aggravated sexual assault
- Abduction of person under 14
- Obtaining sexual services for consideration
- Obtaining sexual services for consideration from an individual under the age of 18

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, VSCCs, ODs, attestations and statements of findings of guilt under the YCJA will be kept locked in the Supervisor/Executive Director's office

Procedure for Dealing with Positive Results on VSC:

- In the case of a positive result being returned on a VSCC the agency will consider the nature of and circumstances surrounding the convictions along with the candidate's employment record qualifications and references, and the specific duties and responsibilities of the position.

- The nature and number of conviction(s)
- The agency will also consider the length of time since the conviction
- The rehabilitative and other efforts subsequently made by the applicant/employee
- The specific duties and responsibilities associated with the position applied for, and the relevance of the particular conviction to the position which would make the conviction(s) a reasonable and bona fide reason for denying employment
- The risk posed to the child care Centre's "clients" (children) and the employer as a result of employing the applicant/ current staff member in the position

1. The candidate/**current** employee may be required to stop work until a final decision regarding the offer or continuation of employment is made by the Executive Director in conjunction with the Board of Directors Human Resource Committee member/s.

2. The candidate/**current** employee will be provided with an opportunity to discuss the results of a positive Vulnerable Sector Check and may be asked for additional information and/or documentation regarding the results.

3. A positive result on a VSCC does not necessarily preclude employment with the agency however it is the responsibility of the Executive Director and Board of Directors to evaluate the mitigating circumstances surrounding the positive results and to make the final decision.

4. Conditional offers of employment may be withdrawn due to an unsatisfactory VSCC.

5. Withdrawal of conditional offers of employment will be documented.

6. In the event that Orde Day Care determines it will not offer a position or maintain employment of a current staff member, as a result of a positive reference check, it will seek independent legal advice to ensure that all appropriate actions have been taken by the centre.

7. The candidate will be advised both verbally and in writing the reasons for the organization's decision.

8. All information obtained through VSC is strictly confidential.

9. If subsequent inquiries are made regarding the selection decision, access to the Police Reference Check is limited to only those authorized by the agency.

Mandatory Reporting Obligations under Section 49.2 College of Early Child hood Educators

- Under section 49.2 of the Early Childhood Act, employers are required to report when they become aware or within 30 days of becoming aware that a member of the College who is or has been employed by the employer in the under the following conditions

  a) Has been charged with or convicted of an offence under the Criminal Code (Canada)involving sexual conduct and minors;
  b) Has been charged with or convicted of an offence under the Criminal Code (Canada)

- Provide a copy of the report to the staff, made to the College of Early Childhood Educators

Additional Measures to Protect Children

- Where appropriate, an employee who has not provided a VSCC will be allowed to start their employment if
    a. they apply to obtain a VSCC as soon as possible and
    b. provide evidence of their application to the Site Supervisor/ who will forward to the Executive Director for safekeeping until VSSC has been provided
    c. and they have had a previous VSSC conducted and supplied the original copy for review to the Site Supervisor
- Volunteers/students will not be allowed to start until a VSC has been obtained and submitted to the Executive Director
- Until a new VSCC is obtained, the child care centre will put additional measures in place to protect children who interact with the employee who has not yet provided VSCC. Examples of the additional measures that will be used will include
    - verifying of the candidate's credentials (e.g., their standing with regulatory bodies) and two references;
    - obtaining an offence declaration from the individual until a VSC is obtained;
    - ensuring all interactions between the employee and children are supervised at all times by an employee who has provided a clear VSC;
    - ensuring the employee is not left alone with children or scheduled to be left alone with the children
    - ensures that the employee does not open or close the centre
    - conducting informal interviews with staff who work with the individual at the child care centre to collect their observations of the employee's behaviour with children, parents and colleagues.

    If a VSCC is not provided within 90 days of their start date, the child care centre will terminate employment 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 Executive Director will oversee the process for tracking when a new VSCC, or OD or attestation is required for individuals by maintaining a list of due dates for these documents. The Site Supervisor will ensure that these forms are completed and returned to the Executive Director within the required time period.

Staff/Students/Volunteers/ Board Members who are residents of the City of Toronto

- Will be provided the link https://www.tps.ca/services/police-record-checks/
- and password for the online portal to apply for the VSCC form 30 days prior to the expiration date of their current VSC by the Site Supervisor
- The individual will then print off receipt of the payment for the application and forward to the Site supervisor and Executive Director, as proof of application
- This application proof will be placed in the VSSC binder until the VSSC screening form has been submitted for reimbursement
- The Individual will check the portal periodically over the next few days to ensure that the application is being processed.

- If there is a delay in processing, it is the individual's responsibility to ensure that they follow up with outstanding information or request promptly to avoid any lapses in VSSC coverage
- The individual will check the portal every week after applying to check if their VSSC screening has been completed
- Once the screening has been completed, the individual must print off the VSSC for the Site Supervisor and send the link and password to them to confirm that it an original document
- A copy of the VSSC will be held in confidence in a secure location at the childcare centre and the main site
- The copy of the VSSC will be signed by the Site Supervisor and they will indicate on the form the original was viewed
- Individuals will be reimbursed the cost once the VSSC has been submitted to the Executive Director
- Individuals should take copies of their VSC prior to submitting it to the Executive Director

Staff/Students/Volunteers/Board Members/ who reside outside the City of Toronto

- will contact their local police station to inquire where VSC are processed in their municipality
- will bring the required funds and complete the VSC documentation to their local municipality VSC screening office
- will submit the original copy of the VSCC to the Site Supervisor/ Executive Director
- full and part time employees and board members will submit a receipt for the cost of the VSCC to the Site Supervisor/Executive Director for reimbursement
- Individuals should take copies of the VSCC prior to submitting to the Executive Director

Board Members

All Board members or officers of the corporation who are not interacting with the children in the program, each member/officer must provide a criminal reference check, along with a written confirmation that contains the following

- Names and signatures of the member/officer
- A clear statement that the member/officer will not be interacting with children in the program
- Date the director/officer signed the confirmation

If the Board member/officer will be interacting with the children in the program they must complete a vulnerable sector check.
Any time there is a change in membership of the Board of Directors a police check must be undertaken with this new member.

Vulnerable Sector Screenings of all new Board members must be inputted into CCLS.
A Declaration of Offence must be obtained on a yearly basis from each of the members

Records & Documentation:

All information/records gathered through a Vulnerable Sector Checks are confidential. Staff are requested to forward the results of the VSC to the Site Supervisor. The information will be kept by the Site Supervisor/ in separate, binder segmented by the applicant/employee's name. The files will be maintained separately from an applicant/employee's general personnel file. Copies of the current VSCC will not be photocopied.
The VSCC records will include the following:

- ☐ information collected from the check

- ☐ analysis and decision whether criminal activity (if any) was substantially related to the position
- ☐ any correspondence related to the criminal background check

Policy and Procedure Review:

This policy may be updated or amended based on direction from the Government of Ontario or governing Police Service organization.

Orde Day Care will ensure that copies of this policy, including any subsequent revisions, are retained for a period of three years after the policy ceases to be in effect.

This policy and procedure will be reviewed and signed off by all employees before commencing employment, annually, and at any time changes are made.

I, acknowledge receipt of Orde Day Care Centre **Vulnerable Sector Screening Policy and Procedure**. I understand it is my responsibility to read, understand, and comply with the **Vulnerable Sector Screening Policy and Procedure.** I understand that if I have questions, at any time, regarding the **Vulnerable Sector Screening Policy and Procedures**, I will consult with my immediate supervisor.

Please read the **Vulnerable Sector Screening Policy and Procedures** carefully to ensure that you understand the policy and procedures before signing.

Staff Name	Supervisor Name:
Staff Signature:	Supervisor Signature:
Date:	Date:

