



Vulnerable Sector Check Policy

Purpose

To provide guidance on how Phoenix Child Centre works to ensure that applicants for employment or other positions have not been convicted of criminal offences that question the safety of the children or staff. Applicants under 18 years of age will be required to supply a letter of reference from an employer or educator stating their suitability for the position.

Applicable Law

Child Care and Early Years Act, 2014 (CCEYA)

Definitions

For the purposes of this policy, the following definitions apply:

- **CCEYA** refers to Child Care and Early Years Act, 2014
- **Criminal Reference Check** refers the process by which an individual is identifies as having or not having a criminal record.
- **Vulnerable Sector Check** refers to the process which verifies whether an individual has a criminal record or record suspensions (pardons) through local police records and information relevant to the vulnerable sector check.
- **Offence Declaration** refers to a form that is signed annually declaring that the individual has not been convicted of any criminal offences after the acquisition of a criminal reference check. Any such offences will be declared and detailed on this form.

Policy

Phoenix Child Centre is committed to providing a safe program and environment for both children and adults and will comply with the CCEYA, Ministry of Education, Public Health and City of Toronto policies and procedures. Thus, it is the policy of Phoenix Child Centre that all staff, volunteers, students, recurrent enrichments program instructors and, if deemed necessary, the board of director are required to complete Vulnerable Sector Checks as outlined by the CCEYA. This includes a Vulnerable Sector Check which must be updated every five years in accordance with the CCEYA.

In performing these checks, Phoenix Child Centre will ensure that applicants for employment or other positions have not been convicted of criminal offenses that question the safety of the children or staff.

Therefore, Phoenix Child Centre will not knowingly offer employment or a position the daycare to any person with a record of criminal convictions (for which a pardon has not been granted) for the following types of offenses:

1. Any sexual offense under the Criminal Code of Canada, committed against a child less than 16 years of age, such as incest, sexual touching, corrupting children or another offense of a similar nature.
2. Sexual exploitation and prostitution.
3. Sexual assault.
4. Trafficking in or importing for the purpose of trafficking, a narcotic under the Narcotics Control Act or a controlled or restricted drug under the Food and Drug Act.

While any of the above convictions absolutely bar employment or a position at the daycare, Phoenix Child Centre does recognize rehabilitation. Therefore, persons with records of criminal convictions for other types of offenses could be hired, or given a position, where there is no appreciable risk to the safety or security of the children, staff or daycare property.

Under certain circumstances (i.e. extensive police waiting period), persons may be hired without a current Vulnerable Sector Check. Under such circumstances Phoenix Child Centre will take measures to ensure that the person is not left unsupervised with children until a clear Vulnerable Sector Check has been received.

Roles and Responsibilities

Supervisor

- Ensures that all new employees have completed a Vulnerable Sector Check prior to beginning their employment with Phoenix Child Centre.
- Ensures that all employees, volunteers, students, instructors are aware of and are in compliance with the Vulnerable Sector Check policy.
- Ensures that staff has read and understands the policy and requirements of reporting any offence for which they have been convicted as soon as possible.
- The supervisor and Board of Directors will make decisions regarding cessation of employment or position pending the results of a Vulnerable Sector Check.
- Ensure that an original copy or certified true copy of all Vulnerable Sector Checks and Offence Declarations are kept confidential and on file in a locked filing cabinet located in the child care office.

Staff and All Others Having Direct Contact with Children

- Prospective employees are responsible for obtaining Vulnerable Sector Checks prior to beginning their employment at Phoenix Child Centre. Checks must be conducted by a police force and completed no earlier than six months before being submitted. An original copy must be presented.
- Current employees must provide an up to date Vulnerable Sector Check every five years. This must be done 30 days prior to the anniversary date of the check.
- Offence Declaration forms must be signed annually.

- If convicted of an offence under the criminal code of Canada the employees or others must inform the Supervisor as soon as is reasonably possible and complete a new Offence Declaration. The Supervisor and Board of Directors will review and make any decision regarding employment.

Procedures if Vulnerable Sector Check is not clear

In this case, the Supervisor/Hiring committee will:

- Advise the candidate/volunteer/student to respond (with 14 days) to the Supervisor/designate, with a full written explanation of the record. If no written response is received within the 14 day time frame the candidates offer of employment, volunteer, student or Board position will be withdrawn. If the check comes back with any of the offences listed in this policy, all offers will be withdrawn
- Review the candidate’s written explanation to review whether the candidate is eligible for employment, volunteer, or student position.
- Advise the candidate in writing of Phoenix Child Centre’s decision within 14 days.

Revision Control

Date	Revision	Approval By and Date
September 8, 2016	Policy updated to reflect changes in the CCEY A (requirements for Vulnerable Sector Check)	Supervisor Board President September 9/16
February 26, 2016	New Format	Supervisor : February 26/16
April 20, 2018	Updated to include confidentiality will be protected by filing documents in a locked filing cabinet (in office)	Supervisor: April 20, 2018