



<b>SECTION:</b>	<b>Human Resources General</b>	<b>APPROVAL DATE:</b>
<b>SUBSECTION:</b>	<b>Personnel Records</b>	<b>February 2, 2004</b>
<b>POLICY NAME:</b>	<b>Criminal Reference Checks</b>	<b>LAST REVISED:</b>
<b>POLICY NUMBER:</b>	<b>R.HRG.G.5</b>	<b>June 6, 2005</b>

A. POLICE RECORD CHECKS FOR EMPLOYEES

1. POLICE RECORD CHECKS FOR EMPLOYEES

- 1.1 All current employees will provide an annual Offence Declaration in accordance with Regulation 521/01, as amended by Regulation 323/03.
- 1.2 All new employees will be required to provide, at their own expense, an original Police Record Check prior to commencing employment.

2. DEFINITIONS

- 2.1 "Police Record Check" means a document concerning an individual which:
  - a) was prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database within six (6) months before the day the Board or OESC collects the document on behalf of the Board; and
  - b) provides information concerning the individual's police record including Criminal Code of Canada convictions, pardoned sexual offences, records of convictions under the Controlled Drugs and Substances Act.
- 2.2 "Offence Declaration" means, in respect of a Board, a written declaration signed by an individual listing all of the individual's convictions for offences under the *Criminal Records Act (Canada)* up to the date of the declaration:
  - a) that are not included in a Police Record Check collected by the Ontario College of Teachers (OCT) after December 31, 1998 or in the last criminal background check collected by the Board under this regulation; and
  - b) for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted.

3. REQUIREMENTS

The "Collection of Personal Information Regulation" requires the Board to do the following:

- 3.1 Current employees
  - a) 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.
- 3.2 New Employees
  - a) Condition of Employment  
The Board shall collect a Police Record Check 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 Record Check.

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 that day.

b) **Emergency Provision**

Normally, a candidate shall not commence employment with the Board until a current verification of their Police Record Check has been supplied. Only in an exceptional case will a person be permitted to commence employment with the Board before the Board has received the verification. 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 Record Check. Before any such exception is made, a binding agreement shall be entered into between the employees, or any authorized representative of the employee, and the Board, ensuring that the verification 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.

4. **RETENTION**

4.1 The Board shall retain an original or a true copy taken from the original Police Record Check by the Board designated contact or designate. Completed Police Record Checks and offence declarations will be filed in a separate and secure location in accordance with Regulation 521/01.

5. **ADJUDICATION**

5.1 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:

- a) the length of time since offence(s);
- b) any involvement of children and/or sexual activity and/or violence and/or acts of dishonesty in the offence(s);
- c) the employment history;
- d) the employee's attitude towards offence(s);
- e) any treatment, counseling or other services received since offence;
- f) other steps taken to rehabilitate;
- g) any likelihood offence(s) will be repeated;
- h) if alcohol or illegal drugs were a factor in commission of offence(s);
- i) the degree of co-operation with this investigation;
- j) if the offence(s) committed while employed by the Board;
- k) if employee is a teacher, relevance of offence(s) to teacher duties as set out in the Education Act and Regulations;
- l) if employee is not a teacher, relevance of offence(s) to their employment duties; and
- m) 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 action up to and including dismissal, and/or withdrawal of offer of employment, and shall be in compliance with other Board policies, collective agreements and legislation.

6. **CONSEQUENCES OF NON-COMPLIANCE**

6.1 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.

## B. POLICE RECORD CHECKS FOR SERVICE PROVIDERS

The Board will contract with the Ontario Education Services Corporation (OESC), a non-profit company established by the four School Boards' Associations in Ontario and the Council of Directors of Education, to collect and adjudicate police record checks on all Service Providers and employees of Service Providers who are identified by the Board as potentially coming into direct and regular contact with students.

### 1. DEFINITIONS

- 1.1 "Service Provider" means an individual who is not an employee of the Board and who comes into direct contact with pupils on a regular basis at a school site of the Board in the normal course of:
  - a) providing goods or services under contract with the Board, carrying out his or her employment functions as an employee of a person who provides goods or services under contract with the Board, or,
  - b) providing services to a person who provides goods or services under contract with the Minister.
- 1.2 "Identification Card" means a wallet sized card valid for a three (3) year period issued by the Ontario Education Services Corporation to an individual who has been determined not to present an unacceptable risk to students, and who may attend school property and come into direct and regular contact with students."

### 2. PROPOSAL/TENDER/QUOTATION OF CONTRACT:

- 2.1 Board staff will incorporate in any new Request for Proposal /Tender /Quotation of Contract the language found on Appendix A.
- 2.2 Ensure that all Service Providers are in compliance with Regulation 521/01 before providing services to the Board.
- 2.3 Develop a procedure for regularly updating the Service Provider list as required, communicating this information to OESC and informing new Service Providers about the requirements.
- 2.4 Develop a procedure for checking Identification Cards (and photo-identification) of Service Providers by school officials on a regular basis.

### 3. ADJUDICATION

- 3.1 OESC will use a panel of experts to screen Service Provider employees who have Police Records. OESC will use published screening criteria and adjudication procedures which will strive to ensure provincial consistency in adjudication. All decisions of OESC will be final.

### 4. CONSEQUENCES OF NON-COMPLIANCE

- 4.1 A Service Provider who fails to comply with the Police Record Check requirements of the Board through OESC will be barred from providing goods and/or services to the Board.

## C. POLICE RECORD CHECKS FOR OTHERS HAVING DIRECT AND REGULAR CONTACT WITH STUDENTS

In order to apply a consistent standard to all individuals who have direct and regular contact with students, meet regulatory requirements to be in place by January 1 2005, further the effort to ensure the safety of students and minimize potential Board liability, the Board will contract with the Ontario Education Services Corporation (OESC), a non-profit company established by the four School Boards' Associations in Ontario and the Council of Directors of Education, to collect and adjudicate Police Record Checks on individuals in this category and who have been identified by the Board as potentially coming into direct and regular contact with students.

1. OTHERS REQUIRING A POLICE RECORD CHECK INCLUDE THE FOLLOWING:
  - 1.1 the following provincial organizations are not defined as Service Providers and are not exempt from these requirements of reg 521/01. It is noted that these organizations have standards and practices in place which meet or exceed those of OESC:
    1. Public Health Departments
    2. Victorian Order of Nurses
    3. Community Care Access Centres
    4. Children's Mental Health Centres
    5. Day Nurseries
    6. Children's Aid Societies
    7. St. John Ambulance
    8. Big Brothers, Big Sisters of Canada

Effective January 5 2005, it is recommended that principals request either a valid OESC ID Card along with a valid piece of photo-identification (e.g. Passport, Driver's License, Health Card) for employees of these organizations or a valid organization issued photo-identification card which clearly identifies them as an employee of the organization.

- 1.2 Students attending university or college programs which require practicum or co-op placements in schools.
  - 1.3 School volunteers. (GSA.E.9)
  - 1.4 Persons eighteen (18) years of age or over having direct and regular contact with students.
2. ACTION REQUIRED: BOARD STAFF WILL:
    - 2.1 ensure that all "Others" are in compliance with Regulation 521/01 by December 31, 2004.
    - 2.2 develop a procedure for regularly, as required updating the "Others" list, communicating this information to OESC and informing new "Others" about the requirements.
    - 2.3 develop a procedure for checking Identification Cards (and photo-identification) of "Others" by school officials on a regular basis.
3. ADJUDICATION
    - 3.1 OESC will use a panel of experts to screen "Others" who have Police Records. OESC will use published screening criteria and adjudication procedures which will strive to ensure provincial consistency in adjudication. All decisions of OESC will be final.
4. CONSEQUENCES OF NON-COMPLIANCE
    - 4.1 Any "Other" who fails to comply with the Police Record Check requirements of the Board through OESC by December 31, 2004 will be denied school access pending compliance.