

## **Vulnerable Sector Check Implementation Update**

<b>Date:</b>	January 27, 2020
<b>To:</b>	Toronto Public Library Board
<b>From:</b>	City Librarian

### **SUMMARY**

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The purpose of this report is to provide an update on the implementation of Toronto Public Library's (TPL) Vulnerable Sector Check (VSC) requirement for external presenters, performers and collaborators. This requirement came into effect at TPL beginning in January 2019 as part of the updated TPL Programming Policy.

Vulnerable Sector Check (VSC) requirements are now common practice in public sector organizations for both staff and external individuals wishing to conduct activities with vulnerable populations in those organizations.

### **FINANCIAL IMPACT**

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This report has no financial impact beyond what has already been approved in the current year's budget.

The Director, Finance & Treasurer has reviewed this financial impact statement and agrees with it.

### **ALIGNMENT WITH STRATEGIC PLAN**

**Transforming for 21<sup>st</sup> century service excellence:** Through implementing the VSC requirement for external presenters, performers and collaborators, TPL ensures a greater customer service experience by providing a promise to our most vulnerable customers that we are doing our best to offer a safe experience while in the Library.

## **EQUITY IMPACT STATEMENT**

Vulnerable Sector Checks for external presenters, performers and collaborators will have a positive impact on all equity-seeking groups, by establishing a transparent process for all presenters to vulnerable populations that governs access to doing business with the Library.

## **DECISION HISTORY**

On February 26, 2018, the revised [Programming Policy was approved by the Toronto Public Library Board \(TPLB\)](#). The approved policy mandated a process for securing VSCs for external presenters, performers and partners (herein collaborators) by January 1, 2019. TPL has required staff with programming in their job description to have a VSC since 2017.

## **ISSUE BACKGROUND**

As per TPL's Programming Policy, "Presenters to vulnerable groups must be in compliance with TPL's Police Reference Check Policy." Toronto Public Library requires a cleared VSC for all volunteers in programs working with children, youth and adults with disabilities, and for TPL staff with programming in their job descriptions.

Vulnerable Sector Check (VSC) requirements are now common practice in public sector organizations for both staff and external individuals wishing to conduct activities with vulnerable populations in those organizations. In Toronto, the Toronto District School Board, the YMCA, and city-run daycares are just some examples of public sector organizations that now require a cleared VSC for external individuals wishing to provide services to vulnerable populations in their facilities.

According to TPL's Police Reference Check Administrative Policy, "Employees, volunteers, and job applicants for designated positions who will work directly with or in the vicinity of children or vulnerable persons, will be required to provide a vulnerable sector police reference check prior to the commencement of their employment or volunteer placement."

Additionally, the policy states that: "Any vendor, or subcontractor of a vendor, providing services that involve its employees working directly with or in the vicinity of children or vulnerable persons, may be required to have in place a process to obtain and review a Vulnerable Sector Police Reference Check for such employees assigned to those contracts with the Library. Vendors or subcontractors of a vendor, in designated positions other than those working with children or vulnerable persons, may be

required to have a process in place to obtain and review a Criminal Record Check for their employees placed in such designated positions for contracts with the Library.”

For our purposes, vendor includes presenters, performers and collaborators, both paid and unpaid, who are working with children, youth or vulnerable persons. Starting in 2019 all new Memorandums of Understanding (MOU) with collaborators serving these groups are required to have cleared VSCs for all of their presenters and volunteers.

## **COMMENTS**

To implement the VSC requirement, TPL conducted a Risk Impact Assessment, a Privacy Impact Assessment and developed a process to support various scenarios that TPL might encounter through programming. City Legal and Toronto Police Service were consulted in the development of TPL’s process.

Internal processes were developed and implemented, and a communications plan was established and executed. Any information acquired through this process is held confidentially and is retained under TPL’s Records Retention schedule.

### **Progress in implementation for individuals as presenters or performers**

Individuals who would like to apply to conduct a program at the Library are asked to complete an online application, which is accessed via [TPL’s Doing Business at the Library Program Proposals](#) page. Information about the VSC requirement, including an FAQ and a contact for further questions is available to the public.

TPL now has a centralized intake process. All program proposals are reviewed by a standard set of criteria, which includes receiving the cleared VSC. Once a program has been vetted they are added to a centralized repository which is used by staff to engage external presenters and performers.

In the majority of situations, an individual provides a cleared VSC that is valid and within six months of their application to deliver a program at TPL. The individual is asked to sign an *Annual Declaration* for the following three years, and in the fifth year of Doing Business with the Library, provide a new cleared VSC to TPL.

As part of the new policy implementation, individuals who deliver programming to a vulnerable sector audience were contacted to initiate the VSC process. TPL continued to engage these individuals until October 2019 as a way to provide allowance for completion of administrative processes. As of October 2019, all presenters or performers TPL engages to deliver a program to a Venerable Sector Audience have a cleared VSC on file with TPL.

### **Progress in implementation for collaborators**

TPL also works with external collaborators (organizations) to develop and deliver programming. Through the implementation process those groups with whom the Library collaborates for vulnerable sector programs were identified, and contacted.

As of January 1, 2019, any new MOUs reflect the VSC requirement. Active MOUs were not amended, however these groups have all been advised of the Library's VSC requirement for future collaborations or MOU renewal.

Through our work with external collaborators, it was identified that several of these organizations, specifically those who work in the school systems, already have their own robust VSC process in place. As such, TPL has developed wording to support and accept the VSC processes of these organizations, which is then outlined in an MOU.

For some Collaborators, a VSC requirement is new, and they have worked with TPL to adopt TPL's process, which is then outlined in an MOU.

### **Large scale events**

Outside of working with Collaborators to deliver regularly scheduled programs the Library also works with Collaborators to deliver large scale events or festivals. These events are generally over a period of 1-3 days at a single location and are attended by thousands of people. These events and festivals include exhibitors and a large number of volunteers of all ages. These individuals can be giving directions, hosting a booth, or may be involved in closed door workshops or interactions one-on-one with children and youth in an open space.

TPL acknowledges that requiring a VSC for all individuals who are involved in a Large Scale Event is a barrier to the delivery of such an event. As such, TPL developed a process to support the delivery of these programs. This process includes requiring a VSC for all volunteers and exhibitors who will be in a closed door workshop with children and youth.

For those who are over the age of 18 and working in an open space, a *Letter of Declaration*, created in consultation with City Legal for use in these unique situations, will be accepted if they do not have a current VSC in place. These processes are outlined in an MOU with the organizing Collaborator.

While this process carries a higher risk for the Library, it makes the overall event/festival more administratively manageable and reduces the barrier to producing the event.

TPL acknowledges that some program cancellations or modifications have occurred as a result of the VSC requirement, however, the majority of individuals and collaborators

have already been familiar with this requirement from their work in schools or community organizations and able to accommodate the TPL requirement.

## **CONTACT**

Pam Ryan; Director, Service Development & Innovation; Tel: 416-393-7133;  
Email: [pryan@tpl.ca](mailto:pryan@tpl.ca)

Peggy Thomas; Manager, Children's Services; Tel: 416-393-7530; Email: [pthomas@tpl.ca](mailto:pthomas@tpl.ca)

Kimberly Christmas, Manager, Innovation, Learning & Service Planning; Tel: 416-393-7039;  
Email: [kchristmas@tpl.ca](mailto:kchristmas@tpl.ca)

## **SIGNATURE**

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Vickery Bowles  
City Librarian