



Police Records Checks

300.15

Adopted:	February 22, 2005
Last Reviewed/Revised:	October 27, 2020
Responsibility:	Human Resources
Next Scheduled Review:	2023-2024

POLICY STATEMENT:

The Board will not hire, or continue to employ persons, who have criminal convictions and/or patterns of behaviour which place students or staff at risk.

The Brant Haldimand Norfolk Catholic District School Board will not allow school access to *Service Providers* or *Others* who have direct and regular contact with students:

- who have not provided a Police Records Check (Only the Vulnerable Sector Check is acceptable to begin service in the Board or;
- who have provided a Police Records Check which has been adjudicated and found to present an unacceptable risk to students and/or staff.

APPLICATION AND SCOPE:

The Brant Haldimand Norfolk Catholic District School Board has the responsibility, under The Education Act, to provide a safe and secure working and learning environment for students, employees, volunteers, and visitors. The Board is in a position of trust regarding students and must strive to protect their intellectual, physical, mental, and emotional wellbeing.

REFERENCES:

Regulation 521/01
300.11 Hiring – Support Staff
Hiring - Academic Staff Policy
Pre-Employment Screening Policy
Criminal Records Act
Volunteer Policy
Security of Schools, Buildings and Grounds Policy
Municipal Freedom of Information & Protection of Privacy Act
Safe Schools Act, Regulation 521/02

DEFINITIONS (Adapted from Branford Police Services):

Criminal Record Check: This check is intended for applicants who are involved as a volunteer, employee or in any situation where a basic CRC is requested (i.e., retail). This check is NOT intended for applicants who are seeking volunteer and/or employment with vulnerable persons. The Police Criminal Record Check will include criminal convictions (summary and indictable), from Canadian Police Information Centre (CPIC) and/or local databases.



Criminal Record and Judicial Matters Check: A collection of offence information, including convictions, non-convictions and other relevant police contact information available from a local police agency's records management system and other systems/records, where authorized. This check is intended for applicants who are seeking volunteer and/or employment with agencies who require a criminal record check along with local police involvement. The agency has determined that a search of pardoned sex offenders database, and contacts relating to mental health apprehensions, is NOT required (i.e., border crossing or visa) therefore this check is NOT intended for applicants who are seeking volunteer and/or employment with vulnerable persons.

Vulnerable Sector Check (must be used): This check is restricted to applicants seeking employment and/or volunteering with vulnerable individuals, children, elderly persons, the disabled, etc. It is a collection of offence information, including convictions, non-convictions and other relevant police contact information available from a local police agency's records management system and other systems/records where authorized. This check will include sexual offence convictions for which the individual has received a record suspension (pardon) where authorized by the Minister of Public Safety and Emergency Preparedness.

The Police Vulnerable Sector Check will include the following:

- Criminal convictions (summary and indictable) from CPIC and/or local databases;
- Outstanding entries, such as charges and warrants, judicial orders, Peace Bonds, Probation and Prohibition Orders. As per CPIC policy, information obtained from the Investigative Databank must be confirmed and authorized for release by the contributing agency;
- Absolute and Conditional Discharges where still within the applicable disclosure periods;
- Family Court Restraining Orders;
- Charged and processed by other means such as diversion;
- Dispositions including, but not limited to, Withdrawn, Dismissed, and cases of Not Criminally Responsible by Reason of Mental Disorder;
- A review of all available police contacts including but not limited to theft, weapons, sex offences, or violent, harmful, or threatening behavior which may or may not have involved a mental health incident; and
- As authorized for release by the Minister of Public Safety and Emergency Preparedness, Criminal Code convictions for sexual offences for which a record suspension (pardon) was received, identified as a result of a Vulnerable Sector verification.

Offence Declaration: A written declaration signed by an individual listing all the individual's convictions for offences under the Criminal Records Act (Canada) up to the date of the declaration:

- that are not included in a Police Records Check (Vulnerable Sector Check) last collected by the Board; and,
- for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted.

Service Provider: An individual who is not an employee of the Board and who comes into direct and regular contact with pupils on a regular basis in the normal course of:

- providing goods or services under contract with the Board, carrying out his or her employment functions as an employee, or a person who provides goods or services under contract with the Board; or,
- providing services to a person who provides goods or services under contract with the Minister.

ADMINISTRATIVE PROCEDURES:

1.0 Police Records Checks for Employees

Ontario Regulation 521/01 (amended by Regulation 170/02 and 49/03) was established to ensure the safety and security of Ontario students.

- a) All current employees including retired employees who have become reemployed by the Board will provide an annual Offence Declaration in accordance with Ontario Regulation 521/01;
- b) All new employees will be required to provide, at their own expense, an original Police Records Check;
- c) The Consent Form must be submitted along with an Intent to Volunteer letter from the Board or a school.



1.1 Requirements

All new employees, volunteers, service providers, individuals requiring a placement for professional certification and other (the "applicant") are required to provide a Police Records Check that is satisfactory to the Board prior to the commencement of any duties. The Police Records Check must meet all the conditions outlined below:

- must have been completed through a local police service in the area in which they reside within the preceding 6 months;
- must include a Vulnerable Sector Check (VSC) including a search of the pardoned sex offender database; and,
- must be an original.

Searches completed by any private company or organization other than a police service **will not be accepted**.

1.2 Current Employees

Are required to provide to the Board an Offence Declaration by September 1 of each year in which the individual is employed by the Board.

1.3 New Employees

a) Condition of Employment

The Board shall collect a Police Records Check (VSC) in respect of the individual before the day the individual commences employment with the Board. All offers of employment with the Board shall be conditional upon the applicant supplying the required Police Records Check (VSC). The Board shall collect an Offence Declaration from the individual by September 1 of each year in which the individual is employed by the Board after the date of hire.

b) Emergency Provision

Normally, a candidate shall not commence employment with the Board until the current verification of their Police Records Check has been submitted and accepted. Only in an exceptional case will a person be permitted to commence employment with the Board before the Board has received the Police Records Check. In such a case, the candidate will be required to provide an Offence Declaration which may, at the Board's sole discretion, permit the candidate to commence employment prior to the submission of the Police Records Check. Before any such exception is made, a binding agreement shall be entered into between the employee, ensuring that the Police Records Check be provided without delay and in a timely manner. This agreement will preserve the Board's power to revoke the offer of employment, and dismiss the employee, should the Offence Declaration provided by the employee prove to be false or misleading in any respect.

Retention: The Board shall retain an original or a true copy taken from the original by the Board designated contact or designate. Completed Police Records Checks and Offence Declarations will be filed in a separate and secure location. Human Resources will not provide copies to employees. Access to these records is limited and controlled. Retention and disposal process are aligned with the Privacy and Information Management Guidelines and best practices in accordance with the Board's retention schedule.

Adjudication: Employees must obtain a Vulnerable Sector Check that meets the conditions outlined by presenting a completed "Consent for Police Records Check for a Sexual Offence for which a Pardon has been Granted or Issued" form. The completed form must be presented to the Police Service when requesting the Police Records Check so that the appropriate search can be completed. Where evidence is received of a criminal conviction or other relevant conviction, the designated Board contact will consider at least the following factors in determining an appropriate course of action:



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- i) the length of time since offence(s);
- ii) any involvement of children and/or sexual activity and/or violence and/or acts of
- iii) dishonesty in the offence(s);
- iv) the employment history;
- v) the employee's attitude towards offence(s);
- vi) any treatment, counseling or other services received since offence;
- vii) other steps taken to rehabilitate;
- viii) any likelihood offence(s) will be repeated;
- ix) if alcohol or illegal drugs were a factor in commission of offence(s);
- x) the degree of cooperation with this investigation;
- xi) if the offence(s) committed while employed by the Board;
- xii) if the employee is a teacher, relevance of offence(s) to teacher duties as set out in the Education Act and Regulations;
- xiii) if employee is not a teacher, relevance of offence(s) to their employment duties; and, whether the offence(s) require any action pursuant to The Student Protection Act (including notification of the Ontario College of Teachers).

The course of action may include disciplinary action up to and including dismissal, and/or withdrawal of offer, and shall comply with other Board policies, collective agreements, and legislation.

Non-Compliance: Employees who fail to provide a signed Offence Declaration Form by the date prescribed by the Board may be suspended without pay until the form is received.

2.0 Police Records Checks for Students Enrolled in Universities and Colleges

These students reporting for practicum/work placements in Board programs and facilities must submit a Police Records Check (VSC) to the Principal or Supervisor on or before the first day of their assignment. The student must provide an original copy and have an issue date within one year. Principals are to make a photocopy of the original for their retention and the original copy of the Police Record Check is returned to the student.

3.0 Employees of Colleges and Universities

Employees not of the Board instructing students of the BHNCD SB must have a Police Record Check (VSC) completed with adherence to the policies and procedures of their institution. Police Record Checks must be submitted to the College prior to the commencement of their assignment.

4.0 Police Records Checks for Service Providers

Where a service provider is contracted by Procurement Services to provide services that put the service provider and/or its employees into direct and regular contact with students, the Procurement Services representative responsible for entering into the contract will advise the service provider with respect to the requirement to provide Police Records Checks.

A service provider who fails to comply with Police Records Check requirements of the Board will be barred from providing goods and/or services to the Board until such time as he/she is following the procedure.

5.0 Police Records Checks for Others Having Direct and Regular Contact with Students

In order to meet legislative requirements to collect Police Record Check from all individuals who have direct and regular contact with students and further the effort to ensure the safety of students and minimize potential Board liability, the Board will collect and adjudicate Police Records Checks Police Record Check on individuals in this category and who have been identified by the Board as potentially coming into direct and regular contact with students. Included in this category are the following:



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- a) Provincial organizations that provide services to schools, but who are not Service Providers as defined in the regulation (including but not limited to) and who are not exempt from these requirements as the organization has standards and practices in place which meet or exceed those of the Board.
- b) Based on organizational standards, employees of the following organizations will not be required to present a Police Records Check if they provide a valid organization issued photo-identification card clearly identifying them as an employee of the organization:
 - Public Health Departments
 - Victorian Order of Nurses
 - Community Care Access Centres
 - Children’s Mental Health Ontario
 - Provincial Schools Authority
 - Day Nurseries
 - Children’s Aid Societies
 - St. John’s Ambulance
 - Big Brothers of Canada
 - Big Sisters of Canada
- c) Trustees will provide a Police Records Check at the beginning of each term prior to the Inaugural Meeting.
- d) Students attending university or college programs which require practicum or cooperative placements in schools.
- e) School volunteers will provide a Police Record Check every three years and an offence declaration at the beginning of each school year other than years when they are required to provide a Police Record Check.
- f) Persons 18 years of age or over having direct and regular contact with students.
- g) Parish priests and other parish personnel will provide confirmation from the Bishop that an acceptable Police Record Check is on file with the Diocese.

Requirements: Board staff will:

- Ensure that all others are in compliance with Regulation 322/03;
- Develop a procedure for regularly, as required, updating the Others list, and informing new others about the requirements; and
- Ensure that persons who have not provided services to the Board for more than 12 months shall obtain an updated Police Records Check.

Adjudication: Where evidence is received of a criminal conviction or other relevant conviction, the designated Board contact will consider at least the following factors in determining an appropriate course of action:

- the length of time since offence(s);
- any involvement of children and/or sexual activity and/or violence and/or acts of dishonesty in the offence(s);
- the person’s attitude towards offence(s);
- any treatment, counseling or other services received since offence;
- other steps taken to rehabilitate;
- any likelihood offence(s) will be repeated;
- if alcohol or illegal drugs were a factor in commission of offence(s); and,
- the degree of cooperation with this investigation.

Consequences for Non-Compliance: Any *Other* who fails to comply with the Police Records Check requirements of the Board will be denied school access pending compliance.

Fees for Police Records Checks: Pursuant to this Policy, the Board will reimburse the cost of fees paid to police departments for the completion of Police Records Checks required of volunteers.