

COMMUNITY ISSUES AND SOCIAL PLANNING COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

RE: CRIMINAL RECORD REVIEW

RECOMMENDATION:

1. **THAT** Council write to the Ministry of the Attorney General requesting that consideration be given to expanding the Criminal Records Review Act to cover all child care providers with clients receiving Provincial Day Care subsidies.

REPORT

The Community Issues and Social Planning Committee, at its meeting held on 1997 January 22, at which a quorum was not present, received and adopted the *attached* report identifying shortcomings in the Provincial Criminal Record Review procedures and make recommendations accordingly.

Respectfully submitted,

Councillor C. Redman
Chair

Councillor D. Johnston
Vice Chair

COPY - CITY MANAGER
- DIRECTOR RECREATION & CULTURAL SERVICES
- MEDICAL HEALTH OFFICER
- CHIEF ENVIRONMENTAL HEALTH OFFICER
- DIR. PLNG. & BLDG.

TO: COMMUNITY ISSUES &
SOCIAL PLANNING COMMITTEE

1996 DECEMBER 18

FROM: DIRECTOR PLANNING & BUILDING

OUR FILE: 17.315.1

SUBJECT: **CRIMINAL RECORD REVIEW**

PURPOSE: To identify shortcomings in the Provincial Criminal Record Review procedures and make recommendations accordingly.

RECOMMENDATION:

1. **THAT** the Community Issues & Social Planning Committee ask the Mayor, on behalf of Council, to write to the Ministry of the Attorney General requesting that consideration be given to expanding the Criminal Records Review Act to cover all child care providers with clients receiving Provincial Day Care subsidies.

REPORT

1.0 INTRODUCTION

The Criminal Records Review Act was adopted in 1995 June and came into effect in 1996 January. The Act prescribes mandatory criminal record checks for people working with children in organizations which are operated, licensed or receiving operating funds from the Provincial Government. It covers nearly 300,000 British Columbians, including teachers, medical staff, and child care facility employees.

The Child Care Resources Group (CCRG) was established in 1990 to advise the Community Issues & Social Planning Committee on child care matters. The CCRG strongly supports the intent of the Criminal Records Review Act - i.e., protecting children from physical, sexual, and emotional abuse. It has concerns, however, with implementation of the Act - most notably the detailed paperwork requirements and the lengthy delays that can occur for the checks to be completed. The group has even greater concerns over the fact the legislation does not cover the relevant range of child care providers.

This report discusses the latter concern and recommends appropriate actions to remedy the situation.

2.0 SOME TERMS

Before proceeding, it may be useful to define some terms that will be used in the report.

- ▶ **Licensed child care facility:** This term applies to child care facilities which are licensed under the Child Care Regulation of the Community Care Facility (CCF) Act. Facilities caring for three or more children who are not related by blood or marriage to the facility operator require a CCF License.
- ▶ **License not required (LNR) child care facility:** A LNR child care facility is one which provides care in a home setting for no more than two children who are unrelated by blood or marriage to the facility operator. As its name implies, a LNR facility does not require a CCF License.
- ▶ **Unlicensed child care facility:** For purposes of this report, the term unlicensed child care facility refers to facilities which care for three or more children who are unrelated by blood or marriage to the facility operator. To operate legally, these facilities would need to apply for a CCF License and comply with the requirements set out in the Provincial Child Care Regulation.
- ▶ **Day Care Subsidy Program:** This program, which is administered by the Ministry for Children and Families, provides subsidies for parents who need child care services and whose incomes fall below a certain cutoff point. Program subsidy payments are available to eligible applicants regardless of where their children receive care (i.e., in licensed, LNR, or unlicensed child care facilities or, in some cases of one-on-one care, in the child's own home).
- ▶ **Special Needs Day Care Subsidy Program:** This is similar to the Day Care Subsidy Program. The chief differences are that i) the funds are targeted to parents seeking care for children with special needs and ii) at present, there are no income guidelines associated with the program (i.e., provided they meet all other program eligibility requirements, applicants are entitled to the subsidies).
- ▶ **Child Care Support Program (CCSP):** The Ministry of Women's Equality funds 35 CCSPs in BC. The programs offer an information and referral service to parents who are looking for child care. They also offer support to individuals who either operate, or plan to operate, child care facilities. The CCSP's have a set of standards and a screening process for LNR child care facilities that are registered with the program.

3.0 RATIONALE FOR EXPANDING COVERAGE

As stated, the Criminal Records Review Act pertains to people working with children in organizations which are operated, licensed or receiving operating funds from the Provincial Government. With respect to child care operations, the Act covers employers and employees in licensed child care facilities and LNR facilities that are registered with a CCSP. It does not cover people providing care in unlicensed facilities or LNR facilities that are *not* registered with CCSPs. It also does not cover caregivers who provide one-on-one care in children's homes - a particular concern for children with special needs.

It is acknowledged that challenges would be faced in expanding the criminal records check requirements to child care providers not currently covered by the legislation (i.e., unlike those involved with CCF Licensing or CCSPs, these providers are not regulated, monitored, or part of the formalized child care system). Nonetheless, for the following reasons, staff and the CCRG believe a case can be made for attempting to subject these child care providers to criminal records checks:

- ▶ **Comprehensiveness:** The intent of the Criminal Records Review Act is to protect children from abuse. There is no reason to believe that children being cared for in facilities that are subject to Criminal Records Review legislation are more vulnerable than children receiving care in facilities that are not covered by the legislation - indeed, some may argue that the opposite is more likely the case.
- ▶ **Equity:** It is believed that the legislation should be applied in a fair and consistent manner; i.e., why should some child care providers be required to put in the time and effort to comply with the legislation while others are not?
- ▶ **Accountability:** The Province provides subsidies for parents obtaining child care services in a variety of settings, regardless of whether the facilities are licensed or registered with a CCSP. Indirectly, therefore, the subsidies are being used to support operations that are not subject to Criminal Records Review legislation. In the case of unlicensed facilities, the subsidies are being directed to operations that are contravening the Provincial CCF Act. Members of the CCRG have observed that this is a double standard and feel strongly that the Province should expect facilities that benefit from public expenditures to comply with Provincial legislation.