

<i>Child Protection Act R.S.P.E.I. 1988, Cap. C-5.1</i>	Program	Human Resources	
	Subject	Child and Family Services: Child Protection Record Check	<i>Policy #</i>
Effective Date: August 1, 2014		Authorized by: Craig Dalton	
Revised Date: November 23, 2017		Deputy Minister	

1.0 PURPOSE

- 1.1 The Department is committed to employment policies that respect all legal requirements of employment in the province and ensure the appointment and retention of qualified persons of good character.
- 1.2 A Child Protection Record Check is considered due diligence for employees and students in placement within the Child & Family Services Division.

2.0 POLICY STATEMENT

Employment and Student Placement Candidates: Child & Family Services Division

- 2.1 A completed Child Protection Record Check is required for employment and student placement candidates who have signed and declared having been, or are currently, a parent as defined by the *PEI Child Protection Act*, s.1(s) including parent, step-parent, adoptive parent or legal guardian. A completed Child Protection Record Check is required prior to commencement of employment or student placement.
- 2.2 A Child Protection Record Check is not required for employment and student placement candidates who have signed and declared to not currently be, and never have been, a parent as defined by the *PEI Child Protection Act*, s.1(s) including parent, step-parent, adoptive parent or legal guardian.
- 2.3 Job opportunity advertisements for Child & Family Services Division will advise applicants that appointment is subject to an acceptable Child Protection Record Check.
- 2.4 When an offer of employment or student placement is made, the candidate must provide a Child Protection Record Check and complete a Child Protection Record Check Declaration Form from all areas of previous residence where the candidate is, or has ever been, a parent as defined by the *PEI Child Protection Act*, s. 1(s).
- 2.5 All costs associated with a Child Protection Record Check shall be the responsibility of the candidate.
- 2.6 The candidate is responsible to ensure a completed Child Protection Record Check is received by the Human Resource Manager.
- 2.7 Where the Child Protection Record Check indicates there is no child protection record, the offer of employment or student placement becomes effective.

- 2.8 Where the Child Protection Record Check indicates that a child protection record exists, the Human Resource Manager shall consult with the Director of Child Protection and the Director of Child & Family Services to determine suitability for employment. The following factors will be considered in determining suitability for employment:
- nature, circumstances and outcome of the child protection service;
 - time lapsed since the child protection service;
 - rehabilitative efforts;
 - relevance to the duties and responsibilities of the position;
 - employment experience following the child protection service;
 - potential risk to children and/or parents receiving service;
 - probability of reoccurrence;
 - requirements of relevant legislation, including the *P.E.I Human Rights Act*; and,
 - any other relevant and probative information received bearing on the character of the candidate.
- 2.9 Following consultation, the Human Resource Manager, Director of Child Protection and Director of Child & Family Services will inform the Deputy Minister.
- 2.10 The Director of Child & Family Services and the Human Resource Manager will complete a Risk Assessment Form to be forwarded to the Deputy Minister for review and final approval.
- 2.11 The Human Resource Manager will advise the candidate of the decision regarding employment or student placement.

Employees: Child & Family Services Division

- 2.12 Employees of Child & Family Services Division must immediately inform their Supervisor if they are the subject of a child protection report assessed for investigation and/or an open child protection service as of the effective date of this policy or any time thereafter. Failure to report may result in disciplinary action, up to and including termination.
- 2.13 Child protection reports received on employees providing direct front-line child protection or residential services must be assessed and responded to within one (1) business day, unless the reported information is assessed to require a more immediate response. Child protection reports received on employees that do not provide direct front-line child protection or residential services must be assessed and responded to within three (3) business days, unless the reported information is assessed to require a more immediate response. Exceptions may be reviewed and approved by the Provincial Coordinator of Child Protection Services or Director of Child Protection.
- 2.14 Upon notification that an employee of Child & Family Services Division is subject of a child protection report assessed for investigation and/or an open child protection service, the Supervisor will notify the appropriate Program Coordinator. The Program Coordinator will notify the Director of Child Protection and the Director of Child & Family Services.

A child protection report received on a current employee of the Child & Family Services Division to include Provincial Coordinator of Residential Services, Director of Child Protection or Director of Child & Family Services will immediately be brought to the

attention of the Provincial Coordinator of Child Protection Services. In the event, a child protection report is received on the Provincial Coordinator of Child Protection Services, the report will immediately be brought to the attention of the Director of Child Protection.

2.15 Following consultation with the Supervisor, Program Coordinator, Director of Child & Family Services and Human Resource Manager, a decision will be made regarding whether or not reassignment or placement on paid non-disciplinary administrative leave is required for the period of the investigation, pursuant to the *PEI Civil Service Act, R.S.P.E.I., Cap. C-8*.

2.16 The Supervisor and/or the Program Coordinator will contact the employee to advise of the decision regarding whether or not to reassign duties or be placed on paid non-disciplinary administrative leave. This conversation with the employee will not occur until Child Protection Services has made contact with the employee to advise of the investigation.

At the time the Supervisor and/or Program Coordinator speak with the employee, the employee will be provided with a Child Protection Record Check Consent Form to be submitted by the employee to the Director of Child Protection immediately upon completion of the child protection investigation.

2.17 Upon completion of the child protection investigation, the investigating Supervisor will immediately inform the Provincial Coordinator of Child Protection Services that the child protection investigation has been completed. The Provincial Coordinator of Child Protection Services will notify the Director of Child Protection that the investigation has been completed.

2.18 The Director of Child Protection will review the child protection record and advise, in writing, the Human Resource Manager of the outcome of the child protection investigation. A copy will be provided to the Program Coordinator and Director of Child & Family Services.

2.19 Where the child protection investigation has been completed and it has been determined a child was not a child in need of protection, the Program Coordinator will contact the Supervisor to advise that the employee can resume former duties. The Program Coordinator and/or Supervisor will contact the employee to advise of the decision and that former duties can be resumed.

2.20 Where the child protection investigation has been completed and it has been determined a child was a child in need of protection, the Program Coordinator will contact the Supervisor to advise of the outcome of the child protection investigation. The Program Coordinator and/or Supervisor will contact the employee to request a meeting with the employee and the Human Resource Manager. Pursuant to *The Collective Agreement between the Government of Prince Edward Island and the Prince Edward Island Union of Public Sector Employees*, the employee may invite a Union Representative to attend. This meeting is an opportunity for the employee to provide additional information.

2.21 Following meeting with the employee, the Program Coordinator, Director of Child Protection and Director of Child & Family Services will consult with the Human Resource Manager to make a recommendation on suitability for employment. The

Human Resource Manager may consult with the PEI Public Service Commission and/or legal counsel. The following factors will be considered:

- nature, circumstances and outcome of the child protection service;
- relevance to the duties and responsibilities of the position;
- potential risk to children and/or parents receiving service;
- probability of reoccurrence;
- requirements of relevant legislation, including the *P.E.I Human Rights Act*; and,
- any other relevant information.

2.22 The Director of Child & Family Services and the Human Resource Manager will complete a Risk Assessment Form to be forwarded to the Deputy Minister for review and final approval.

2.23 The Program Coordinator will contact the employee to request a meeting with the employee and the Human Resource Manager to advise of the decision regarding employment. Written notification with reason for the decision will also be provided at the meeting. Pursuant to *The Collective Agreement between the Government of Prince Edward Island and the Prince Edward Island Union of Public Sector Employees*, the employee may invite a Union Representative to attend.

Students in Placement: Child & Family Services Division

2.24 Students in placement with Child & Family Services Division must immediately inform their Supervisor if they are the subject of a child protection report assessed for investigation and/or an open child protection service as of the effective date of this policy or any time thereafter. Failure to report may result in immediate termination of the student placement.

2.26 In the event a student in placement is the subject of a child protection report assessed for investigation, the student's placement will be suspended, and the student's Supervisor will notify the educational institution. Student consent is required to share information related to the reason for the suspension with the educational institution. Continuation of student placement or future student placement requests may be considered and will be assessed pursuant to this policy.

Child Protection Record Check - File Management

2.27 Child Protection Record Checks will be forwarded to the Human Resource Manager and placed into a secure file.

2.28 Child Protection Record Checks will be kept in a separate, locked storage area and do not become part of the official personnel file of the employee. Access is restricted to administrative employees responsible for management of all information relating to Child Protection Record Checks and to persons directly involved in hiring or continued employment decisions.

3.0 REFERENCES

PEI Child Protection Act, R.S.P.E.I., Cap. C-5.1

PEI Human Rights Act, R.S.P.E.I., Cap. H-12

Union of Public Sector Employees Collective Agreement

HISTORY:

November 23, 2017 - Editorial and format changes; procedural clarity; new 2.13 to provide response timelines