
PERSONNEL AND EMPLOYEE RELATIONS

7000

POLICE RECORD CHECKS PROCEDURES

7010

1. Policy

In accordance with Ontario Regulation 521/01 of the Education Act, as amended by Ontario Regulation 322/03, and Ontario Regulation 298/25, it is the policy of Lakehead District School Board (LDSB) that all students on a placement, employees, service providers, and volunteers with LDSB shall require a Police Record Check (PRC). Students on a placement, employees, service providers, volunteers, and others who are or will be in a position of trust or authority in relation to pupils; shall require a Vulnerable Sector Check (VSC). If an individual is not or will not be in a position of trust or authority in relation to pupils, the type of PRC shall be a Criminal Record and Judicial Matters Check (CRJMC).

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 – 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 A Criminal Record and Judicial Matters Check (CRJMC) – a Police Record Check conducted under the Police Record Checks Reform Act, 2015. It is a search of police records that includes both criminal convictions and certain non-conviction judicial information.

2.4 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.

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- 2.5 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.
- 2.6 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 their employment functions as an employee of a person who provides goods or services under contract with the Board; and/or
 - iii) providing services to a person who provides goods or services under contract with the Board.
- 2.7 An individual who would be a service provider only by reason of being a school bus driver, a driving instructor or both is not a service provider for the purposes of this policy while they satisfy the requirements set out by the Ministry of Transportation applicable to school bus drivers or driving instructors, as the case may be.

3. Board Responsibilities

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

3.1 Employees

- 3.1.1 Lakehead District School Board requires that all new employees shall be required to provide, at their own expense, a PRC. Those who are or will be in a position of trust or authority in relation to pupils will be required to provide an original VSC prior to commencing employment. Those who will not be in a position of trust or authority in relation to pupils will be required to provide an original CRJMC prior to commencing employment. Any offers of employment will be conditional upon the applicant providing acceptable police checks.
- 3.1.2 Police Record Checks shall be collected according to the schedule as outlined in 3.9 and 3.10 Tables one and two of 7010 Police Record Checks Policy.
- 3.1.3 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.
- 3.1.4 Police checks must be received by the manager of human resources or designate before a person commences employment.
- 3.1.5 All costs related to police checks are the responsibility of the new employee.

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3.1.6 Lakehead District School Board will collect an offence declaration from each LDSB 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 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 Lakehead District School 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 Ontario Regulation 521/01. In the case of police checks and offence declarations for placement students and volunteers, completed checks and offence declarations will be filed in a separate and secure location at the individual schools.

3.4 Adjudication

3.4.1 Lakehead District School Board, subject to 3.4.2, will not knowingly offer a student placement, employment, volunteer position, or a service contract to any person with a record of criminal conviction for which a pardon has not been granted.

3.4.2 Lakehead District School 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 (applicable to placement students, volunteers and service contractors):

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- 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 Lakehead District School 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 (applicable to placement students, volunteers, and service contractors).

3.4.5 Unless approved by the superintendent responsible for human resources, or designate, the employee may not commence employment/volunteering 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, they 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, they 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.

3.5 Consequence of Non-compliance

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

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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 or CRJMC and annual offence declaration.
- 3.6.2 It is the responsibility of a service provider contracted with the Board to:
- i) collect required police checks, either VSC or CRJMC, for such employees, according to schedule as outlined in 3.9 and 3.10 tables one and two of 7010 Police Record Checks Policy;
 - 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;
 - iii) ensure that procedures outlined in 3.4 of 7010 Police Record Checks Procedures are followed where there is evidence of a criminal conviction; and
 - iv) keep these records on file.
- 3.6.3 Any contract with LDSB 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.
- 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 Police Record Checks shall be collected according to the schedule as outlined in in 3.9 and 3.10 tables one and two of 7010 Police Record Checks Policy. It is the responsibility of the principal, in the case of individuals who are volunteering to:
- i) ensure that police checks have been collected and that there is no evidence of a criminal record;

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- ii) ensure that procedures outlined in 3.4 of 7010 Police Record Checks Procedures 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.

3.8 Students on an Educational Placement and Others

3.8.1 It is the responsibility of the principal, in the case of individuals to:

- i) ensure that police checks have been collected and that there is no evidence of a criminal record; and
- ii) ensure that procedures outlined in 3.4 of 7010 Police Record Checks Procedures are followed where there is evidence of a criminal conviction.

4. Review

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

<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 O. Reg 298/25 O. Reg 49/03 Bill 33, Supporting Children and Students Act, 2025
	<u>Date Revised</u>	
	March 22, 2011 April 25, 2017 April 22, 2025 April 21, 2026	