

PERSONNEL AND EMPLOYEE RELATIONS	7000
POLICE RECORD CHECKS PROCEDURES	7010

1. Policy

In accordance with Regulation 521/01 of the Education Act, as amended by Regulation 322/03, it is the policy of Lakehead District School Board that all employees, service providers, and volunteers, shall require a Police Record Check. In addition, employees, service providers, volunteers, and others who normally have direct contact with students on a regular basis, shall require a Vulnerable Sector Check.

2. Definitions

2.1 Police Record Check (PRC) - in respect of a board, a document concerning an individual:

- i) that was prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database within six (6) months of the day the Board requests the document; and
- ii) that contains information concerning the individual's personal criminal history.

2.2 Vulnerable Sector Check (VSC) – a check for offence information including a query for criminal convictions and includes outstanding charges, warrants and judicial orders stored in the RCMP database. A VSC also includes a query of the Pardoned Sex Offender Registry and is restricted to individuals who will be in a position of trust or authority over children or vulnerable persons.

2.3 Police checks – where used herein shall refer to PRCs and, if required, VSCs.

2.4 Direct and Regular Contact

- i) Direct contact typically, but not always, involves interaction with students as a part of the responsibilities of the individual.
- ii) Interaction with different groups of students on a regular basis, i.e., photographer or yearbook representative.
- iii) The contact with students will be considered to be within the hours that pupils are normally on school property, or engaged in school-organized extracurricular activities on or off school property.

PERSONNEL AND EMPLOYEE RELATIONS	7000
POLICE RECORD CHECKS PROCEDURES	7010

- 2.5 Offence Declaration - in respect of a board, a written declaration signed by an individual listing all of the individual's convictions for offences under the Criminal Code (Canada) up to the date of the declaration:
- i) that are not included in a PRC collected by the Ontario College of Teachers (OCT) after December 31, 1998 or in the last PRC collected by the Board under this regulation; and
 - ii) for which a pardon under Section 4.1 of the Criminal Code (Canada) has not been issued or granted to the individual.
- 2.6 Personal Criminal History - in respect of an individual, information on criminal offences for which the individual has been convicted under the Criminal Code (Canada) and for which a pardon under Section 4.1 of the Criminal Code (Canada) has not been issued or granted to the individual.
- 2.7 Service Provider - as defined by Regulation 521/01, "an individual who comes into direct contact with pupils on a regular basis, at a school site of a board in the normal course of:
- i) providing goods or services under contract with the Board;
 - ii) carrying out his or her employment functions as an employee of a person who provides goods or services under contract with the Board; or
 - iii) providing services to a person who provides goods or services under contract with the Board.

3. Board Responsibilities

Under O. Reg. 521/01, 'Collection of Personal Information Regulation', the following guidelines apply:

3.1 Employees

- 3.1.1 The Board requires that all new employees submit a current (less than six months) PRC as a condition of employment. New employees who normally have direct contact with students on a regular basis shall require a VSC. Any offers of employment will be conditional upon the applicant providing acceptable police checks.
- 3.1.2 A former employee who returns to the employment of the Board after one year of broken service is considered a new employee for the purposes of this procedure.

PERSONNEL AND EMPLOYEE RELATIONS	7000
POLICE RECORD CHECKS PROCEDURES	7010

- 3.1.3 Police checks must be received by the manager of human resources or designate before a person commences employment.
- 3.1.4 All costs related to police checks are the responsibility of the new employee.
- 3.1.5 The Board will collect an offence declaration from each Board employee no later than September 1 of each year in which the Board employs the individual following the year that the original police checks were collected.

3.2 Emergency Provision

- 3.2.1 Notwithstanding 3.1.3, in exceptional circumstances it may be necessary for an individual to begin employment with the Board before acceptable police checks are collected.
- 3.2.2 In such circumstances, the Board will require the individual to submit an offence declaration, pending submission of the acceptable police checks.
- 3.2.3 Before any exception is made, a binding agreement shall be entered into between the employee and the Board to ensure that the verification will be provided without delay.
- 3.2.4 This agreement will reserve the Board's right to dismiss the employee should the information provided by the employee prove to be false or misleading or if the police checks are determined to be unacceptable or are not received.

3.3 Retention

- 3.3.1 The Board shall retain an original or a true copy taken from the original police checks by the designated Board contact, or designate.
- 3.3.2 Completed police checks and offence declarations will be filed in a separate and secure location in human resources in accordance with Regulation 521/01.

PERSONNEL AND EMPLOYEE RELATIONS**7000**

POLICE RECORD CHECKS PROCEDURES**7010**

3.4 Adjudication

- 3.4.1 The Board, subject to 3.4.2, will not knowingly offer employment to any person with a record of criminal conviction for which a pardon has not been granted.
- 3.4.2 The Board does recognize the principle of rehabilitation and may, therefore, consider hiring a person after a full assessment based upon consideration of the following factors:
- i) the specific duties and responsibilities of the position in question and the relevance of the police records, criminal charge(s), and/or conviction(s) to that position;
 - ii) the length of time since the police record was established; and
 - iii) the risk posed to the safety and security of students, staff, volunteers and/or Board property.
- 3.4.3 The manager of human resources or designate will examine the police checks. If there is a concern, the information will be assessed by the superintendent responsible for human resources. A meeting will be held with the prospective employee and the superintendent before a final recommendation for employment is made.
- 3.4.4 If the Board learns of pending charges or convictions under the criminal code or a related federal statute for which a pardon has been granted, and if the Board believes that the nature and circumstances of the pending charges or pardoned convictions pose a threat to students, staff, volunteers or Board assets, the Board may revoke the offer of employment to the candidate without liability.
- 3.4.5 Unless approved by the superintendent responsible for human resources, or designate, the employee may not commence employment with the Board until the police checks have been received by the Board and deemed acceptable.
- 3.4.6 If the applicant is on conditional employment with the Board, she/he will be immediately suspended from employment, without pay, until the Board is satisfied that the employment offer will not be withdrawn.
- 3.4.7 If the applicant is not deemed suitable on the basis of a positive response, she/he will be notified, in writing, and the record of a positive response will be destroyed six months following the dismissal of the application.
- 3.4.8 If an applicant who presents a positive response is hired, a copy of the response will be placed in the confidential personnel file of the individual.

PERSONNEL AND EMPLOYEE RELATIONS	7000
POLICE RECORD CHECKS PROCEDURES	7010

3.5 Consequence of Non-compliance

3.5.1 Employees who fail to provide an offence declaration by the date prescribed will be suspended, without pay, until the offence declaration is completed.

3.6 Service Providers

3.6.1 The manager of human resources or designate will decide, or will provide direction for principals in determining whether or not specific service providers contracted directly by the school need a PRC, VSC and annual offence declaration.

3.6.2 It is the responsibility of a service provider contracted with the Board, whose employees come into direct contact on a regular basis with students, to:

- i) collect required police checks for such employees;
- ii) collect an offence declaration from each employee no later than September 1 of each year in which the service provider employs the individual following the year that the original police checks were collected; and
- iii) keep these records on file.

3.6.3 Any contract with Lakehead District School Board will be conditional upon the fulfillment of this requirement.

3.6.4 Failure to comply with this condition may result in dissolution of the contract without liability to the Board.

PERSONNEL AND EMPLOYEE RELATIONS	7000
POLICE RECORD CHECKS PROCEDURES	7010

3.6.5 It is the responsibility of the principal, in the case of individuals who are self-employed and who are not contracted for services through a service provider, to:

- i) ensure that police checks have been collected and that there is no evidence of a criminal record;
- ii) ensure that procedures outlined in 3.4 are followed where there is evidence of a criminal conviction; and
- iii) collect an annual offence declaration no later than September 1 of each year following the year that the original police checks were collected.

3.7 Volunteers

3.7.1 The process for collection of police checks for volunteers is outlined in Volunteer Practices-Supervisor's Manual.

3.8 Others

3.8.1 It is the responsibility of the principal to ensure that the individual has been approved to be in direct contact with students on a regular basis. The original or verified copy must be kept on file at the school in a secure location.

3.8.2 Individuals who fail to submit verification before their designated start date will not be permitted to work in the school.

4. Review

These procedures shall be reviewed in accordance with Policy Development and Review Policy 2010.

<u>Cross Reference</u>	<u>Date Received</u>	<u>Legal Reference</u>
Policy 7010	May 27, 2003	O. Reg. 521/01 O. Reg. 322/03
Procedures 8091 "Use of Volunteers in Schools"	<u>Date Revised</u>	
Volunteer Practices - Supervisors Manual	March 22, 2011 April 25, 2017	