**Ministry of Children, Community and Social Services**

**Optional - Obligation to Employ or Engage Qualified Personnel Template**

**Overview:**

This template was created by the Ministry of Children, Community and Social Services (ministry) to assist licensees in complying with their obligations under *Child, Youth and Family Services Act, 2017* (CYFSA), [Section 80.3 of O. Reg. 156/18](https://www.ontario.ca/laws/regulation/180156#BK122) respecting obligation to employ or engage qualified personnel. These requirements become effective July 1, 2023.

These requirements apply to all licence types. Specifically, they apply to foster care licensees (including children’s aid societies), children’s residence licensees (including places of secure or open custody or detention licensed to provide out of home care and secure treatment facilities), and staff model home licensees.

The obligation to employ or otherwise engage qualified personnel requirements do not apply to:

1. Foster parents,
2. Persons with whom a child has been placed for adoption under Part VIII of the Act, and
3. Volunteers.

Regardless of position title, the obligation to employ or otherwise engage qualified personnel requirements apply to:

1. All persons who are employed or otherwise engaged by the licensee to provide direct care or supervision to a child or young person, and
2. All persons employed or otherwise engaged by the licensee to supervise the persons described above (e.g., supervisors).

Persons in scope for review to confirm compliance with this regulatory requirement include:

* Persons employed or otherwise engaged by the licensee to provide direct care or supervision to children and young persons.
	+ Including but not limited to employees of the licensee, persons engaged by the licensee pursuant to a contract or agreement with the licensee (e.g., third party agency staff), persons assigned by the licensee to supervise and support foster parents.
* Students that satisfy the criteria of the exemption above.
* Persons employed or otherwise engaged by the licensee to supervise persons described above (e.g., supervisor, manager).

**Note:** Although the term ***residential*** is a legal term under the CYFSA and its regulations, the ministry is using the term “out-of-home care” instead of “residential” care to acknowledge the traumatic history of the Residential School system in Canada.

Effective July 1, 2023, to support implementation of the new obligation to employ or engage qualified personnel regulations, there are new mandatory fields for all licensees to complete in Serious Occurrence Reporting Residential Licensing (SOR-RL) under “Staff Details”.

Specifically, children’s residence and foster care licensees will now be required to input additional information about each person who provides direct care or supervision to children or young persons or who supervise such persons and their qualifications. They will also be required to identify each person’s employment type (i.e., person employed by the licensee or person otherwise engaged by the licensee).

For more details about the SOR-RL specific changes, please refer to the QSF Implementation Resources page on the [SOR-RL training portal](https://www.sorrl.mcss.gov.on.ca/SORRLTraining/en/index.htm).

**Terms of Use/Disclaimer:**

Licensees may choose to use their own template or forms to demonstrate compliance with the obligation to employ or otherwise engage qualified personnel requirements.

**All licensees are required to ensure that any documentation pertaining to the obligation to employ or otherwise engage qualified personnel complies with all applicable requirements of the Act, its regulations and ministry directives. The template is a resource only and does not have the force and effect of the law. It does not replace the obligations set out in O. Reg. 156/18 pertaining to the obligation to employ or otherwise engage qualified personnel and reference should always be made to the official version of the regulation.**

Licensees requiring assistance with the interpretation of regulatory requirements, including those requirements specific to the obligation to employ or otherwise engage qualified personnel, should seek legal advice.

**Definition:**

**Certificate, diploma, or degree:** For the purposes of interpretingO. Reg. 156/18 s. 80.3(5), a certificate, diploma or degree must be issued by:

* A university or other post-secondary institution in Ontario that, at the time the program leading to the certificate, diploma or degree is completed, is authorized to grant degrees by an Act of the Legislature or an Act of the Parliament of Canada,
* In respect of a certificate, diploma or degree that constitutes a degree within the meaning of the *Post-secondary Education Choice and Excellence Act, 2000,*a person that, at the time the program leading to the certificate, diploma or degree is completed, has the consent of the Minister of Training, Colleges and Universities under section 4 of that Act to offer the program,
* A college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002,*
* A private career college providing a vocational program that has been approved under the *Private Career Colleges Act, 2005*,
* An Indigenous Institute prescribed by a regulation made under section 6 of the *Indigenous Institutes Act, 2017*,
* A board as defined in the *Education Act*, but only in the case of a personal support worker program, or
* An educational institution outside of Ontario, provided that the certificate, diploma, or degree is substantially similar to one that could have been issued by an educational institution otherwise described.

**Qualifications Requirements Template**

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| **Licensee Information** |

**Licensee:** *[Insert name of licensee]*

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**Name of licensed program:** *[Insert the name of the licensed program in which the person is employed or otherwise engaged by the licensee and provides direct care or supervision to a child or young person or for persons who supervise these persons]*

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**Address:** *[Insert address of the licensed site -for the Children’s Residence, Staff Model Home, Foster Care Agency/Home,)*

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|  **Personnel Information** |

**Name:** *[Insert first and last name of person]*

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**Date of hire:** *[Insert the date the person began their employment or engagement with the licensee]*

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**Job title:** *[Insert title of the position occupied by the person]*

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**Description of responsibilities**:

*[Insert a description of roles and responsibilities assigned to the person. This description should include information on their role in providing direct care or supervision to children and young persons and/or their role in supervising persons who provide direct care or supervision.]*

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**Qualifications:**

Indicate which of the following applies to the person’s qualifications and complete the relevant sections of the template:

[ ]  **1.** Holds a certificate, diploma or degree that meets the requirements set out in subsection 80.3(5) of O. Reg. 156/18

[ ]  **2.** Experience and skills that are directly relevant to:

1. the person’s duties
2. the program provided by the licensee, and
3. the needs of the children or young persons served by the licensee

[ ]  **3.** A First Nations, Inuk or Métis Elder, Knowledge Keeper, Healer, Medicine Person, Traditional Person or Cultural Person who possesses, in that capacity, cultural knowledge and skills that are directly relevant to:

1. the person’s duties
2. the program provided by the licensee, and
3. the needs of the children or young persons served by the licensee

**Exemption:**

[ ]  A person enrolled in a program to obtain a certificate, diploma or degree that meets the requirements set out in s. 80.3(5) of O. Reg. 156/18

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| **Option # 1: Certificate, Diploma or Degree Holder** |

**Name of Institution**: *[Insert name of the institution the person obtained their certificate, diploma, or degree]*

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**Program**: *[Insert name of the program the person completed that led to the issuance of the degree, diploma or certificate]*

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When confirming that a person’s certificate, diploma or degree meets the criteria in regulation (O. Reg. 156/18, s. 80.3(5), paragraph 1 & 2), licensees may reference the Government of Canada website which includes a list of designated educational institutions across Canada. The link may be accessed [here](https://www.canada.ca/en/employment-social-development/programs/designated-schools.html).

**Note:** The licensee must ensure that the program has received any approvals required by legislation governing the educational institution that issued the certificate, diploma or degree in question. For more information on this please reference the link [here](https://www.univcan.ca/universities/quality-assurance/provincial-quality-assurance-systems/#Ontario).

**Date Certificate, Degree or Diploma was Issued to the person:** *[Insert date the person was issued their certificate, diploma or degree]*

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| Copy of certificate, diploma or degree on file [ ]  Yes [ ]  No | Date certificate, diploma or degree was issued to the person:  |

 **Description of the program leading to the issuance of the Certificate, Degree or Diploma:**

*[Insert a description of the program that led to the issuance of the certificate, diploma, or degree, including academic and practical components]*

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**Description of how the program leading to the issuance of the certificate, degree or diploma is directly relevant to the duties of the person:**

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**Description of how the program leading to the issuance of the certificate, degree or diploma is directly relevant to the program provided by the licensee:**

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**Description of how the program leading to the issuance of the certificate, degree or diploma is directly relevant to the needs of the children or young persons served by the licensee:**

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**For persons who obtained their certificate, diploma or degree outside of Ontario:** *[Insert a description of how the licensee verified that the education qualifications are substantially similar to one that could have been issued by an educational institution otherwise described in s. 80.3(5).]*

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| **Option # 2: Experience and Skill Holder** |

**Description of relevant experience (work and/or volunteer)**:

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**Description of relevant skills:**

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**Description of how the person’s experience and skills (as described above) are directly relevant to the duties of the person:**

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**Description of how the person’s experience and skills (as described above) are directly relevant to the program provided by the licensee:**

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**Description of how the person’s experience and skills (as described above) are directly relevant to the needs of the children or young persons served by the licensee:**

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**Is the person a First Nations, Inuk or Métis** **Elder, Knowledge Keeper, Healer, Medicine Person, Traditional Person or Cultural person?** [ ]  Yes [ ]  No [ ]  N/A

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| **Option # 3: First Nations, Inuk or M****étis Elder, Knowledge Keeper, Healer, Medicine Person, Traditional Person or Cultural Person** |

**Note**: The ministry is working with First Nations, Inuit, and Métis partners to identify a verification process for this requirement. As such, additional content will be added to this section in future.

**Is the person a First Nations, Inuk or Métis Elder, Knowledge Keeper, Healer, Medicine Person, Traditional Person or Cultural person who possesses, in that capacity, cultural knowledge and skills that are directly relevant to the matters referred to in subclauses 80.3(3)(b)(i) to (iii)**? [ ]  Yes [ ]  No [ ]  N/A

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| **Exemption: Person Enrolled in a Program to Obtain a Certificate, Diploma or Degree – Student** |

**Name of institution the person is enrolled in**: *[Insert name of the institution the person will be obtaining their certificate, diploma, or degree]*

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**Name of program**: *[Insert name of the program the person will be obtaining their degree, diploma, or certificate in]*

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**Date of enrolment:** *[Date the person enrolled in the program to obtain their degree, diploma or certificate]*

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**Verification of person enrolled in a program:** *[insert date the licensee last verified the person was enrolled in the relevant program]*

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**Date of expected completion of program and issuance of Certificate***: [Insert date the person is expected to complete the program]*

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**Note:** The licensee is required to ensure that the program the person is enrolled in is an institution listed in s. 80.3(5). For more information please access links [here](https://www.canada.ca/en/employment-social-development/programs/designated-schools.html) (Master List of designated educational institutions) and [here](https://www.univcan.ca/universities/quality-assurance/provincial-quality-assurance-systems/#Ontario) (Ontario education Quality Assurance System). p

**Person responsible for supervising person enrolled in programs:**

**Note:** The supervising person is required to have one of the qualifications described in section 80.3(3). r

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| **Name of person responsible for supervision:** | **Qualifications of person Responsible for supervision:** |
| *[Insert the name(s) of the person(s) who will be supervising the person enrolled in a program]*  | *[Insert the qualifications held by the person(s) who will be supervising the person enrolled in a program ]*  |
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*Duplicate lines as required*

**Description of the program leading to the issuance of the Certificate, Degree or Diploma:**

*[Insert a description of the program that will lead to the issuance of the certificate, diploma, or degree, including academic and practical components]*

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 **Description of how the program leading to the issuance of the certificate, degree or diploma is directly relevant to the duties of the person:**

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 **Description of how the program leading to the issuance of the certificate, degree or diploma is directly relevant to the program provided by the licensee:**

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 **Description of how the program leading to the issuance of the certificate, degree or diploma is directly relevant to the needs of the children or young persons served by the licensee:**

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**For persons who are enrolled to obtain their certificate, diploma or degree outside of Ontario, include a description of how the licensee verified that the education program the person is enrolled in is substantially similar to an educational institution otherwise described in s. 80.3(5).**

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| **Signature** |

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| **Date Completed**  | **Name of Licensee**  | **Licensee Signature** *Signature is an acknowledgement that information on this form has been verified and documents are in staff file*  |
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