



**Umbrella Family and  
Child Centres of Hamilton**

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**3.1 CRIMINAL REFERENCE CHECK POLICY**

<b>MANUAL</b>	<b>Staff Related Policy Manual</b>
<b>SECTION</b>	<b>3- Ministry of Education Policies</b>
<b>POLICY</b>	<b>3.1 Criminal Reference Check Policy</b>
<b>LAST REVISED</b>	<b>December, 2024</b>

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**RATIONALE**

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Under the Child Care and Early Years Act, 2014, UFCC is required to obtain a Criminal Reference Check/Vulnerable Sector Check (VSC) for staff upon hiring and every 5 years thereafter.

**RESPONSIBILITY**

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All staff, volunteers and students placements.

**POLICY**

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UFCC requires a Criminal Reference Check/Vulnerable Sector Check (VSC) for staff upon hiring and every 5 years thereafter. The original VSC, whether on paper or an electronic document, will be copied and a sticker will be attached that states, "I have reviewed the original criminal reference check with vulnerable sector screening and I certify this to be a true copy of the original." Confidentiality of criminal reference check information is of the utmost importance to UFCC. As such, a copy will be kept securely in the employee's electronic file in the HR/payroll system. Further, a copy will also be retained in the employee's file which is locked in a secure location at the UFCC location(s) where the employee works. Keys to employee filing cabinets are only accessible by required personnel (Supervisors, Managers, Program Leaders in some circumstances).

The criminal reference check must:

- Include a Vulnerable Sector Check (VSC),
- Be completed by a police force, and
- Be dated no earlier than six months prior to it being presented to UFCC.

This practice will apply to all employees and supply staff as well as students and volunteers who have reached the age of 18 years, and will continue to apply with the following requirements:

- a. New permanent or contract employees shall provide a new or current VSC, dated within the last six months, prior to commencing employment, at their own expense.
- b. Every volunteer or student who is on educational placement, shall provide a VSC before the person begins interacting with the children. The VSC is to be dated within the last six months before the day it is submitted. The police may determine that a Criminal Reference Check is

All policies and procedures are reviewed regularly to reflect Umbrella's most current practice.



- more appropriate if the student is under 18 years of age. Students under 18 years of age do not require any VSC. They will provide one within one month of their 18th birthday.
- c. A new VSC is required from each employee, student and volunteer, on or before the 5th anniversary after the date of the most recent VSC.
  - d. An employee or a student may begin their placement prior to obtaining their VSC provided that they have provided proof of their application. Employees will not be left alone with the children until they have provided their VSC. Students are not left alone with the children at any time.
  - e. UFCC has a legal obligation to obtain Offence Declarations Statements from all individuals from whom they have previously obtained a Vulnerable Sector Check. The Offence Declaration Statement must be obtained in every calendar year, except a year in which a Vulnerable Sector Check is obtained and dated to 15 days before or after the anniversary date of the previous Offence Declaration Statement or Vulnerable Sector Check, whichever is most recent.
  - f. Any time that there is a break in employment or student placement for greater than 6 months a new VSC is required.

Note: Members of the Board of Directors are also required to obtain a criminal reference check.

The job applicant/student/volunteer must submit the results of the Police Reference Check to the Human Resources Department. To be considered acceptable, original paper-based Police Reference Check must be initialed by the police department on the bottom left corner of the official seal; original electronic versions must be protected by a password given by the police service.

Human Resources or the Supervisor will photocopy or print the satisfactory Police Reference Check, sign that the original (paper or electronic copy) has been viewed by the organization and return the original paper-based check to the employee. All Police Reference Checks are to be kept confidential in each employee's or placement student's personnel file and kept onsite at the employee's location placed in the locked filing cabinet for Ministry Staff File inspections.

Should any applicant have a criminal record for child abuse they will automatically be disqualified for any position (bona fide reasons). This will apply regardless of when any information is learned, even after a period of employment.

All information received in the Criminal Reference Check/ Vulnerable Sector Check will be strictly confidential. The information received will be taken into consideration as one part of the hiring procedure. If an applicant has a Criminal Record of either "Occurrences" or "Convictions" it will be reviewed prior to hiring, to determine whether the applicant will be disqualified for the position.

A Criminal Reference Check/ Vulnerable Sector Check may be requested of any employee/student/volunteer at any time, in addition to the CCEYA requirements. An employee/student/volunteer may be terminated based on either refusal to cooperate in this process or as the result of the Criminal Reference Check/ Vulnerable Sector Check.

#### **Offence Declaration**

All policies and procedures are reviewed regularly to reflect Umbrella's most current practice.



UFCC is required, under the Child Care and Early Years Act, 2014, to meet the following requirements:

- UFCC has a legal obligation to obtain Offence Declarations Statements from all individuals from whom they have previously obtained a Vulnerable Sector Check. The Offence Declaration Statement must be obtained in every calendar year, except a year in which a Vulnerable Sector Check is obtained and dated to 15 days before or after the anniversary date of the previous Offence Declaration Statement or Vulnerable Sector Check, whichever is most recent.
- UFCC will obtain a Vulnerable Sector Check from any person who turns 18 years old, while in a position where they interact with children receiving care, within one month after the person turns 18 years old. The Vulnerable Sector Check must disclose every previous finding of guilt of the person under the Youth Criminal Justice Act (Canada), if the person received an adult sentence.
- When UFCC have 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 Statement 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 affiliated with UFCC who has had to obtain a Vulnerable Sector Check is required to provide, said company, with an Offence Declaration Statement, as soon as reasonably possible, any time they are convicted of an offence under the Criminal Code (Canada).
- All offence declarations and attestations will be locked in a secure location at each of the UFCC locations where the employee works or the individual interacts with children.

The Offence Declaration Statement Form must be completed and signed by the individual from whom an Offence Declaration Statement is required. The form must also be signed by the licensee or designate to confirm receipt. This form must be retained for ministry review.

### Attestation

UFCC is required, under the Child Care and Early Years Act, 2014, is responsible for obtaining an attestation from individuals who provide child care or other services to children at the child care centre.

#### *Timeline:*

- If an offence declaration is not otherwise provided, prior to interacting with children; and
- 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 (e.g., a child's parent). 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; 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 the CCEYA.

The attestation is to be reviewed and kept on file at the child care centre in a secure location for 3 years after it was created. Where an individual needs to keep their original attestation, the attestation will be reviewed and created a true copy to keep on file at the child care centre.

**Policy Attachments:** N/A