



Finding Past Discipline Cases on CanLII

Past cases affect the decision in your case

When making a decision, the Discipline Committee Panel will compare your case with some past cases. Similar decisions are usually made in cases that are similar.

The Prosecutor (the lawyer representing the College of Early Childhood Educators) will share past cases to show why they think the Panel should make a decision that reflects their view of the case.

Most of the cases shared will be past cases about Registered Early Childhood Educators (RECEs), because they are the most similar. Sometimes the cases are about other professions (such as teachers, nurses or doctors) or from other decision makers.

You can also share past cases. If you agree with the Prosecutor's view of the case, you might not have more cases to share. But if you disagree with the Prosecutor's view of the case, you might share different past cases to show the Panel why they should make a decision that reflects your view of the case.

You can also make comments to the Panel about cases the Prosecutor shared. For example, you can explain why you think those cases are different from yours and why the Panel should make a different decision in your case from the decisions in those past cases.

Where to find past cases

During Case Management, you can ask Duty Counsel for advice about this part of the process.

To look for cases yourself, you can use [CanLII](#). It is a public, searchable database of past cases. CanLII has guides to help you search the database. You can find them [here](#).

If you are looking for **cases about RECEs**, follow [this link](#) and start your search from there.

If you are looking for other kinds of cases, you can search all of CanLII [here](#).

How to find past cases

When you're ready to search, type into the **Document text** search bar.



CanLII Français | English

Search all databases

Document text ? □ □

Case name, document title, file number, author or citation ?

Noteup/Discussion: cited case names, legislation titles, citations or dockets ?

You can use search terms to find cases with similar accusations and facts. One way to do this is to look at the accusations in the Complaints Committee's decision or in the Notice of Hearing. If there are multiple accusations, use a combination of search terms.

Inappropriate guidance	Physical abuse	Emotional / psychological abuse	Inappropriate supervision	Failure to report
<ul style="list-style-type: none">• inappropriate guidance• behaviour guidance• safe learning environment	<ul style="list-style-type: none">• physical abuse• physical force• hitting / hit• grabbing / grabbed• pulling / pulled• pain• bruise / cut	<ul style="list-style-type: none">• emotional abuse• psychological abuse• crying / cried• yelling / yelled• foul / bad language• neglect• upset	<ul style="list-style-type: none">• inappropriate supervision• failure to supervise• supervision• unsupervised• missing• wandered	<ul style="list-style-type: none">• failure to report• documentation

Your search might have many results. The next step is to narrow your search.

Context of the incident or case

The Panel wants to know about circumstances that could affect how they think about the case.

Examples of relevant circumstances:

- What happened (the facts)
- If the incident was isolated or part of a pattern of behaviour
- What the RECE did or did not do after an incident happened or during the investigation
- What happened to children who were involved
- Information about the children's ages, or other traits



- Other factors (for example, conditions in the workplace) that contributed to the incident happening
- Whether or not the RECE has a history of misconduct

If a Panel has decided an RECE is guilty of professional misconduct, they will often look at past cases and the relevant circumstances in them to decide what consequences are appropriate. In some past cases, the circumstances that suggest more consequences are needed are called “aggravating factors” and the circumstances that suggest fewer consequences are needed are called “mitigating factors”.

Date of the case

In general, recent cases matter more than older cases. That’s because Discipline Committee decisions evolve over time based on past cases. But that’s not a rule. If the facts or circumstances of a past case are very similar to yours, you might want to share it. It will help if you can explain why the facts or circumstances mean the Panel should follow to that case.