

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Navneet Kaur 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: Lois Mahon, RECE, Chair
Richard Fillion, DDS
Krista Johnson, RECE

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
NAVNEET KAUR)	Self-represented
REGISTRATION # 132532)	
)	
)	
)	
)	Elyse Sunshine
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	Heard: December 6, 2023

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 December 6, 2023. The hearing proceeded electronically (by videoconference) pursuant to the *Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, Sch. 8 (the “ECE Act”), 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 ECE 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 November 14, 2023, (Exhibit 1) which provided as follows:

1. At all material times, Navneet Kaur (the “Member”) was a member of the College and was employed as an Early Childhood Educator (“ECE”) at YMCA of Southwestern Ontario, in London, Ontario (the “Centre”).
2. On or about the morning of August 4, 2022, the Member was responsible for supervising four toddlers on the Centre’s fenced-in playground. The Member became distracted and failed to notice that two children (the “Children”) left the playground, alone and unsupervised.

3. The Children walked to an adjacent street and stepped onto the roadway. Two community members spotted the Children on the roadway, stopped their vehicles, and rushed to assist the Children. The community members then returned the Children to the Centre. The Member did not notice that the Children were missing until she was notified by another staff member of the Children's return. In total, the Children were unsupervised for approximately four to nine minutes.
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 ECE 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;
 - 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 advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts (Exhibit 2), which provided as follows:

1. The Member has had a certificate of registration with the College for approximately 2 years, since August 2021. 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 August 4, 2022, the Member was responsible for supervising four toddlers in the Centre's fenced-in playground. The Member became distracted and failed to notice that two children (the "Children") left the playground, alone and unsupervised.
4. The Children walked to an adjacent street corner and stepped onto the roadway. Two community members spotted the Children on the roadway, stopped their vehicles, and rushed to assist the Children. The community members then returned the Children to the Centre; one of the Children was placed in a community member's vehicle and driven around the block to the Centre's entrance.
5. The Member did not notice that the Children were missing until she was notified by another staff member of the Children's return. In total, the Children were unsupervised for approximately four to nine minutes.

Additional Information

6. The Member's employment at the Centre was suspended, and ultimately terminated as a result of the Incident described above.
7. If the Member were to testify, she would advise the following:
 - a. She did not notice the Children leaving the playground because she was entering the toddlers' play experiences on the Centre's iPad. She acknowledges that there was no

expectation to do so while on the playground and she could have updated the play experiences later in the day.

- b. She acknowledges her wrongdoing and takes full responsibility for her actions. She is remorseful that the Incident occurred and understands the importance of continuously and actively monitoring the environment.

Admissions of Professional Misconduct

- 8. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 to 5 above, and as defined in subsection 33(2) of the ECE 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;

- 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 the facts and the Member's admission contained in the Agreed Statement of Facts, clearly establish that the Member failed to adequately supervise two young children who were under her direct care and responsibility at the time of the Incident.

The College submitted that the Member's conduct was a breach of the standards of professional conduct that exposed the Children to a potential risk of physical harm.

The College submitted that the Member's key failure was she did not observe and monitor the outdoor learning environment and provide safe and appropriate supervision to the Children based on their age, development and the environment.

The College submitted that, through her conduct, the Member failed to act as a role model for other RECEs. The Member's conduct also showed a serious disregard of her professional obligations.

The College did not suggest that the Member's behaviour was disgraceful or dishonourable, but submitted that it was unprofessional and unbecoming a member.

The Member did not make any submissions.

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 Notice of Hearing and admitted to in the Agreed Statement of Facts.

The Panel found the Member guilty of professional misconduct as two children in her care and under her supervision left the Centre's property. Her irresponsible actions put two children in serious danger and if it weren't for responsible citizens returning the Children, the consequences could have been grave. The Member admits she was guilty of being distracted that day, as she was focussing on entering play experiences into the Centre's electronic device.

The Panel considered that two out of the four children in the Member's care were missing. The Member didn't notice until the Children were returned approximately four to nine minutes later, and head counts should have taken place multiple times in that time span.

POSITION OF THE PARTIES ON PENALTY

The College and 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 within 60 days from the date of the Order.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of
 - a. seven months; or
 - b. the period of time required to comply with terms, conditions and limitations set out in paragraphs 3(a) to 3(d) below,

Whichever is greater.

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 ECE 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.
- b. 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.
- c. The Member will meet with the Mentor at least every two 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)).
- d. The Member will complete a minimum of two mentorship sessions to the satisfaction of the Director prior to commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act.
- e. After a minimum of five 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(b),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(b) and discussed the subjects set out in paragraph 3(c) 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.

Other

- g. 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.
 - h. 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 6 months of the date of this Order.

Submissions of the College on Penalty and Costs

Counsel for the College submitted that an appropriate penalty should first and foremost protect young, vulnerable children whose safety is entrusted to RECEs. The penalty ordered must maintain the public's confidence in the College's ability to regulate the conduct of its members. In addition, the penalty must denounce the misconduct and send a message to the Member, the wider community of RECEs, and the public, that failures to monitor the learning environment adequately that put children at risk of harm, especially when it might lead to a risk of road-related harm, will not be tolerated. The College submitted that the Proposed Penalty achieves that objective.

Counsel for the College asked the Panel to consider five aggravating factors:

- 1) There were two children who were involved in the incident and this represented 50% of the children that the Member was responsible for.
- 2) The Children were toddlers.
- 3) The Children were rescued from a roadway where there was clear and tangible danger.
- 4) The Member didn't notice the Children were missing until she was told by another staff person.
- 5) The incident lasted four to nine minutes which is a significant length of time, especially for toddlers.

The College submitted there were two mitigating factors:

- 1) The Member plead guilty and recognized her wrongdoing, thereby saving the College time and resources. The Member has insight and agrees to the penalty order and mentorship which will enhance her professionalism.
- 2) The Member has no record of prior misconduct.

The College also submitted that the Children were not harmed and there was no evidence to suggest there was an emotional impact on the Children.

The College provided the Panel with three prior discipline cases involving Member's whose failure to supervise children resulted in a road-related risk to the children.

1. *College of Early Childhood Educators v. Natalia Catalina Gomez*, 2022 ONCECE 17
2. *College of Early Childhood Educators v. Asha Abdullahi Elmi*, 2022 ONCECE 7
3. *College of Early Childhood Educators v. Helene Mvidi Batulapuka*, 2021 ONCECE 7

The College submitted that these cases carried penalties in the range of a six to nine month suspension, along with remediation measures and a reprimand. These cases would reassure the Panel that the Proposed Penalty was consistent with similar cases, and was appropriate in this case, in light of this case's aggravating and mitigating factors.

Submissions of the Member on Penalty and Costs

The Member made no submissions.

PENALTY DECISION

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

1. The Member is required to appear before the Panel to be reprimanded within 60 days from the date of the Order.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of
 - a. seven months; or

- b. the period of time required to comply with terms, conditions and limitations set out in paragraphs 3(a) to 3(d) below,

Whichever is greater.

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 practicing 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 ECE 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.

- b. 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.
- c. The Member will meet with the Mentor at least every two 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)).
- d. The Member will complete a minimum of two mentorship sessions to the satisfaction of the Director prior to commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act.
- e. After a minimum of five 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(b),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(b) and discussed the subjects set out in paragraph 3(c) 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.

Other

- g. 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.
- h. 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 suspension is appropriate given the facts of the case and will send a message to the Member and to the profession that a failure to supervise children will not be tolerated. Further, the Member will have the opportunity to fully rehabilitate through mentorship and

guidance through opportunities to review best practices. The Panel feels that the Member will benefit from the penalty ordered, specifically, the mentorship hours where she can review the College's expectations of members surrounding professional practice and safety. The Panel feels that once the Member rehabilitates, the risk will be reduced for reoccurrence.

The Panel considered the previous cases presented and is concerned about the fact that a failure to supervise is so common amongst the profession. We as a Panel ask the College to continue to hold Members accountable and to address this issue at the preservice level.

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 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 to be paid within six months of the date of the Order.

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



Lois Mahon, RECE, Chair

December 14, 2023

Date