

	POLICY TITLE		CATEGORY
	Police Vulnerable Sector Check – Staff, Students & Volunteers		Human Resources
	APPROVING BODY OR POSITION		APPROVAL DATE
	Manager, Human Resources		February 2024
	PRIMARY LEGISLATION / REGULATION REFERENCE(S)		
	Child Care and Early Years Act, 2014 (CCEYA)		

## POLICY

All agencies licensed by the Ministry of Education, which provide direct service to children, must comply with criminal reference checks under the Child Care and Early Years Act, 2014 (CCEYA). At Family Day, we are serious about our responsibility to protect the children and other vulnerable people we serve.

The Police Vulnerable Sector Check (PVSC) application process varies for each municipality. All Family Day employees, who work directly with children, including students and volunteers, will be required to provide a PVSC to Human Resources.

Current employees residing in the City of Toronto will need to obtain the Family Day specific 'code' from the Regional Recruiter or the Toronto Manager for the purpose of a new application or renewal due to expiry.

For potential employees, students and volunteers the PVSC is a prerequisite before commencing work with Family Day and must be current within six (6) months of the commencement of employment/service with Family Day.

Family Day requires that the PVSC be conducted by the local police service where the person is a resident. The police service will conduct a vulnerable person criminal record search of the Canadian Police Information Centre (CPIC), local Police information and a search of pardoned files.

All employees, students and volunteers of Family Day who come into contact with children will be required to have a new PVSC done every five (5) years. In addition, and in-between these five (5) years, this same group will be required to sign an Annual Offence Declaration Form (see Appendix A) any time throughout the year but no later than fifteen (15) days after the anniversary date of the previous offence declaration or PVSC, confirming they have had no changes in their criminal history on an annual basis.

In situations where there was a break in employment/service for six (6) or more months, the employee, student and/or volunteer will need to provide Human Resources with a new PVSC. If there was a break in employment/service for less than six (6) months and the person would have provided a PVSC or offence declaration during the period of a break in employment/service, the person will need to provide Human Resources with either a PVSC or an offence declaration before they return to work.

### Purpose

A Police Vulnerable Sector Check (PVSC) is a precautionary measure to determine whether a person has a criminal history, which in a position of trust is important to confirm one's suitability to work with children. By providing a PVSC, you help ensure the safety and well-being of the people we serve.

### Scope

This policy applies to all potential and existing Family Day Care Services employees who work directly with children, including students and volunteers of who are over eighteen (18) years old.

### Procedure

The PVSC is a condition of employment and the cost of obtaining and ensuring it is up-to-date and valid, is the responsibility of the employee.

- All potential candidates will be advised by Human Resources during the screening process that they will be required to obtain a valid PVSC. The PVSC must be valid within six (6) months of the commencement of employment with Family Day.
- During the hiring process if the candidate is a Toronto resident, the Regional Recruiter will send the Family Day PVSC 'Code' to the candidate, which is needed to be included in the PVSC online application form.
- Regardless of regions, after receiving the PVSC from the candidate, the Regional Recruiter will confirm that the PVSC is valid and clear of any criminal convictions and will then send a scanned copy to the Centre Supervisor
- New hires, including new casual hires, will bring the original PVSC to their Centre Supervisor.

The Centre Supervisor will:

- 1) Make two photocopies of the original PVSC.
  - 2) Sign the photocopies to verify that the original has been seen.
  - 3) Return the original PVSC to the employee.
  - 4) Keep one of the verified copies on site in the employee's Ministry file in a sealed envelope locked in a file/filing cabinet for Ministry review. The Supervisor and designate will be the only staff who have access to the locked cabinet to ensure confidentiality.
  - 5) Forward the second copy to the HR Administrator.
  - 6) Track and record the PVSC dates on the Staff Tracking Form (see Appendix B) and use that date to have staff sign the Annual Offence Declaration Form (see Appendix A). This is to be completed by the individual staff member any time throughout the year, but no later than (15) days after the anniversary date of the previous offence declaration or PVSC. A copy of the offence declaration is sent to HR. A new PVSC must be obtained from the individual on or before every fifth anniversary after the date of the most recent PVSC.
  - 7) For casual staff, ensure that the sealed envelope containing a verified copy of the employees PVSC is included in their casual travelling binder, each time they arrive to the centre to work.
- Also, for casual staff:
- a. ensure that the Annual Offence Declaration (if applicable) is included in their casual travelling binder, each
  - b. time they arrive to the centre to work.

**If a Digital PVSC is given by the Police Department the process will be as follows:**

- During the hiring process the candidate will be asked to forward the email they have received from the police department, containing the PVSC QRL code (if they are a York employee) via email to their Regional Recruiter. The Regional Recruiter will confirm that the PVSC is valid and clear of any criminal convictions and will then email a copy to the Centre Supervisor.
- The Centre Supervisor will:
  - a) Verify the PVSC that the Recruiter has emailed them by scanning the QRL code and verifying the PVSC is for the correct employee and that all details are accurate.
  - b) Print and sign the PVSC received by the Recruiter as a true copy and keep a copy onsite in the employee's Ministry file in a sealed envelope locked in a file/filing cabinet for Ministry review. The Supervisor and designate will be the only staff who have access to the locked cabinet to ensure confidentiality.
  - c) Track and record the PVSC dates on the Staff Tracking Form (see Appendix B) and use that date to have staff sign the Annual Offence Declaration Form (see Appendix A). This is to be completed by the individual staff member any time throughout the year, but no later than (15) days after the anniversary date of the previous offence declaration or PVSC. A copy of the offence declaration is sent to HR. A new PVSC must be obtained from the individual on or before every fifth anniversary after the date of the most recent PVSC.

- d) For casual staff, ensure that the sealed envelope containing a verified copy of the employees PVSC is included in their casual travelling binder, each time they arrive to the centre to work. Also, for casual staff, ensure that the Annual Offense Declaration (if applicable) is included in their casual travelling binder, each time they arrive to the centre to work. If the PVSC is presented as a QRL code, a copy must be printed and verified before inserting into a sealed envelope for the casual binder.
- e) For placement students, who have received a QRL code, the Centre Supervisor at the hosting site will scan the code and verify that the PVSC is correct for the student and that all details are accurate. A copy must be printed and placed in the student file.
- When Human Resources is in receipt of one (1) verified copy of the PVSC, the Regional Recruiter will:
  - a) Enter the date of issue and date of expiry into the employee's Dayforce profile; and
  - b) File the copy in the designated Human Resources binder. The Human Resources Binder is located at Family Day's Head Office and is locked in a cabinet at all times. Only the Human Resources Administrator & Manager have access to this information.
- **Other Persons at Child Care Centre**

For persons providing child care or other services to a child who receives child care at the child care centre, other than an Agency employee, volunteer or student, the Centre Supervisor must obtain offence declarations directly from the person or from the person's employer or from the person or entity who retained the person's services that indicates that:

- a) the employer, person or entity has retained and reviewed a vulnerable sector check from that person;
- b) the vulnerable sector check was performed within the last five years; and
- c) the vulnerable sector check did not list any convictions for any offences under the Criminal Code (Canada) listed in subparagraph 1 ii of subsection 9 (1) of the Child Care and Early Years Act, 2014.

The offence declaration or attestation must be obtained before the person began interacting with children at the child care centre and every year thereafter, no later than fifteen (15) days after the anniversary date of the most recent offence declaration or attestations, if the person continues to provide such child care or other services.

- **Annual Offence Declaration Form**
  - The Annual Offense Declaration Form must be completed by the staff member no later than fifteen (15) days after the anniversary date of the previous Offense Declaration or PVSC . This applies to any staff member on a leave of absence ie maternity, personal leave
  - The Annual Offense Declaration Form is only to be signed by the individual staff's immediate Centre Supervisor and/or Manager.
  - The original signed Annual Offense Declaration Form will be kept by the Centre Supervisor in the person's Ministry file at the centre. The Centre Supervisor forwards a copy of the dated and signed form to Human Resources.
- **Exceptions** → *All listed exceptions must comply with the CCEYA regulations*
  - An employee, student and/or volunteer who has not provided a PVSC to Family Day may start their employment/volunteer assignment as long as they are in the process of obtaining their PVSC and have forwarded their proof of receipt confirming this to the Human Resources department before their first day of work. Continuing employment/volunteering is conditional upon providing the completed PVSC to Human Resources for review within four (4) weeks of commencing employment/service. The new staff member must not be scheduled to work alone with children at any time until Family Day receives the results of their PVSC.
  - Employees, students and volunteers are required to provide Family Day with an offence declaration, any time he or she is convicted of an offence under the Criminal Code (Canada).

- Students completing their placement, may provide Family Day with a copy of their PVSC instead of the original document except if over six (6) months have passed since the day the PVCS was completed, in which case the student must also provide an offence declaration that addresses the period of time since that day. The Vulnerable Sector Check cannot be older than five years.
- Individuals under eighteen (18) years old are not required to provide or obtain a PVSC or offence declaration. Once a person turns eighteen (18) years old while in a position where he or she interacts with children receiving child care, the individual needs to provide and submit to Human Resources within one (1) month after he/she turns eighteen (18) years old, 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.
- If a person turns nineteen (19) years old while in a position where he or she interacts with children receiving child care, they are required to obtain and submit their PVSC within one (1) month after they turn nineteen (19) to HR Administrator.

### **Criminal Offenses During the Recruitment Process**

Current Family Day staff or individuals with a conditional offer of employment/service who have pertinent information on their criminal record will not be automatically disqualified or terminated. The following factors will be considered in reaching a final decision:

- a) the nature and number of conviction(s)
- b) the length of time since the conviction(s)
- c) the candidate's employment record, qualifications and references
- d) the relevance of the particular criminal conviction to the position
- e) the risk posed to Family Day children as a result of retaining or employing the candidate

Human Resources Recruiters will advise the Manager, Human Resources of any conviction which they become aware of during the candidate's documentation collection process and will email the PVSC result to the Manager, Human Resources.

Human Resources Recruiters will save the PVSC(s) under the candidate's electronic profile which is located in Family Day's OneDrive service which is secure and password protected.

The Manager, Human Resources will discuss a PVSC indicating a criminal record with the candidate and, depending on the nature of the information disclosed, it may result in the conditional offer of employment, placement or volunteer service being withdrawn or terminated. The decision will be made by Manager, Human Resources in consultation with the Chief Executive Officer on the final disposition of the PVSC.

### **Criminal Offenses While Employed with Family Day**

Should an employee be charged with a criminal offense while employed with Family Day they are obligated to inform their supervisor/manager immediately. The supervisor/manager must inform who they report to as well as inform the Manager, Human Resources. The Manager, Human Resources and the Manager whom the employee reports to will discuss the criminal record with the employee. The Manager, Human Resources in consultation with the Chief Executive Officer will make a decision as to whether the employee will maintain their employment, receive discipline or be terminated with cause.

**Please see:**     Appendix A: Annual Offence Declaration  
                      Appendix B: Staff Tracking Form  
                      Appendix C: Vulnerable Sector Check (VSC) - Offense Declaration  
    While On Leave of Absence Procedure

## 1. Instructions

This form is intended for use by child care programs licensed under the *Child Care and Early Years Act, 2014*, to meet the following requirements:

- Licensees must obtain offence declarations from all individuals from whom they have previously obtained a vulnerable sector check. The offence declaration must be obtained in every calendar year, except a year in which a vulnerable sector check is obtained, and dated no later than 15 days after the anniversary date of the most recent offence declaration or vulnerable sector check.
- Licensees must obtain a statement from any person who turns 18 years old while in a position where he or she interacts with children receiving care, within one month after the person turns 18 years old. The statement must disclose every previous finding of guilt of the person under the *Youth Criminal Justice Act* (Canada), if the person received an adult sentence.
- Where a licensee has accepted a copy of a vulnerable sector check from a volunteer or student, instead of the original documents, the volunteer or student must provide an offence declaration that addresses the period since day the vulnerable sector check was performed if more than six months but less than five years have passed since the day the vulnerable sector check was performed.
- Any person from whom a licensee is required to obtain a vulnerable sector check is required to provide the licensee with an offence declaration, as soon as reasonably possible, any time he or she is convicted of an offence under the *Criminal Code* (Canada).

This form must be completed and signed by the individual from whom an offence declaration is required. The form must also be signed by the licensee or designate to confirm receipt.

This form must be retained for ministry review.

## 2. Declaration

Child Care Program Name:

I,  , declare that,  
First Name, Last Name

since   
Date of last vulnerable sector check or last offence declaration, whichever is most recent, or date of 18th birthday (yyyy/mm/dd)

(Check all that apply.)

- ☐ I have **not** been convicted of an offence under section 151 (sexual interference) of the *Criminal Code* (Canada).
- ☐ I have **not** been convicted of an offence under section 163.1 (child pornography) of the *Criminal Code* (Canada).
- ☐ I have **not** been convicted of an offence under section 215 (duty of persons to provide necessities) of the *Criminal Code* (Canada).
- ☐ I have **not** been convicted of an offence under section 229 (murder) of the *Criminal Code* (Canada).
- ☐ I have **not** been convicted of an offence under section 233 (infanticide) of the *Criminal Code* (Canada).
- ☐ I have been convicted of the following offences under the *Criminal Code* (Canada):

[Add Item \(+\)](#)

I declare that the above discloses all of my convictions under the *Criminal Code* (Canada) since the date specified above.

In addition, I **am aware of my duty** to provide the licensee of the child care centre or home child care agency, as the case may be, with an offence declaration as soon as reasonably possible at any time that I am convicted of an offence under the *Criminal Code* (Canada).

## 3. Signature (For completion by the employee/volunteer/student/provider/person who is ordinarily a resident or regularly at a home child care premises.)

First and Last Name	Signature	Date (yyyy/mm/dd)
<input type="text"/>	<input type="text"/>	<input type="text"/>

## 4. Signature (For completion by the licensee/designate.)

First and Last Name	Signature	Date (yyyy/mm/dd)
<input type="text"/>	<input type="text"/>	<input type="text"/>

[Print Form](#)

[Clear Form](#)

## Vulnerable Person's Sector Check Staff Tracking Report

	Name of Centre	Original Date	Year 1	Year 2	Year 3	Year 4	REMINDER	NEW VPSC
		Completed VPSC Original date	Declaration Sign off	Declaration Sign off	Declaration Sign off	Declaration Sign off	New VPCRC Reminder	New VPCRC Must be obtained no later than
	<b>Name of Staff</b>							
	EXAMPLE: Jimmy Sampson	25-Sep-15	04-Oct-16	04-Oct-17	04-Oct-18	04-Oct-19	30-Jul-20	23-Sep-20
1			09-Jan-01	09-Jan-02	09-Jan-03	09-Jan-04	04-Nov-04	29-Dec-04
2			09-Jan-01	09-Jan-02	09-Jan-03	09-Jan-04	04-Nov-04	29-Dec-04
3			09-Jan-01	09-Jan-02	09-Jan-03	09-Jan-04	04-Nov-04	29-Dec-04
4			09-Jan-01	09-Jan-02	09-Jan-03	09-Jan-04	04-Nov-04	29-Dec-04
5			09-Jan-01	09-Jan-02	09-Jan-03	09-Jan-04	04-Nov-04	29-Dec-04
6			09-Jan-01	09-Jan-02	09-Jan-03	09-Jan-04	04-Nov-04	29-Dec-04
7			09-Jan-01	09-Jan-02	09-Jan-03	09-Jan-04	04-Nov-04	29-Dec-04
8			09-Jan-01	09-Jan-02	09-Jan-03	09-Jan-04	04-Nov-04	29-Dec-04
9			09-Jan-01	09-Jan-02	09-Jan-03	09-Jan-04	04-Nov-04	29-Dec-04
10			09-Jan-01	09-Jan-02	09-Jan-03	09-Jan-04	04-Nov-04	29-Dec-04
11			09-Jan-01	00-Jan-00	30-Dec-00	30-Dec-01	26-Oct-02	29-Dec-04



## **Centre Supervisor Responsibilities**

1. Be aware of when the employee's VSC/Offence Declaration will expire
2. Forty five (45) days prior to the expiry of the VSC/Offence Declaration send the employee the Vulnerable Sector Check/Offence Declaration While On A Leave of Absence letter  
*(Employees residing in Toronto who require a new VSC must have the blank VSC form from Human Resources). Attach declaration if required*
3. Fill in the appropriate fields on the VSC/Offence Declaration While On A Leave of Absence letter including the due date for return (date that the VSC/declaration expires)
4. Place the letter and necessary form(s) in an envelope and include a stamped self-addressed envelope for the return of the VSC/declaration and mail to the employee
5. Send an email to the employee with a Read Receipt Request notifying the employee that they will be receiving the letter notifying them of the requirement to renew the VSC/declaration
6. Using your Outlook calendar record and track employee name and expiry date of VSC/declaration
7. If the VSC/declaration is not received by the expiry date notify your Program Manager and follow up with the employee