

TO: Chair and Members of the Board of Health

FROM: Graham L. Pollett, MD, FRCPC  
Medical Officer of Health

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## **THAMES VALLEY DISTRICT SCHOOL BOARD - PROGRAM ACCESS AGREEMENT**

### ***Recommendation***

***It is recommended that the Board of Health Chair be authorized to sign the finalized Thames Valley District School Board Program Access Agreement.***

### **Background**

This report is to advise the Board of Health that the Thames Valley District School Board (TVDSB) now requires Middlesex-London Health Unit to sign a Program Access Agreement each year. Under this type of agreement, TVDSB is requiring all organizations wishing to provide programs or services in the schools to outline any activities on the school premises that involve student contact. The agreement also sets out obligations regarding liabilities and insurance, which are typical of service agreements. As well, the agreement requires that Health Unit staff members working in the schools receive a police check and that the results be provided to the TVDSB.

All three health units in the Thames Valley District (Oxford, Elgin-St. Thomas and Middlesex-London) have been collaborating to better understand this new requirement and determine our obligations. This has been a challenging process as the standard agreement provided by TVDSB appeared to be designed for situations where individual service providers were contracted to work with individual students or classes, and not to public health services. Given the wide variety of circumstances in which public health staff deal with students, individuals, teachers and other school board staff, it has taken several months for the school board representatives to clarify which services need to be described, and how the agreement would be administered. Attached as [Appendix A](#) is the list of programs and services delivered by Health Unit staff in schools in the TVDSB.

### **Joint Legal Opinion**

This request from the TVDSB however, created legal and labour relations issues for the three health units within the district. Therefore, legal advice was obtained jointly with the other health units to address the common issues. Counsel for the TVDSB and health unit provided somewhat different interpretations regarding requirements for the health unit to sign service provider agreements and provide police checks under the Education Act and Regulations. In addition, it was determined that there is no legal requirement for TVDSB to permit public health staff on school premises for other than food preparation inspections or enforcement of smoking legislation and by-laws. Therefore, in order to do public health work in the schools, all three health units need to comply with the TVDSB's requests.

## Purpose of Agreement

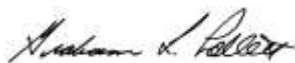
Initially it appeared that the main focus of the agreement was to protect students from potential harm by individuals who are allowed onto school premises but are not school board employees. School Board staff advised that TVDSB would require proof that all Health Unit staff entering school premises have had a clear Police Vulnerable Sector check. TVDSB has since clarified that the service agreements have other purposes as well:

- to ensure that programs and services provided by other organizations do not reduce student instructional time;
- to ensure that the services provided do not overlap with the responsibilities of existing TVDSB staff (e.g. social workers) and thereby create labour relations issues with their unions; and,
- to ensure that the nature and content of any additional services or programs are consistent with the Ministry of Education curriculum requirements.

Management at MLHU wishes to maintain the excellent working relationships that have been developed between the school board and Health Unit staff over several decades. The Health Unit understands the rationale for the agreement and staff wish to operate in a way that is consistent with the goals and purposes of the TVDSB.

Attached as [Appendix B](#) is the most recent draft of the Program Access Agreement. When the wording of the agreement has been finalized, the Chair of the Board of Health or designate will be asked to sign the agreement on behalf of the Board of Health. On the understanding that the Thames Valley District School Board's requirements will be met, Health Unit staff will carry on with planned school activities in the meantime.

This Report was prepared by Ms. Louise Tyler, Director, Human Resources and Labour Relations.



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**This report addresses** the following requirement(s) of the Ontario Public Health Standards:

All public health programs and services related to youth in schools; and Policy # 4-090, Contractual Services as outlined in the MLHU Administration Policy Manual.