

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Sonia Deep Kaur Basi this is notice that the Discipline Committee ordered that no person shall publish or broadcast the identity of, or any information that could identify, any person who is under 18 years old and is a witness in the hearing, or the subject of evidence in the hearing or under subsection 35.1(3) of the *Early Childhood Educators Act, 2007*.

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

PANEL: Richard Filion, Chair
Katie Begley, RECE
Dana Sharkey, RECE

BETWEEN:)	
)	
COLLEGE OF EARLY)	Matthew Paik
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
SONIA DEEP KAUR BASI)	Self-represented
REGISTRATION # 59816)	
)	
)	
)	Elyse Sunshine,
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	Heard: September 13, 2022

DECISION AND REASONS

This matter was heard by a panel of the Discipline Committee (the “Panel”) of the College of Early Childhood Educators (the “College”) on September 13, 2022. The hearing proceeded electronically (by videoconference) pursuant to the *Early Childhood Educators Act, 2007* (the “Act”), the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020* and the College’s Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee.

At the outset, the Panel noted that the hearing was being recorded in the Zoom platform at the direction of the Panel for the hearing record, and ordered that no person shall make any audio or video recording of these proceedings by any other means.

PUBLICATION BAN

The Panel ordered a publication ban following a motion by College Counsel, on consent of the Member, pursuant to section 35.1(3) of the Act. The order bans the public disclosure, publication and broadcasting outside of the hearing room, any names or identifying information of any minor children who may be the subject of evidence in the hearing.

THE ALLEGATIONS

The allegations against the Member were contained in the Notice of Hearing dated August 26, 2022, (Exhibit 1) which provided as follows:

1. At all material times, Sonia Deep Kaur Basi (the “Member”) was a member of the College and was employed as an Early Childhood Educator (“ECE”) at City View Centre for Child and Family Services, in Nepean (Ottawa), Ontario (the “Centre”).
2. On or about November 6, 2020, the Member and L.T. (Registered Early Childhood Educator, RECE) (collectively, the “Staff”) were supervising a group of toddlers at the Centre’s fenced outdoor play area, including a 2½ year old boy (the “Child”). At approximately 11 a.m., the Staff failed to properly count the children or verify attendance when they transitioned the

children from the play area back into the building. As a result, the Child remained alone and unsupervised in the play area for approximately 22 minutes.

3. A member of the public noticed the Child alone in the play area and notified the Centre's management. The Member failed to realize that the Child was missing, until shortly before the Centre's manager brought him back inside.
4. By engaging in the conduct set out in paragraphs 2 – 3 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the Act, in that:
 - a) The Member failed to supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(2);
 - b) The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
 - i. The Member failed to observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
 - ii. The Member failed to provide safe and appropriate supervision of children based on age, development, and environment, contrary to Standard III.C.5 of the College's Standards of Practice;
 - iii. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice;
 - iv. The Member failed to model professional values, beliefs and behaviours with children, families, and colleagues, and/or failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice; and/or
 - v. The Member failed to support and collaborate with colleagues, contrary to Standard IV.C.6 of the College's Standards of Practice.
 - c) The Member 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); and/or

- d) The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).

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 (Exhibit 2), which provided as follows:

The Member

1. The Member has had a certificate of registration with the College for approximately 6 years. She is in good standing with the College and does not have a prior discipline history with the College.
2. At all material times, the Member was employed as an RECE at the Centre.

The Incident

3. On the morning of November 6, 2020, the Member and L.T. were responsible for supervising a group of toddlers at the Centre's fenced outdoor play area, including the Child.
4. At approximately 11:04 a.m., the Staff began transitioning the toddlers back into the building. J., a non-RECE staff member, brought 4 of the toddlers inside. The Staff failed to properly count these children, verify attendance or perform a "Radio Tag" safety procedure ("RT"), as required by the Centre's policies, before the children went inside.
5. After the first group of toddlers left the play area, L.T. took the Child out of his stroller, while the Member disinfected the strollers. L.T. placed the remaining children near the entrance doors and began singing and dancing with them. The Staff did not notice that the Child walked behind a screen shade and remained there playing with toys. At approximately 11:13 a.m., the Staff failed to count the children, verify attendance or

perform the RT, before transitioning into the Centre. As a result, the Child remained alone and unsupervised in the play area.

6. Approximately 10 minutes later, the Child went towards the Centre's doors and unsuccessfully attempted to open them. He then approached the Centre's windows and looked through them for approximately 5 minutes. The Child then again attempted to open the Centre's doors, prior to moving away from the building to the play area's sand box.
7. A member of the public noticed the Child alone in the play area and notified the Centre's management. The Member failed to realize that the Child was missing, until shortly before the Centre's manager brought him back inside. In total, the Child remained alone and unsupervised in the play area for approximately 22 minutes.

Additional Information

8. The Centre's RT procedure, in effect at the time of the Incident, required staff to carry laminated tags with the child's name and photo displayed on each tag, for each of the children under their direct supervision. Staff were required to use the tags during transitions to ensure that all the children under their supervision are accounted for, among other things by transferring the tags from one staff to another when children transition from one location to another in smaller groups.
9. As a result of the Incident, the Member was issued a disciplinary letter, which highlighted that the Child's safety was placed at risk due to the Member's "failure to follow established policies." The Member was also removed from the role of a "Head Educator" for the Centre's toddler program.
10. Following the Incident, the Centre's management provided the Member with rigorous mentorship and coaching, which focused on enhancing the Member's practice by learning from the Incident. The Centre's Supervisor, who oversaw the mentorship during a period several months, advised that the Member "has shown incredible growth."

Admissions of Professional Misconduct

11. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 to 7 above, and as defined in subsection 33(2) of the Act, in that:

- a. The Member failed to supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(2);
- b. The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
 - i. The Member failed to observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
 - ii. The Member failed to provide safe and appropriate supervision of children based on age, development, and environment, contrary to Standard III.C.5 of the College's Standards of Practice;
 - iii. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice;
 - iv. The Member failed to model professional values, beliefs and behaviours with children, families, and colleagues, and/or failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice; and/or
 - v. The Member failed to support and collaborate with colleagues, contrary to Standard IV.C.6 of the College's Standards of Practice.
- c. The Member 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); and/or
- d. The Member acted 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 Agreed Statement of Facts.

The Panel received a written plea inquiry (Exhibit 3) which was signed by the Member. The Panel also conducted a verbal plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

SUBMISSIONS OF THE PARTIES ON LIABILITY

The College submitted that all the allegations set out in the Notice of Hearing were admitted to by the Member and were supported by the evidence. The College submitted further that the evidence for the allegations consisted of the Agreed Statement of Facts (Exhibit 2) which contained the facts which established each of the allegations of misconduct.

The College submitted that facts established that the Member was responsible for supervising a group of toddlers in the fenced outdoor play area. The Member began transitioning the children back into the building. The Member failed to properly count the children, verify attendance or perform a "Radio Tag" safety procedure as required by Centre policies and procedures. As a result of the Member's actions, the Child remained on the playground, alone and unsupervised. The Member did not notice the Child was missing until a member of the public brought it to the Centre management's attention. The Child tried repeatedly to unsuccessfully open the Centre doors and look through the windows. The Child was found approximately 22 minutes later by a member of the public.

The College further submitted that the Member's actions support the findings of professional misconduct as alleged. The Member failed to adequately supervise a group of children, which is contrary to the College's standards of practice. The Member failed to provide the children under her care with a safe environment by failing to properly monitor the outside area. Through her conduct, the Member failed to be a role model to her colleagues. The Member disregarded her professional obligations and such conduct was unprofessional.

The Member told the Panel she was extremely sorry the incident occurred and will ensure this will never happen again.

FINDINGS AND REASONS FOR DECISION

Having regard to the facts set out in the Agreed Statement of Facts, the Panel accepted the Member's admission and found her guilty of professional misconduct as alleged in the Agreed Statement of Facts and the Notice of Hearing.

The Panel found that by failing to properly supervise the children in her care, the Member contravened the standards of practice by failing to observe and monitor the learning environment. This resulted in the Child remaining unsupervised in the Centre's outdoor fenced area for 22 minutes. The Member failed to follow established policies and procedures for transition, when she failed to properly count, verify the attendance or perform the Radio Tag procedure when exiting playgrounds and re-entering buildings.

In this regard, the Member breached several of the College's Standards of Practice. She failed to comply with Standard III.C.2, by failing to observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations. By failing to appropriately supervise the Child, she breached Standard III.C.5. By not complying with Centre policy and procedures, she contravened Standard IV.B.1. Her conduct was contrary to Standard IV.C.4 in that she failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or failed to understand that her conduct reflects on her as a professional and on her profession at all times. The facts also establish that she breached Standard IV.C.6, by failing to support and collaborate with colleagues.

By engaging in such conduct, the Member admitted, and the Panel finds, that the Member's conduct would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional and as conduct unbecoming a RECE.

POSITION OF THE PARTIES ON PENALTY

Counsel for the College and Counsel for the Member made a joint submission as to an appropriate penalty and costs order (the "Proposed Order"). The parties submitted that the Panel should make an order as follows:

1. Requiring the Member to appear before a Panel of the Discipline Committee to be reprimanded immediately following the hearing of this matter.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of 6 months. The suspension will take effect from the date of this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.
3. Directing the Registrar to impose the following terms, conditions and limitations on the Member's certificate of registration:

Mentorship

- a. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the Act, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
 - i. is an RECE in good standing with the College,
 - ii. is employed in a supervisory position,
 - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
 - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
 - v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
 - vi. is pre-approved by the Director of Professional Regulation (the "Director"). In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.

For clarity, once the suspension in section 2 above ends, the Member can commence or resume employment as an RECE after arranging a mentorship relationship with a pre-approved Mentor.

- b. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employers.
- c. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
 - i. the Panel's Order,
 - ii. the Agreed Statement of Facts,
 - iii. the Joint Submission on Penalty and Costs, and
 - iv. the Panel's Decision and Reasons.
- d. The Member will meet with the Mentor at least every 2 weeks after the Mentor has been approved by the Director to discuss the following subjects:
 - i. review of the College's Code of Ethics and Standards of Practice,
 - ii. the acts or omissions by the Member, which resulted in the Discipline Committee finding the Member guilty of professional misconduct,
 - iii. the potential consequences of the misconduct to the parents/children affected, and to the Member's colleagues, profession and self,
 - iv. strategies for preventing the misconduct from recurring, and
 - v. the Member's daily practice and any issues that arise, to ensure that she is meeting the College's Standards of Practice (without disclosing personal or identifying information about any of the children under the Member's care, or clients of her employer(s)).

- e. After a minimum of 3 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
 - i. the dates the Member attended the sessions with the Mentor,
 - ii. that the Mentor received a copy of the documents referred to in paragraph 3(c),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(c) and discussed the subjects set out in paragraph 3(d) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.
 - f. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.
 - g. The College may require proof of compliance with any of the terms in this Order at any time.
4. Requiring the Member to pay the College's costs fixed in the amount of \$1,000, within 3 months of the date of this Order.

Submissions of the College on Penalty and Costs

Counsel for the College submitted that the Proposed Order was appropriate and reasonable in light of the facts agreed upon. College counsel submitted that the penalty and costs order set out in the Joint Submission on Penalty and Costs met the principles that a penalty order was required to meet, in that it would send a message broadly to members of the profession and to the public that the conduct at issue is unacceptable and will not be tolerated by the College. The proposed penalty would also deter other members from engaging in this conduct and it would deter the Member from engaging in misconduct in the future. Counsel also submitted that the Proposed Order, which contains an extensive program of mentorship, would help to rehabilitate and support the Member in her return to practice.

College counsel also submitted that the penalty must take into account the aggravating and mitigating factors in this case, and presented the following four aggravating factors for the Panel's consideration:

1. The age of the Child (2.5 years old at the time of the incident);
2. The length of time for which the Child was unsupervised (22 minutes);
3. The Member did not realize the Child was missing until it was brought to her attention;
4. The Member failed to take specific measures to follow policies and procedures, such as the Radio Tag procedure which would have prevented or decreased the length of time that the Child was unsupervised.

The mitigating factors in this case were that:

1. The Member pled guilty and agreed to a joint submission, which saved the College the time and expense of a contested hearing;
2. The Member cooperated with the College, expressed remorse and admitted her wrongdoing;
3. The Member has been a RECE for 6 years and had a clean record before the incident; and
4. The Member has already proactively completed rigorous mentorship and coaching.

The College also submitted three additional factors for the Panel to consider: :

1. The Child was not physically injured;
2. There was no evidence of long-lasting impact on the Child; and
3. This was an isolated incident.

Counsel for the College provided two cases in support of the Proposed Order and submitted that these cases represented conduct of a similar nature and established that the Proposed Order was reasonable and that accepting the parties' joint submission as to penalty would not bring the administration of justice into disrepute.

1. *College of Early Childhood Educators v Ban Al Azawi*, 2021 ONCECE 9
2. *College of Early Childhood Educators vs Kayla Jane King*, 2022 ONCECE 10

Submissions of the Member on Penalty and Costs

The Member did not make a submission on penalty and costs.

PENALTY DECISION

The Panel accepted the joint submission on penalty and makes the following order:

1. The Member is required to appear before the Panel to be reprimanded immediately following the hearing of this Order.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of 6 months. The suspension will take effect from the date of this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.
3. Directing the Registrar to impose the following terms, conditions and limitations on the Member's certificate of registration:

Mentorship

- a. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the Act, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
 - i. is an RECE in good standing with the College,
 - ii. is employed in a supervisory position,
 - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
 - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,

- v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
- vi. is pre-approved by the Director. In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.

For clarity, once the suspension in section 2 above ends, the Member can commence or resume employment as an RECE after arranging a mentorship relationship with a pre-approved Mentor.

- b. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employers.
- c. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
 - i. the Panel's Order,
 - ii. the Agreed Statement of Facts,
 - iii. the Joint Submission on Penalty and Costs, and
 - iv. the Panel's Decision and Reasons.
- d. The Member will meet with the Mentor at least every 2 weeks after the Mentor has been approved by the Director to discuss the following subjects:
 - i. review of the College's Code of Ethics and Standards of Practice,
 - ii. the acts or omissions by the Member, which resulted in the Discipline Committee finding the Member guilty of professional misconduct,
 - iii. the potential consequences of the misconduct to the parents/children affected, and to the Member's colleagues, profession and self,

- iv. strategies for preventing the misconduct from recurring, and
 - v. the Member's daily practice and any issues that arise, to ensure that she is meeting the College's Standards of Practice (without disclosing personal or identifying information about any of the children under the Member's care, or clients of her employer(s)).
- e. After a minimum of 3 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
- i. the dates the Member attended the sessions with the Mentor,
 - ii. that the Mentor received a copy of the documents referred to in paragraph 3(c),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(c) and discussed the subjects set out in paragraph 3(d) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.
- f. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.
- g. The College may require proof of compliance with any of the terms in this Order at any time.

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. It is the Panel's conclusion that the Proposed Order met these objectives outlined above. Accordingly, the Panel accepted the joint submission.

The Panel is aware that no two cases are exactly alike. However, reviewing the earlier cases that were presented by the College demonstrated a range of penalty orders for similar conduct, which supported the submission that the Proposed Order was appropriate. The Panel took note that the Member failed to realize that the Child was not accounted for, for a lengthy period of time (approximately 22 minutes). Had the Member taken appropriate action and followed policies and procedures, the incident could have been prevented. The Panel considered that the Member cooperated with the College and, by agreeing to the facts and proposed penalty, has accepted responsibility for the misconduct. Having considered all of these factors, the Panel was satisfied that the proposed penalty in this case is appropriate and in the public interest.

The Panel agrees that the suspension is appropriate and generally consistent with the range of suspensions that were imposed in the previous cases that were put before the Panel. The suspension, along with the reprimand, will act as a specific deterrent to the Member, and a general deterrent to other members of the profession, from engaging in such conduct. The terms, conditions and limitations imposed will help to protect the public. The Member will also be rehabilitated through the mentoring sessions when returning to practice in the future. The Panel appreciated that the Member voluntarily undertook some remediation prior to the hearing of her own initiative.

ORDER AS TO COSTS

Subsection 33(5)(4) of the 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 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 \$1000 to be paid within 3 months of the date of the Order.

I, Richard Fillion sign this decision and reasons for the decision as Chair of this Discipline panel and on behalf of the members of the Discipline panel.

Richard Fillion D.D.S.
Richard Fillion, Chair

September 23, 2022
Date