

**DISCIPLINE COMMITTEE
OF THE COLLEGE OF EARLY CHILDHOOD EDUCATORS**

Citation: College of Early Childhood Educators vs Patricia Lorraine Beadle,
2018 ONCECE 9
Date: 2018-10-22

PANEL: Kristine Parsons, RECE, Chairperson
Barbara Brown, RECE
Larry O'Connor

BETWEEN:)	
)	
COLLEGE OF EARLY)	Alex Wilbee
CHILDHOOD EDUCATORS)	for the College of Early Childhood Educators
)	
- and -)	
)	
PATRICIA LORRAINE BEADLE)	No Representation
REGISTRATION # 02331)	
)	
)	
)	
)	Elyse Sunshine
)	Independent Legal Counsel
)	
)	
)	Heard: October 12, 2018

DECISION AND REASONS

This matter came on for a hearing before a panel of the Discipline Committee of the College of Early Childhood Educators (the “Panel”) on October 12, 2018.

THE ALLEGATIONS

The allegations against the Member, as stated in the Notice of Hearing dated September 10, 2018, are as follows:

1. At all material times, Patricia Lorraine Beadle (the “**Member**”) was a member of the College of Early Childhood Educators (the “**College**”) and employed as the Program Director of the Hawthorne Meadows Nursery School (the “**Centre**”) in Ottawa, Ontario.
2. The Centre’s Licence to Operate a Day Nursery (the “**Licence**”), issued on August 3, 2015 pursuant to the *Day Nurseries Act*, provided as follows:

2. Licensed capacity of day nursery:

Preschool (31 months – 5 years)	24
Total	24

3. Director approval is granted for:

Director’s approval for a mixed age group. Therefore 20% of 16 children (31 months to 5 years) maximum 3 children may be from the younger age group.

3. The Licence permitted the Member to enrol 20% of 16 children from the younger age group, that is, a maximum of three children from the toddler age group.
4. Contrary to the Licence, the Member enrolled more than three toddlers at the Centre.
5. As of September 2015, the Member had at least six toddlers and an infant enrolled in the preschool program at the Centre, contrary to the Licence.

6. At a meeting of the Centre's Board of Directors (the "**Board**") in November 2015, the Member initially told the Board that there were only two toddlers in the program. However, the subsidy list showed that there were at least six toddlers in the program at that time.
7. The Member ran the program at the Centre contrary to the Licence for approximately three months.
8. As a result of the Member's conduct, the Centre terminated her employment on or about December 10, 2015.
9. By engaging in the conduct set out above, the Member engaged in professional misconduct as defined in subsection 33(2) of the *Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, Sch. 8, in that:
 - a) she failed to supervise adequately a person under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(2);
 - b) she failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
 - i. she failed to maintain a safe and healthy learning environment, contrary to Standard III.A.1 of the Standards of Practice;
 - ii. she failed to know, understand and abide by the legislation, policies and procedures that are relevant to her professional practice and to the care and learning of children under her professional supervision, contrary to Standard IV.A.2 of the Standards of Practice;
 - iii. she failed to make decisions and/or resolve challenges in the best interests of the children under her professional supervision, contrary to Standard IV.B.4 of the Standards of Practice;
 - iv. she failed to build a climate of trust, honesty, and respect in the workplace, contrary to Standard IV.C.2 of the Standards of Practice; and

- v. she conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession of early childhood education, contrary to Standard IV.E.2 of the Standards of Practice;
- c) she acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10);
- d) she contravened a law, which contravention is relevant to her suitability to hold a certificate of registration, contrary to Ontario Regulation 223/08, subsection 2(20);
- e) she contravened a law, which contravention caused or may have caused a child under her professional supervision to be put at or remain at risk, contrary to Ontario Regulation 223/08, subsection 2(21); and
- f) she conducted herself in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

THE MEMBER'S PLEA

The Member admitted to the allegations in the Notice of Hearing as set out above.

The Panel received the Member's plea both orally and in writing, through an Agreed Statement of Facts (Exhibit 2). The Panel also conducted a verbal plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

EVIDENCE

Counsel for the College and the Member advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts, which read as follows.

The Member

1. The Member initially registered with the College as a Registered Early Childhood Educator ("**RECE**") on January 5, 2009 and remains in good standing with the College.
2. At all material times, the Member was employed as the Program Director at the Centre.
3. On or about December 10, 2015, the Member was terminated from her position as the Program Director at the Centre as a result of the incidents described below.

Incidents in the Fall of 2015

4. The Centre's Licence, issued on August 3, 2015 pursuant to the *Day Nurseries Act*, provided as follows:

2. Licensed capacity of day nursery:

Preschool (31 months – 5 years)	24
Total	24

3. Director approval is granted for:

Director's approval for a mixed age group. Therefore 20% of 16 children (31 months to 5 years) maximum 3 children may be from the younger age group.

5. The Licence permitted the Member to enrol 20% of 16 children from the younger age group, that is, a maximum of three children from the toddler age group.

6. Contrary to the Licence, the Member enrolled more than three toddlers at the Centre. As of September 2015, the Member had at least six toddlers and an infant enrolled in the preschool program at the Centre.

7. At a meeting of the Board in November 2015, the Member initially told the Board that there were only two toddlers in the program. However, the subsidy list showed that there were at least six toddlers in the program at that time. As a result, the Board gave instructions to the Member to discharge the underage children, except the three that were permitted by the Licence.

8. In December 2015, the Board reviewed the enrollments and discovered that the Member had not discharged any children. Instead, she told four of them to stay home and enrolled additional toddler-aged children in the program.

9. The Member ran the program at the Centre contrary to the Licence for approximately three months.

10. The Centre's termination letter indicated that the Member may have placed the children at risk due to the lack of adequate staffing for the number of toddlers at the program on a daily basis.

College Standards of Practice

11. The Member agrees that the following are standards of the profession, that were in force during the time period in question, as set out in the College's Code of Ethics and Standards of Practice:

a. Standard III.A.1 requires RECEs to maintain a safe and healthy learning environment;

- b. Standard IV.A.2 requires RECEs to know, understand and abide by the legislation, policies and procedures that are relevant to their professional practice and to the care and learning of children under their professional supervision;
- c. Standard IV.B.4 requires RECEs to make decisions and/or resolve challenges in the best interest of the children under their professional supervision;
- d. Standard IV.C.2 requires RECEs to build a climate of trust, honesty, and respect in the workplace; and
- e. Standard IV.E.2 requires RECEs to avoid conduct which could reasonably be perceived as reflecting negatively on the profession of early childhood education.

Admissions of Professional Misconduct

12. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 4 to 9 above, and as defined in section 33(2) of the *Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, Sch. 8, in that:

- a. she failed to supervise adequately a person under her professional supervision, contrary to *Ontario Regulation 223/08*, subsection 2(2);
- b. she failed to maintain the standards of the profession, contrary to *Ontario Regulation 223/08*, subsection 2(8), in that:
 - i. she failed to maintain a safe and healthy learning environment, contrary to Standard III.A.1 of the Standards of Practice;
 - ii. she failed to know, understand and abide by the legislation, policies and procedures that are relevant to her professional practice and to the care and learning of children under her professional supervision, contrary to Standard IV.A.2 of the Standards of Practice;
 - iii. she failed to make decisions and/or resolve challenges in the best interests of the children under her professional supervision, contrary to Standard IV.B.4 of the Standards of Practice;
 - iv. she failed to build a climate of trust, honesty, and respect in the workplace, contrary to Standard IV.C.2 of the Standards of Practice; and
 - v. she conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession of early childhood education, contrary to Standard IV.E.2 of the Standards of Practice;
- c. she acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to *Ontario Regulation 223/08*, subsection 2(10);

- d. she contravened a law, which contravention is relevant to her suitability to hold a certificate of registration, contrary to *Ontario Regulation 223/08*, subsection 2(20);
- e. she contravened a law, which contravention caused or may have caused a child under her professional supervision to be put at or remain at risk, contrary to *Ontario Regulation 223/08*, subsection 2(21); and
- f. she conducted herself in a manner that is unbecoming a member, contrary to *Ontario Regulation 223/08*, subsection 2(22).

DECISION ON THE ALLEGATIONS

Having regard to the facts set out in the Agreed Statement of Facts, the Committee accepted the Member's admission and found that she committed acts of professional misconduct as set out in the Notice of Hearing as outlined above.

REASONS FOR DECISION

The Panel considered the Agreed Statement of Facts and the Member's plea and found that the evidence supported findings of professional misconduct as alleged in the Notice of Hearing.

The allegations of misconduct set out in paragraph 9 in the Notice of Hearing are supported by the evidence set out in paragraphs 4 - 10 in the Agreed Statement of Facts. The evidence shows that the Member contravened the standards of practice when she enrolled six (6) toddlers and one (1) infant in a program licensed for 24 preschool age children.

POSITION OF THE PARTIES ON PENALTY

Counsel for the College and the Member made a joint submission as to an appropriate penalty. The joint submission as to penalty proposed that the Panel make an order as follows:

1. Requiring the Member to appear before the Panel to be reprimanded on the date of this Order.
2. Directing the Registrar to suspend the Member's certificate of registration for four (4) months. The suspension would take effect from the date of the Order, and would run, without interruption, as long as the Member remains in good standing with the College.
3. Requiring the Member to pay the College's costs fixed in the amount of \$1,000.00, to be paid in four equal installments of \$250.00, with the first payment due on the date of the hearing, the second on December 12, 2018, the third on February 12, 2019, and the

fourth on April 12, 2019, by means of four post-dated cheques to be provided by the Member to the College on the date of the hearing.

Counsel for the College submitted that the proposed order was appropriate and reasonable in light of the facts agreed upon.

The College provided 2 cases in support of the proposed penalty (*ONCECE vs Lealess* 2018 ONCECE 2 (CanLii) and *ONCECE vs O'Meara* 2014 ONCECE 2 (CanLII))

The parties agreed that the mitigating factor in this case was that the Member plead guilty thereby saving the College the time and expense of a contested hearing.

The prime aggravating factors in this case were the nature of the professional misconduct involved and the period of time that the conduct existed.

PENALTY DECISION

The Panel accepted the joint submission on penalty and made an order as to penalty and costs as follows:

1. The Member is required to appear before the Panel to be reprimanded on the date of this Order.
2. The Registrar is directed to suspend the Member's certificate of registration for four (4) months. The suspension will take effect from the date of this Order, and will run, without interruption, as long as the Member remains in good standing with the College.
3. The Member is required to pay the College's costs fixed in the amount of \$1,000.00, to be paid in four equal installments of \$250.00, with the first payment due on the date of the hearing, the second on December 12, 2018, the third on February 12, 2019, and the fourth on April 12, 2019, by means of four post-dated cheques to be provided by the Member to the College on the date of the hearing.

REASONS FOR PENALTY

The Panel understands that the penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate registered early childhood educators. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The penalty should be proportionate to the misconduct.

In considering the joint submission, the Panel was mindful that a jointly proposed penalty should be accepted unless its acceptance would bring the administration of justice into disrepute or it is otherwise not in the public interest.

The Panel is aware that no two cases are exactly alike. However, reviewing earlier cases can help determine the level of appropriate penalty. The Panel therefore considered the previous cases that were presented.

The Member cooperated with the College and, by agreeing to the facts and proposed penalty, has accepted responsibility.

Having considered all of these factors, the Panel was satisfied that the proposed penalty in this case was appropriate and in the public interest.

ORDER AS TO COSTS

Subsection 33(5)(4) of the ECE Act provides that in an appropriate case, a panel may make an order requiring a member who the panel finds has committed an act of professional misconduct to pay all or part of the College's legal costs and expenses, investigation costs and hearing costs.

The parties are in agreement with respect to costs and the amount of costs to be ordered. The Panel agrees that that this is an appropriate case for costs to be awarded and the amount proposed by the parties is reasonable.

The Panel orders that the Member pay the College its costs, fixed in the amount of \$1,000.00 to be paid in four equal instalments of \$250.00, with the first payment due on the date of the hearing, the second on December 12, 2018, the third on February 12, 2019 and the fourth on April 12, 2019 by means of posted cheques to be provided by the Member to the College on the date of the hearing.

I, Kristine Parsons, sign this decision and reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel.



Kristine Parsons, RECE Chairperson

October 22, 2018
Date