



INDEPENDENT PROCEDURE

Title: **POLICE RECORD CHECKS**

Policy No.: **9047**

Effective Date: **2003 Sept. 09**

Department: Human Resources – Organizational Support Services

Reference(s): Education Act Ontario Reg. 521/01;
Police Record Checks Reform Act, 2015 (PRCRA)
Support Staff Independent Procedure, External Teacher Hiring Independent Procedure

The Board is committed to providing a secure learning and working environment for students and employees and for maintaining protection of Board assets. Therefore, the Board will not permit persons who have disclosures on their Vulnerable Sector Check or Offence Declaration, or patterns of behaviour which may place students or employees at risk, to be employed nor continue to be employed; to serve as volunteers in schools; to perform the role of Trustee; to be on placement or practicum within a school; to be a service provider at a school site; or to assist with school-sponsored activities. The Board is in a position of trust with regard to students and must strive to protect their intellectual, physical, mental and emotional well-being.

1.0 Definitions

- 1.1 **Police Record Check** means, in respect of the Board, 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 collects the document; and
 - b) that contains information concerning the individual's Police Record.
- 1.2 **"Offence Declaration"** means, in respect of the 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 police record 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.

Administered By: **Organizational Support Services – Human Resources**

Amendment Date(s): 2019 May 28

- 1.3 **“Police Record”** means, in respect of an individual, information on criminal offences of which the individual has been convicted under the *Criminal Code (Canada)* and for which a pardon under Section 4.1 of the *Criminal Records Act (Canada)* has not been issued or granted to the individual.
- 1.4 **“Volunteer”**, for purposes of this Independent Procedure, is an individual over the age of eighteen (18), and is not currently a TVDSB elementary or secondary student, who agrees to undertake, without pay, a designated task which supports a classroom, or a school or system-wide program, which task(s) requires the individual to be in regular and/or direct contact with students without supervision or Board employees present.
- 1.5 **“Service Provider”** means an individual who comes into direct contact with pupils on a regular basis,
- a) at a school site of the Board in the normal course of,
 - (i) providing goods or services under contract with the Board,
 - (ii) carrying out their employment functions as an employee of a person who provides goods or services under contract with the Board,
 - (iii) providing services to a person who provides goods or services under contract with the Board
- 1.6 **Vulnerable Sector Check** means, in respect of the Board, 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 and from local police service records, within six (6) months before the day the Board collects the document; and
 - b) contains information concerning the individual’s police record; and
 - c) contains information resulting from a criminal record search of data maintained by the Royal Canadian Mounted Police for sexual offences for which a pardon has been granted or issued

2.0 **Vulnerable Sector Check for Volunteers, Practicum/Placement Students and Trustees**

Prospective volunteers, including parents, other relatives and community members, who work with individual students with no Board employees present, or who spend prolonged periods of time with individual students or groups of students, for example on extended field trips, are required to provide an original vulnerable sector check to the Principal prior to undertaking voluntary activities with students.

The Principal will confirm the individual’s suitability to perform voluntary duties. In jurisdictions where volunteers are charged for such checks, the Board will not pay such costs.

Trustees are required to provide an original vulnerable sector check to the Director of Education prior to commencing their role as Trustee.

3.0 Vulnerable Sector Check for Employees, Service Providers

All current employees must have provided a Vulnerable Sector Check in accordance with Regulation 521/01.

All new employees at a school site of the Board will be required to provide, at their own expense, an original Vulnerable Sector Check prior to commencing employment. All new service providers at a school site of the Board will be required to provide a signed offence declaration as part of the procurement process.

The “**Collection of Personal Information**” in Ontario Regulation 521/01 requires the Board to collect the following:

- ii) an Offence Declaration from the individual by September 1 of each year in which the individual is employed by or has transferred to the Board, commencing in 2004.

3.2 New Employees

The Board shall collect an acceptable Vulnerable Sector Check before the day the individual commences employment with the Board. All offers of employment with the Board shall be conditional upon the applicant supplying an acceptable Vulnerable Sector Check. The Board shall collect an Offence Declaration from the individual by September 1 of each year in which the Board employs the individual, after the year employment was commenced, or when the individual is transferred to the Board.

4.0 Emergency Provision

In exceptional circumstances it may be necessary for an individual to begin employment, volunteering, or a student placement/practicum with the Board before an acceptable Vulnerable Sector Check is collected. In such circumstances, the Board will require the individual to submit an Offence Declaration, pending submission of the acceptable Vulnerable Sector Check. Before any exception is made, a binding agreement shall be entered into between either the prospective volunteer or student and the Principal, or between the employee or any authorized representative of the employee and the Board, ensuring that the verification will be provided without delay.

This agreement will preserve the Board's right to revoke the offer of employment, and dismiss the employee, or revoke a student placement, or service contract, or provision of volunteer services, should the information provided by the individual prove to be false or misleading in any respect, or if the police record check is determined to be unacceptable. Failure of the individual to provide such verification will preclude the

individual from employment, volunteering, providing a service or participating in a student placement.

5.0 Retention

For Employees the Board shall retain an original or a true copy taken from the original Vulnerable Sector Check, by the Board designated contact or designate. For Service Providers, the Board shall retain an original or a true copy taken from the Offence Declaration, by the Board designated contact or designate. For Volunteers or Students, the Principal shall retain an original or a true copy taken from the original Vulnerable Sector Check. Completed Vulnerable Sector Checks and Offence Declarations will be filed in a separate and secure location in accordance with Regulation 521/01.

6.0 Adjudication

Where disclosure is received from a Vulnerable Sector Check or Offence Declaration, the Manager, Human Resources - Staffing, will be notified and will take under consideration at least the following factors in determining an appropriate course of action:

- a) length of time since offence(s);
- b) whether the offence(s) involved children and/or sexual activity and/or violence and/or acts of dishonesty;
- c) employment history;
- d) individual's attitude towards offence(s);
- e) treatment, counselling or other services received since offence;
- f) other steps taken to rehabilitate;
- g) likelihood offence(s) will be repeated;
- h) whether alcohol and/or illegal drugs were factors in the commission of offence(s);
- i) degree of co-operation with this investigation;
- j) whether the offence(s) was 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;
- m) if individual is not an employee, relevance of offence(s) to their student, volunteer or service provider relationship to the Board; and

- n) does/do 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, and shall be in compliance of other Board policies, Collective Agreements and legislation.

7.0 **Consequences of Non-compliance**

Employees who fail to provide a signed Offence Declaration by the date prescribed will be suspended without pay until the form is received and direction has been given to resume employment.

Volunteers, Service Providers or Trustees who fail to provide a signed Offence Declaration by the date prescribed will be precluded from volunteering, providing a service to or attending a school site of the Board.

APPENDIX A**Police Record Check - Volunteer Application Form**

Volunteers in schools provide important help and support for staff and students. Your participation and willingness to assist are appreciated. Nonetheless, we have to ensure that students are appropriately protected and as a result we must ask that you provide the following information and comply with the provisions of Board procedure before undertaking your role as volunteer. You may find the complete procedure on the Board's website.

Name: _____

Address: _____

Telephone: _____

Relationship to School: (e.g. Parent/Guardian, Community Member, Relative of Student etc.) _____

Type of volunteer activity to be undertaken: _____

Vulnerable Sector Check requested by Principal:
(including the pardoned sexual offender database)

Yes

☐

No

☐

Vulnerable Sector Check received by Principal:
(including the pardoned sexual offender database)

Yes

☐

No

☐

Date Received: _____

Signature of Volunteer_____
Date_____
Signature of Principal_____
Date

Note: *Should volunteers continue to serve as volunteers in subsequent school years, an offence declaration must be completed and submitted to the Principal for review annually.*

Notice of Collection: The personal information provided on this form and any other correspondence relating to involvement in Board programs is collected by the Thames Valley District School Board under the authority of the *Education Act* and Regulations (R.S.O. 1990 c.E.2) as amended. The information will be used to register the student in a school as well as for any consistent purpose, and to share information with employees to carry out their job duties. In addition, the information may be used for matters of health and safety, or discipline and as required to be disclosed in compelling circumstances for law enforcement matters or in accordance with any other Act. For questions about this collection, contact the Board's Freedom of Information Coordinator, Thames Valley District School Board, 1250 Dundas Street, London, Ontario, N5W 5P2, Telephone 519-452-2000, Ext. 20218.