



DOC REF: QP-012

REV/ISSUE: 00/01

DATE: Sep 1, 2025

## **Policy & Procedure: Criminal Reference Check**

Date Policy and Procedures Established: September 1, 2025

Date Policy and Procedures Updated:

### **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 person who provide childcare 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 the childcare centre 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, which help to reduce risk where there is a gap between the time an individual starts interacting with children and the time 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 childcare center centre.

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



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### Policy

#### Vulnerable Sector Checks (VSCs)

**CEDARBROOK MONTESSORI SCHOOL** is responsible for obtaining a VSC from the following individuals in accordance with the timelines indicated below.

Individual	Timeline
<p><b>Employees, volunteers and students who interact with children</b></p>	<ul style="list-style-type: none"> <li>• Before beginning employment or otherwise interacting with children;</li> <li>• On or before the 5<sup>th</sup> anniversary after the date the most recent VSC;</li> <li>• After any break in the relationship with the licensee that has lasted 6 or more months, before the relationship resumes; and</li> <li>• 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.</li> <li>• Where a person takes a leave of absence from their position and then subsequently returns to their position.</li> </ul>

#### All VSCs will be reviewed by **DIRECTOR/SUPERVISOR** to ensure that they are:

- conducted by a police force 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 for child care center 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 required set out in section 9 of the CCEYA.



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The following exceptions will be applied 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 center will be accepted as long as the VSC is less than 5 years old from the date it was performed. In these cases, the volunteer/student will also be required to provide the child care center with an offence declaration addressing the period since the day the VSC was performed.
- The childcare center will accept a photocopy of a VSC 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 VSC where:

- any statute of Ontario or Canada prohibits the disclosure of information contained in a VSC 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 VSC, for an individual; and/or
- a licensee is a corporation and the director or officer does not interact with children at child care premises.

A Criminal Record and Judicial Matters Check will be accepted in place of a CRC but will not be accepted in place of a VSC

Any person who turns 18 while in a position where they interact with children receiving care at a childcare center premises will be asked by Director/Supervisor to provide a statement disclosing every previous finding of guilt under the Youth Criminal Justice Act (YCJA) if the person received an adult sentence. Where the individual confirms that there are no such findings, Director/Supervisor 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 receiving care at a home childcare premises will be asked by Director/Supervisor to apply for a VSC within one month after their 19<sup>th</sup> birthday. That person must provide the childcare center with evidence that they have submitted a VSC application.

VSCs provided to the childcare center must be intended for the position that the individual will hold (i.e. employee and volunteer positions). Where the VSC has not been provided for the correct position, it will not be accepted. There will be no exceptions made for individuals to obtain a criminal reference check (e.g. for medical reasons).



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### Offence Declarations (ODs)

Director/Supervisor is responsible for obtaining an OD from the following individuals in accordance with the timelines indicated below.

Individual	Timeline
<p><b>Employees, volunteers, students (including international students)</b></p>	<ul style="list-style-type: none"> <li>• Annually, no later than 15 days after the anniversary of the most recent VSC or OD;</li> <li>• Where a VSC 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 children; and</li> <li>• 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.</li> <li>• Where a person takes a leave of absence from their position and then subsequently returns to their position</li> </ul>
<p><b>Other persons who provide childcare or other services to children at the childcare center</b></p>	<ul style="list-style-type: none"> <li>• If the attestation is not otherwise provided, prior to interacting with children; and</li> <li>• Annually, no later than 15 days after the anniversary date of the most recent OCD or attestation (if the person continues to provide such childcare slash other services)</li> </ul>

ODs will be obtained from the individuals mentioned above every calendar year except if the individual has to provide a VSC that year.

Any individual from whom childcare center is required to obtain a VSC must provide ODs to Director at childcare center as soon as reasonably possible any time they are convicted of any offence under the Criminal Code (Canada).

Where the templates in Appendix A are not used, Director will ensure that every OD includes all the following information:

- the name of the individual who is making the offence declaration.
- the date of the last VSC or OOD or date of 18<sup>th</sup> birthday (whichever is most recent);



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- a list of all of 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.

Director who received an OD from an individual will review it and keep it on file at childcare center in a secure location for three years after it was created.

### Attestation

Director is responsible for obtaining an attestation from the following individuals in accordance with the timelines indicated below

Individual	Timeline
<p><b>Other persons who provide childcare or other services to children at the childcare center</b></p>	<ul style="list-style-type: none"> <li>• if an attestation is not otherwise provided, prior to interacting with children and</li> <li>• annually, no later than 15 days after the anniversary date of the most recent ODI or attestation (if the person continues to provide such childcare other service).</li> </ul>

- All attestations will be from the person's employer or the person/entity who retained the person's services (e.g. a child parent).
- Where the template in appendix B is not used, 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 five years and
  - 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 CCEYA.
- Director who received an attestation from an individual will review it and keep it on file at the childcare center in a secure location for three years after it was created.



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- Where an individual needs to keep their original attestation. Director will review the attestation and create a true copy to keep on file at the childcare center

### Using Information Revealed in a VSC or OD 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 CEDARBROOK MONTESSORI SCHOOL if their VSC or OD and/or 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 childcare center 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 a childcare center premises. 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 person is expected to fill in providing childcare; 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 retained as an employee, accepted or kept as a volunteer or student, or be allowed to otherwise interact with children at a childcare center.

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



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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, VSCs, ODs, attestations and statements of findings of guilt under the YCJA will be kept Criminal Record Check Cabinet and it will always remain locked.

### Additional Measures to Protect Children

Where appropriate, a person who has not provided a VSC will be allowed to start their employment or volunteer position or otherwise start interacting with children if they apply to obtain a VSC as soon as possible and provide evidence of their application to Director.

Until a VSC is obtained, the childcare center will put additional measures in place to protect children who interact with a person who has not yet provided their VSC. The most often additional measures that will be used may include as appropriate

- Verifying of the candidates' credentials (e.g. their standing with regulatory bodies) and three references.
- Obtaining an offence declaration from the individual until a VSC is obtained
- Ensuring all interaction between the person and children is always supervised by an employee who has provided a clear VSC
- monitoring and documenting the individual's behavior and interaction with children on a weekly basis, at a minimum, by the supervisor, designating or lead our RECE in the program room(s) in which the individual works, were appropriate
- Ensuring the individual is not left alone with their children and
- conducting informal interviews with staff who worked with the individual at the childcare center to collect their observations of the individual's behaviour with children call my parents and colleagues.

If a VSC is not provided within 15 days of their start date, childcare center will terminate them immediately, except in extenuating circumstances where evidence is provided that indicates that the delay for obtaining a VSC is out of the individual's control.



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### Procedure

Action	Process and Responsibilities
<p><b>A. Obtaining a PRC (i.e. VSC or CRC as applicable)</b></p>	<p><b>1. The person from whom a PRC is required must:</b></p> <ul style="list-style-type: none"> <li>• apply for a PRC from the local police department where the individual resides, submit the required fee for a PRC; and</li> <li>• provide the evidence of application (where there is a delay in processing the application) to Director; or</li> <li>• provide the original PRC to Director for review prior to starting the position or otherwise interacting with children, or within [time period] if the person has been allowed to start interacting with children.</li> </ul> <p><b>2. Upon receipt of a PRC, Director must:</b></p> <ul style="list-style-type: none"> <li>• confidentially review the PRC to ensure that it meets the requirements outlined in this policy;</li> <li>• where the individual needs to keep their original PRC, create a true copy of the document to keep on file at childcare center for three years after the true copy was created; and</li> <li>• place the PRC (original or true copy, where applicable) in a secure location at childcare center with limited access.</li> </ul> <p><b>3. 6 months before a new VSC is required, Director must:</b></p> <ul style="list-style-type: none"> <li>• notify the individual(s) who need to provide a new VSC in writing and require them to apply for a new VSC; and</li> <li>• obtain a new VSC from the individual(s) no later than 15 days after the 5-year anniversary date of the most recent VSC.</li> </ul>



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	<p><b>How to create a true copy of a PRC:</b></p> <ol style="list-style-type: none"> <li>1. Make a complete and legible photocopy of the original PRC;</li> <li>2. Make a true copy statement on the photocopy by: <ul style="list-style-type: none"> <li>Writing “Original received and reviewed by:” and printing the full name of the individual who received and reviewed the original PRC;</li> <li>Writing “Date received and reviewed:” and printing the full date the PRC was received and reviewed; and</li> <li>Signing the true copy statement (the signature must be that of the individual who received and reviewed the PRC).</li> </ul> </li> </ol>
<p><b>B. Submitting an Offence Declaration</b></p>	<ol style="list-style-type: none"> <li>1. <b>Director or designate must:</b> <ul style="list-style-type: none"> <li>• Make the OT template available at all times at the childcare center 2 individuals who are required to complete an OD</li> <li>• When the anniversary date for a previous OD is approaching provide a reminder to the individual in writing and the OD template.</li> </ul> </li> <li>2. <b>The individual who is required to provide an OD must:</b> <ul style="list-style-type: none"> <li>• Complete either the template available online or at the childcare center or complete their own OD that contains all the required information.</li> <li>• Provide the completed OD to Director no later than 15 days after the anniversary date of the most recent OD.</li> </ul> </li> <li>3. <b>Upon receipt of an OD, must:</b> <ul style="list-style-type: none"> <li>• confidentially review the OD to ensure that it meets the requirements outlined in this policy; and</li> <li>• place the OD in a secure location at childcare center with access limited.</li> </ul> </li> </ol>



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<p><b>C. Obtaining an Attestation</b></p>	<p><b>Director must inform any ‘other person’ that an attestation is required prior to interacting with children</b></p> <p><b>Upon receipt of an attestation, Director must;</b></p> <ul style="list-style-type: none"> <li>• confidentially review the attestation to ensure that it meets the requirements outlined in this policy; and</li> <li>• Place the attestation in a confidential file in a securely locked cabinet with access limited to the licensee or designate only</li> </ul>
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**Where the immediate health and safety of the children are a concern (e.g. a PRC, OD or attestation reveals that an individual has been convicted of child pornography), the licensee or designate will:**

- follow the serious occurrence policies and procedures.
- notify the local Children’s Aid Society immediately in accordance with “duty to report” obligations under the Child, Youth and Family Services Act, 2017 or subsequent legislation; and
- notify other authorities (e.g., College of Early Childhood Educators, Consolidated Municipal Service Manager/District Social Services Administration Board, local police service, local public health, etc.), as applicable.

### Glossary

*Attestation:* A written declaration provided for any ‘other person’ who provides childcare or other services to children in a childcare center, completed by a person's employer or the person or entity who retained the person services (e.g. a parent guardian of a child). See the attestation section of this policy for information on what needs to be included in an attestation.

*Break in a Relationship with the Licensee:* The ending of a relationship) between the licensee and an individual from whom a VSC is required (i.e. childcare center provider, employee, student, volunteer or another person) that is later restarted. Examples of breaks in relationship may include, but are not limited to:

The end of a home visitor’s contract and the commencement of a new contract after a period of time has passed.

The end of a student’s placement and the student is hired as a home visitor the following week.



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A volunteer decides to terminate their volunteer hours and starts volunteering again after a period of time has passed

A provider decides to stop providing care (e.g. due to vacation, returning to home country, etc.) and ends their agreement with the agency (i.e. the home is no longer an 'active' home). A year later, they decide to start providing care again and enter into a new agreement.

Breaks in relationship do not include vacations, parental leaves or sick leaves where the person intends to return to their position after a period of time.

*Certified Translated Copy:* A copy of a police record check that is signed and dated by a translator certified with a body belonging to the Canadian Translators, Terminologists and Interpreters Council (CTTIC), that certifies that the translated copy is a true copy of the original document.

*Police Record Check:* A document concerning an individual that was prepared by a police service or service from national data on the Canadian Police Information Centre system and contains information concerning the individual's personal criminal history. There are three types of police record checks: (1) Criminal Record Checks (2) Criminal Records and Judicial Matters Checks (3) Vulnerable Sector Checks.

1. **Criminal Record Check (CRC):** A basic type of police record check that is not intended for people who are seeking positions working with vulnerable persons.
2. **Criminal Records and Judicial Matters Check:** A type of police record check that may include criminal convictions, findings of guilt under the Youth Criminal Justice Act (Canada), outstanding charges, warrants and judicial orders, absolute discharges, conditional discharges and other records as authorized by the Criminal Records Act (Canada). This check is not intended for people who are seeking positions with vulnerable persons and cannot take the place of a vulnerable sector check.
3. **Vulnerable Sector Check (VSC):** An enhanced type of criminal record check for persons who may hold positions of trust or authority over vulnerable persons, that is performed at the request of an organization responsible for the well-being of a child or vulnerable person to protect children and vulnerable persons, as governed by section 6.3(3) of the Criminal Records Act (Canada). A VSC verifies whether an individual has a criminal record and any record suspensions for sexual offences and local police records for information relevant to the VSC.

*Employee:* An individual paid directly by the licensee (not a third party) to provide a service at the childcare center agency. For the purpose of this policy, an employee is a person who may interact



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with children at a childcare center premises (e.g. childcare center visitor). This does not include childcare center providers who have a written agreement with childcare center staffing consultants.

*Childcare center Provider (“provider”)*: An individual who is in charge of the children receiving care at the home premises. Childcare centers screens, approves, and monitors providers with whom it has established contractual agreements to provide child care. Childcare center providers are not considered employees of the childcare center agency.

*Childcare center Visitor (“home visitor”)*: An employee of childcare center who provides support at and monitor each premises and is responsible to the licensee.

*Interacting*: To be or become involved in communication, social activity or work with somebody else or one another (Source: Encarta Dictionary). Examples of interactions with children include conversing, playing, directing, intervening, supervising or assisting in fulfilling their needs (e.g. food/drink consumption, toilet use).

*Licensee*: The individual or corporation named on the licence issued by the Ministry of Education responsible for the operation and management of the childcare center agency.

*Offence Declaration (OD)*: A written declaration signed by an individual that lists all of their convictions for offences under the Criminal Code (Canada), if any, during the period stated in the declaration.

*Ordinarily a Resident of the Premises (“ordinarily resident”)*: Individuals who may have access to children in care (including supervised access) because they use the premises as a primary residence for at least some period during the year (e.g., the provider’s spouse, adult children, adult dependents, etc.).

*Premises*: a building, including outdoor play space, where the childcare center provider provides child care.

*Regularly at the Premises (“regularly present”)*: An individual who is present at the premises during hours in which care is provided often enough that children in care are able to recognize the individual. This would include persons who are present frequently during a short period of time (e.g., visiting family members) or repeatedly (e.g., the provider’s friend who visits the premises once a week, or a neighbour who visits the premises every other month to provide tutoring to the provider’s own child).

*Student*: An individual who is on an educational placement with the licensee and interacts with children in care.



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*True Copy:* A photocopy of a document that is signed and dated by the licensee or designate, and confirms that the photocopy was taken from the original document. True copies may be kept in hardcopy or electronically.

*Volunteer:* An individual who participates in the child care program and interacts with children in care but is not paid by the licensee.

*Vulnerable Person:* A person who, because of his or her age, disability or other circumstances, whether temporary or permanent is:

- a) in a position of dependency on others; or
- b) is otherwise at a greater risk than the general population of being harmed by a person in a position of trust or authority towards them.

### **Appendix A**

Templates for attestations and offence declaration

- A template for **offence declaration for employees students and volunteers** is available for download and printing at the following link: <https://forms.mgcs.gov.on.ca/en/dataset/3038>
- A template for **offence declarations for other persons who provide childcare or other service to children** at the childcare centre is available for download and printing at the following link: <https://forms.mgcs.gov.on.ca/en/dataset/0388>
- A template for **attestation for other person who provide childcare or other service to children at the childcare center** is available for download and printing at the following link: <https://forms.mgcs.gov.on.ca/en/dataset/0387>
- A template **for offence declarations for providers, employees, students, volunteers and other persons** is available for download and printing at the following link: [http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/3038E~1/\\$File/3038E.pdf](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/3038E~1/$File/3038E.pdf)