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## Criminal Reference Check Policy

Updated July 2010

The *Day Nursery Act* requires all daycare centres to obtain criminal reference checks for any prospective employees, volunteers or board members who may be working directly with children. The criminal reference checks are necessary to ensure that the children under our care remain safe. These checks ensure that staff members or volunteers have not engaged in harmful behaviour in the past that could put the children in our school at risk.

In addition to reporting on any criminal convictions under the Criminal Code, the police reference check goes further and can include records under the Mental Health Act of voluntary and involuntary apprehensions and transfers to a mental facility, incident reports, charges, or having been a victim, suspect or witness to an occurrence.

Each adult will receive a Police Reference Check Program form that The Creative Preschool has completed where required. We require that any adult participating as an employee, volunteer or board member complete this form and deliver it to the Toronto Police Services Board for Processing. The Toronto Police Services Board will provide the applicant with the results from the criminal reference check directly to the current address provided. It is then the applicant's responsibility to decide whether to discuss the results of the reference check with the supervisor of our school in order to participate as a volunteer, board member or employee.

**The cost of obtaining a criminal reference check will be each adult's own responsibility. As of July 1, 2010 the cost for volunteers is \$16.95\* including 13% tax and for employees \$50.85 including tax.**

For more information on the Criminal Reference Check Process or the categories of information that may be disclosed in a reference check is available at [www.torontopolice.on.ca](http://www.torontopolice.on.ca) or by calling (416) 808-7991.

Mail Waiver and Fee for Reference Check to:  
Records Management Service  
Toronto Police Services  
40 College Street  
Toronto, ON M5G 2J3

**\*YOU MUST SEND IN A CERTIFIED CHEQUE OR MONEY ORDER WITH YOUR FORM.**

### **Participating Parents:**

As per letter from Karen Gray, Licensing Specialist, Ministry of Community and Social Services, dated May 25, 1994, participating parents at The Creative Preschool of East Toronto must be committed to this type of program, and must be aware of their responsibility to attend on scheduled days, so that ratios are being met.

The participating parents are required to sign the behaviour management policy and submit a medical.

Parents are required to provide criminal reference checks in order to participate in the classroom.

### **Volunteers:**

Volunteers working directly with the children are required to provide criminal reference checks.

Volunteers/staff under 18 years of age are not required to have a criminal reference check but are required to provide two positive reference letters from persons over 18 years of age.

## The Criminal Reference Check Process Regarding Hiring:

- The criminal reference check can only be made as a last step in the screening process, after a conditional offer of employment has been made;
- The employer must specifically make the Applicant aware that information from Mental Health Act contact will (or will not) be available;
- The results/information from the check will only be disclosed to the Applicant and will not be released to the employer, and
- At least one member of the “hiring committee” must have Human Rights training specific to the Code and these issues, and management must have an understanding of the provisions and implications of the Code with respect to hiring.
- Applicants shall be advised of a police reference check as part of the hiring process.
- This policy applies only to new staff hired after March 1, 1995.
- The following positions are considered to have direct contact with the children and are affected by this policy:

E.C.E. Teachers	Volunteers
Teaching Assistants	Participating Parents
Supervisors	Student volunteers
Assistant Supervisors	Board Members
Program Staff	
Lunchroom Staff	
- The information received from the criminal reference check must indicate that the check was done within the last 60 days.
- A conditional offer of employment may be extended to a successful candidate, with the condition that the reference check information is received in a timely manner and that the check is clear. Until the response is reviewed and accepted by the Hiring Committee, and a permanent offer of employment is made, the successful candidate will not begin work. In cases where circumstances warrant, a candidate may start to work providing arrangements are made to ensure the new employee is not left alone with any children at any time or under any circumstances.
- It is the applicant’s responsibility to decide whether to discuss the results of a Criminal Reference Check with the school. If the applicant does not disclose the results of the check he may not be eligible for employment or a volunteer position, which is the responsibility of the school not the police.
- It is the responsibility of the school to comply with the Human Rights Code in deciding whether to hire an applicant or volunteer.
- In the case of a positive reference check, the offer of employment will be withdrawn and the employee will cease work, until a final decision of the Board is made.
- In the event of a positive criminal reference check, the candidate will be provided with the police response and asked for written particulars surrounding the charges/convictions listed. The candidate will be given an opportunity to meet with the Hiring Committee to discuss the results of the check.
- The Hiring Committee will review the offence, taking into consideration:

The nature of the offence(s)  
Sentencing received

The length of time since the offences were committed

The candidate's employment record, qualifications and references

The specific duties and responsibilities associated with the position applied for and the relevance of the particular conviction to the position

The risk posed to the program and children as a result of employing the candidate in the position.

- The decision will be based on the Committee's assessment of whether the candidate could be considered a high risk to have in contact with children.
- The Committee will document its discussion and the reasons for its decision.
- The applicant will be advised in writing of the Committee's decision.
- All information obtained through a police reference check is strictly confidential.
- The supervisor will note in the employee's file the date of the police reference check and the date the check was accepted by the Board of Directors. Any other documentation including documentation of the Committee's discussion will be kept in a secured file.
- If the candidate is not suitable for employment, all information regarding the criminal reference check will be destroyed.