

April 6, 2017

Honourable Michael Coteau
Minister of Children and Youth Services
M-1B114, Macdonald Block
900 Bay Street
Toronto ON M7A 1N3

AMENDED SUBMISSION
to the Standing Committee on Justice Policy
Re Bill 89, *Supporting Children, Youth and Families Act, 2017*

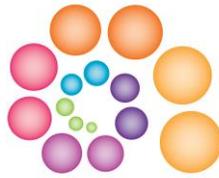
Request: That Children’s Aid Societies continue sharing information with the College of Early Childhood Educators in investigations and discipline proceedings involving child abuse

The College of Early Childhood Educators (the "College" or the "CECE") appreciates the opportunity to make this submission regarding Bill 89 (2016)¹, and applauds the government’s efforts to strengthen supports and services for children and families in Ontario. However, the College is concerned regarding an omission in Bill 89 which could have the unintended consequence of restricting the ability of Children’s Aid Societies (“CASs”) to continue to share information with the College in relation to investigations and discipline proceedings involving abuse of children.

Since its original submission (dated March 31, 2017), the College has received email correspondence from Nancy Matthews, Deputy Minister at the Ministry of Children and Youth Services, that it was not the intent of the Ministry to omit the College from this specific provision in Bill 89 or to limit disclosure of information by CASs to the CECE for the purpose of College proceedings. A copy of correspondence from the Deputy Minister to the President of the College is attached (Appendix A).

Despite this, the College remains concerned that, as currently drafted, the legislation may not give effect to the government’s intention. As a result, the College has included a minor drafting change in its submission to mitigate the risk of misinterpretation.

¹ being “*An Act to enact the Child, Youth and Family Services Act, 2016, to amend and repeal the Child and Family Services Act and to make related amendments to other Acts*”.



Background

The College of Early Childhood Educators was established in 2008 under the *Early Childhood Educators Act, 2007* (the "Act") to regulate and govern Ontario's registered early childhood educators (RECEs) in the public interest. The College currently has more than 51,000 members who are trusted to provide education and care to the most vulnerable members of Ontario's population.

RECEs work in a wide variety of settings, including schools and licensed child care programs, and are responsible for the planning and delivery of inclusive play-based learning and care programs for children 12 years or younger, to promote the well-being and holistic development of children.

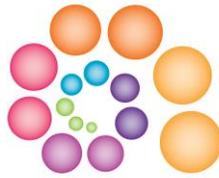
The College is mandated to protect children and families by regulating the practice of early childhood education, establishing and enforcing professional and ethical standards, receiving and investigating complaints, and dealing with professional misconduct, incompetency and incapacity of its members.

The Importance of Information Sharing

The College receives approximately 200 complaints, notifications and reports per year, of which a significant proportion involve allegations of abuse of children, including psychological, physical or sexual abuse. The College investigates these allegations and has the authority to take disciplinary action up to and including revoking a member's certificate of registration, thereby preventing them from practising as an RECE anywhere in Ontario. This information is available to the public on the College's online public register. Receiving timely and accurate information regarding allegations of child abuse is critical to the College's ability to protect the public.

Allegations of abuse reported to the College are often reported to a Children's Aid Society as well. As a result, the College frequently needs to obtain the CAS investigation file to support its own investigation or to prosecute allegations of professional misconduct in a proceeding before the College's Discipline Committee.

Historically, the College has been able to obtain investigative materials from the relevant CAS. The ability to get those materials promptly is critical to the College's ability to protect the public by investigating and prosecuting allegations of misconduct in a timely manner. It can also reduce the need to conduct multiple interviews of children involved.



The Risk in Bill 89

It is important to ensure that Bill 89 does not have the unintended consequence of narrowing or complicating the ability of CASs to disclose information to the College for the purpose of College investigations and discipline proceedings. This would frustrate the intent of the legislation, which clearly contemplates the sharing of information between CASs and professional regulatory colleges where necessary to protect children and youth.

Part X of the proposed new *Supporting Children, Youth and Families Act* (the “SCYFA”) includes provisions that address collection, use and disclosure of information by “service providers”, which include CASs. Pursuant to s. 288, a service provider may disclose personal information without the consent of the individual in certain circumstances, including complying with a summons or procedural rules in the context of a “proceeding”. (s. 288(1)(f))

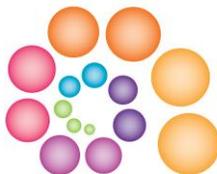
The definition of the term “proceeding” in s. 278 explicitly refers to a number of Ontario’s regulatory colleges, including all regulated health professions and the College of Social Workers and Social Service Workers. The College of Early Childhood Educators is not included in that list.

Two proposed amendments to the SCYFA would address this concern:

1. To add the College of Early Childhood Educators to the list of colleges in the definition of “proceeding” in section 278 of the SCYFA as follows:

“proceeding” includes a proceeding held in, before or under the rules of a court, a tribunal, a commission, a justice of the peace, a coroner, a committee of a College within the meaning of the *Regulated Health Professions Act, 1991*, a committee of the Ontario College of Social Workers and Social Service Workers under the *Social Work and Social Service Work Act, 1998*, a committee of the College of Early Childhood Educators under the *Early Childhood Educators Act, 2007*, an arbitrator or a mediator; (“instance”)

2. To add a new clause allowing for disclosures by CASs to the College for the purpose of the administration or enforcement of the *Early Childhood Educators Act, 2007*, as follows:



s. 288(1) A service provider may, without the consent of the individual, disclose personal information about an individual that has been collected for the purpose of providing a service,.....

(f.1) to the College of Early Childhood Educators for the purpose of the administration or enforcement of the *Early Childhood Educators Act, 2007*.

Consequential Amendments

In section 12 of Schedule 4 of Bill 89, one consequential amendment to the *Early Childhood Educators Act, 2007* has been made. However, there is another reference to the *Child and Family Services Act* in clause 43(1)8.5 of the *Early Childhood Educators Act, 2007* which should also be amended.

Section 12 of Schedule 4 of Bill 89 should be amended to read as follows:

12 (1) Subsection 32.1 (1) of the *Early Childhood Educators Act, 2007* is repealed and the following substituted:

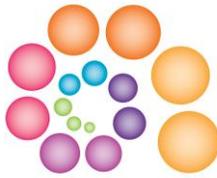
Complaint, report of child in need of protection, etc.

This section applies with respect to a complaint if the Registrar believes, on reasonable grounds, that the complainant or any other person was likely required to make a report under section 122 of the *Child, Youth and Family Services Act, 2016* in relation to the conduct or actions of the member that are the subject of the complaint.

(2) Clause 43(1)8.5 of the *Early Childhood Educators Act, 2007* is repealed and the following substituted:

8.5 governing requirements relating to members' professional learning about their reporting duties under the *Child, Youth and Family Services Act, 2016* and governing how members' compliance with such requirements is determined;

The College is grateful for the opportunity to provide this submission to the Standing Committee during its consideration of Bill 89, and would be pleased to provide any further information which would be of assistance.



Yours truly,

Beth Deazeley
Registrar & CEO
College of Early Childhood Educators

Lois Mahon, RECE
President
College of Early Childhood Educators

Appendix A

----- Original message -----

From: "Matthews, Nancy (MCYS)" <Nancy.Matthews@ontario.ca>

Date: 2017-04-05 2:02 PM (GMT-05:00)

To: lois.mahon@outlook.com

Cc: "Matthews, Nancy (MCYS)" <Nancy.Matthews@ontario.ca>

Subject: RE: hello and your help

Hello Lois,

Thank you for bringing your concerns to my attention. I'd like to assure you that it is not the intent of Bill 89 to omit the College of Early Childhood Educators or to limit disclosures of personal information by Children's Aid Societies (CASs) to the CECE for the purpose of College proceedings.

The privacy provisions of Part X of Bill 89 are not intended to stand in the way of use or disclosure for the purposes of any proceeding where a presiding body has the ability to compel information, including proceedings held by a relevant College. While not specifically named, it is our intent that the current definition of 'proceeding' in Part X of the CYFSA will cover a proceeding held by the CECE or any other relevant College.

The current definition of 'proceeding' specifically references proceedings held by a College within the meaning of the Regulated Health Professions Act, 1991 and the Social Work and Social Service Work Act, 1998 as representative examples. The list of Colleges referenced in the definition is not intended to be exhaustive.

I hope this addresses your concerns.

Thanks again for connecting with me.

Nancy

From: lois mahon <lois.mahon@outlook.com>

Sent: Tuesday, March 28, 2017 9:07 PM

To: Matthews, Nancy (MCYS)

Cc: 'bethd@college-ece.ca'

Subject: hello and your help

Hello Nancy! I hope they are treating you well back at MCYS! We really miss you in Education! I finally have my kitchen all done and so I do hope that the next time you are here in Sudbury we can make you dinner!

I am reaching out to you today because we have a serious concern about Bill 89. It seems that our College of ECE was missed in the bill. Provision is provided for all of the Health regulators and the

College of Social Workers to have CASs share information with them with regards to discipline hearings but we (CECE) are not included.

I know you will find this as concerning as I do and so I wanted to give you a heads up about it. I am really hoping you might a few minutes to touch base with Beth, our Registrar, you can reach her at 416 961-8558. I am sorry to bug you but as you know the Bill is before the standing committee next week so we really need to chat with you.

Thanks so much Nancy for your anticipated help here.

I do hope our paths will cross again soon!

Cheers!

Lois

Lois Mahon RECE

President

College of ECE