

P.E.I. child advocate recommends stronger vulnerable sector checks for childcare staff^[1]

Author: Jenkins, Alison

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Excerpts

CHARLOTTETOWN, P.E.I. — Changes to the Early Learning and Childcare Act or regulations should be focused on protecting children, while not jeopardizing a childcare centre's certification, P.E.I.'s education standing committee heard recently.

The comments came Feb. 7 as amendments to the legislation were discussed.

Jennifer Nangreaves, executive director of the Early Childhood Development Agency (ECDA), said for the last two years, members in her industry group have expressed frustration at the inconsistent reasons police will not provide vulnerable sector checks.

Some employees, she added, have had to bring additional information to police before they would conduct the check. Since the check must come from the employee's local police station, any delays could mean a lengthy work absence. Nangreaves said it is not a widespread issue.

"This is a very small group of people that we're talking about. All individuals working in an early childhood centre must have a criminal record check, and the majority of those people do also have a vulnerable sector check."

In some cases, police agencies determine a person is not eligible because they are not going to be in a position of trust or authority with children, such as a weekend lawnmower or an off-site bookkeeper.

The P.E.I. regulations are written so that all associated persons need a vulnerable sector check, or the childcare centre is out of compliance and in jeopardy of losing its certification, said Nangreaves.

With that in mind, the non-profit ECDA has been working with police services in P.E.I. to streamline requests for vulnerable sector checks. There are template letters for employers to use on its website.

Nangreaves also suggested getting specific in the request to police, in her Feb. 7 appearance before the committee. Phrases like "other duties as required" or "may be required to" are not enough for police to start a vulnerable sector check. The language needs to be more specific, she said.

"Parents who place their young children in these facilities justifiably expect that every precaution will be taken by the facility to keep their children safe and out of harm's way in all respects." – Marvin Bernstein

Child well-being

Marvin Bernstein, P.E.I.'s child and youth advocate, was asked for feedback on the legislation. He presented his report to the committee at an earlier meeting on Jan. 31. He maintained eliminating any vulnerable sector checks would compromise the safety and well-being of children.

"Staffing roles are fluid when it comes to the shifting needs of young children, and there may be an urgent need for (a) staff person to step in and support and care for a young child," he said.

"Parents who place their young children in these facilities justifiably expect that every precaution will be taken by the facility to keep their children safe and out of harm's way in all respects."

Bernstein made four recommendations to the committee, including one to safeguard children's digital records.

Proposed changes

Opposition MLA Lynne Lund had tabled legislation in response to proposed changes dropping the requirement for vulnerable sector checks for staff at early learning and childcare centres if the workers were unable to obtain them.

"I really got nervous," said Lund, referring to the proposed changes.

The changes in the legislation were proposed in response to a handful of early learning and childcare centre employees who had issues obtaining a vulnerable sector check.

"I feel like they are using a sledgehammer when what they need is a screwdriver," said Lund, suggesting small adjustments are needed, not the elimination of vulnerable sector checks.

"I feel like they are using a sledgehammer when what they need is a screwdriver." – MLA Lynne Lund

Vulnerable sector checks have been a requirement for staff in a position of trust or authority at early learning or childcare centres since January 2017. A centre cannot get provincial certification without proof that staff members have passed both a vulnerable sector check and a criminal sector check.

A vulnerable sector check looks in a separate database for sexual convictions 10 or more years old for which the person has had the record suspended. It is different from a criminal record check because it searches a different database.

To obtain a vulnerable sector check, a person needs to present a letter from their employer justifying the deeper search.

Recommendations

P.E.I.'s child and youth advocate made four recommendations to the standing committee on education and economic growth Jan. 31. His comments came in response to a bill tabled in early November seeking to loosen requirements for vulnerable sector checks for staff at early learning and childcare centres in P.E.I.

Here's his advice:

- Any amendments to the Early Learning and Child Care Act or the regulations under that act be based upon fact-finding as to the extent of the problem, if any, with securing vulnerable sector checks for early learning and childcare centres in other jurisdictions as well as the actual scope of the problem in P.E.I.
- Any amendments to the Early Learning and Child Care Act or the regulations under that act strengthen and not weaken the existing vulnerable sector search protections for children attending early learning and childcare centres; having regard to the potential risk of such children of both personal and digital contact, whether frequent or situational, by persons providing services or having access to those children's records.
- Any amendments to the Early Learning and Child Care Act or the regulations under that act include a provision that the act and/or the regulations be construed and applied in a manner consistent with the United Nations convention on the rights of a child.
- That the department of education and lifelong learning consult with office of the child and youth advocate before moving to finalize any amendments to the Early Learning and Child Care Act or the regulations under that act.

Region: Prince Edward Island ^[3]

Tags: Vulnerable sector check ^[4]

workforce ^[5]

well-being ^[6]

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