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## **CRIMINAL BACKGROUND CHECK / VULNERABLE SECTOR SCREENING**

### **Procedures**

#### **A. VULNERABLE SECTOR SCREEN FOR EMPLOYEES**

##### **1.0 Requirements**

The "*Collection of Personal Information Regulation*" will require the District School Board Ontario North East to do the following:

- i. **Current employees** provide to the Board an Offence Declaration by September 1st of each year in which the individual is employed by the Board.
- ii. **New Employees**

##### **1.1 Condition of Employment**

The Board shall collect a Vulnerable Sector Screening 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 Vulnerable Sector Screening. Failure to provide the documents by the date indicated on the **Letter of Agreement (Appendix A)** will result in revocation of the Board's offer of employment.

##### **1.2 Emergency Provision (Appendix B)**

Normally, a candidate shall not commence employment with the Board until a current verification of their Vulnerable Sector Screening 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 Interim Offence Declaration which may, at the Board's sole discretion permit the candidate to commence employment prior to the submission of the Vulnerable Sector Screening. 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.

##### **2.0 Retention**

The Board shall retain an original or a true copy taken from the original Vulnerable Sector Screening by the Board's contact or designate. Completed vulnerable sector screens and offence declarations will be filed in a separate and secure location.

##### **3.0 Adjudication**

Where evidence is received of a criminal conviction or other relevant conviction, the Board's contact or designate 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, counselling 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 the 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)
- n) The course of action may include disciplinary action up to and including dismissal, and/or withdrawal of offer, and shall be in compliance of other Board policies, collective agreements and legislation.

#### **4.0 Consequences of Non-compliance**

Employees who fail to provide a signed Offence Declaration form or Vulnerable Sector Screen by the date prescribed by the Board may be suspended without pay until the form is received.

## **B. CRIMINAL BACKGROUND CHECKS/VULNERABLE SECTOR SCREENS FOR SERVICE PROVIDERS**

### **1.0 Requirements**

Board staff will:

- a) include language similar to the following in any new Request for Proposal/Tender/Quotation of Contract:

“The Bidder acknowledges receipt of a copy of Regulation 322/03 (Collection of Personal Information) to the Education Act (Ontario) with respect to Criminal Background Checks, Vulnerable Sector Screens and offence declarations. If required by the Board, the successful Bidder covenants and agrees to assist the Board in complying with same by providing the Board or such other entity as the Board may designate with a Criminal Background Check or Vulnerable Sector Screens or offence declaration prior to the occurrence of such possible direct contact and on or before September 1<sup>st</sup> each year thereafter with respect to the Offence Declarations.

For the purpose of this Request for Proposal/Tender/Quotation, the Board shall determine in its sole and unfettered discretion whether an individual or employee of the successful Bidder may come into direct contact with pupils on a regular basis.

The successful Bidder further acknowledges and agrees that the contract between the Board and the successful Bidder to be entered into pursuant to the terms hereof shall contain provisions of indemnification and provisions allowing the Board to terminate same in the event the successful Bidder fails to provide the Board with a Criminal Background Check or Vulnerable Sector Screens or offence declaration for every individual or employee who may come into direct contact with

pupils on a regular basis at a school site of the Board, prior to the occurrence of such possible direct contact and on or before September 1<sup>st</sup> each year thereafter with respect to the Offence Declaration.

- b) ensure that all Service Providers are in compliance with Regulation 322/03 before providing services to the Board.
- c) develop a procedure for checking Identification Cards (and photo-identification) of Service Providers by school officials on a regular basis.
- d) The cost for obtaining the required documentation will be paid directly by the successful Bidder

## **2.0 Adjudication**

In addition, the contract will contain provisions that will allow the Board, or such other entity as the Board may designate, upon review of the submitted documents provided to determine that an individual or employee will not be permitted on a school site in circumstances where direct contact with students is probable. All decisions of the Board will be final.

## **3.0 Consequences of Non-compliance**

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

## **C. VULNERABLE SECTOR SCREENS for OTHERS HAVING DIRECT AND REGULAR CONTACT WITH STUDENTS**

- 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 exempt from these requirements** as the organization has standards and practice in place which meet or exceed those of District School Board Ontario North East, as such the principal/designate should request a valid organization photo ID card which identifies them as an employee; or a valid OESC ID card and a piece of photo ID. Included in this category are the following:
  - 1. Public Health Departments
  - 2. Victorian Order of Nurses
  - 3. Community Care Access Centres
  - 4. Children's Mental Health Ontario
  - 5. Provincial Schools Authority
  - 6. Day Nurseries
  - 7. Children's Aid Societies
  - 8. Big Brothers and Big Sisters of Canada
  - 9. St. John Ambulance
- b) trustees
- c) students attending university or college programs which require practicum or coop placements in schools
- d) school volunteers (as per policy 2.1.4)
- e) persons eighteen (18) years of age or over having direct and regular contact with students<sup>1</sup>.

## **1.0 Requirements**

Board staff will:

- a) ensure that all “Others” are in compliance with Regulation 322/03;
- b) develop a procedure for regularly, as required updating the “Others” list, and informing new “Others” about the requirements;
- c) develop a procedure for checking Identification Cards (and photo-identification) of “Others” by school officials on a regular basis.

## **2.0 Adjudication**

The Board, or such other entity as the Board may designate, upon review of the submitted documents provided to determine that an individual or employee will not be permitted on a school site in circumstances where direct contact with students is probable. All decisions of the Board will be final.

*<sup>1</sup> The Youth Criminal Justice Act protects the privacy of minors by limiting access to their records. It is recommended therefore that a Service Provider or “Other” who has not attained the age of 18 be directly supervised by a staff member when in contact with students.*

## **Appendices**

**Appendix A:** Criminal Background Check Letter of Agreement

**Appendix B:** Interim Offence Declaration

## **References**

**CRIMINAL BACKGROUND CHECK**

**LETTER OF AGREEMENT**

**BETWEEN**

***(Insert person's name)***

*(the employee)*

**and**

**THE DISTRICT SCHOOL BOARD ONTARIO NORTH EAST**

*(the Board)*

**WHEREAS** the Board requires a Vulnerable Sector Screening check for new employees in accordance with the Education Act and Board Policy prior to the commencement of employment and;

**WHEREAS** the employee has completed an Offence Declaration prior to the commencement of employment;

The Parties hereby agree:

1. THAT *(insert person's name)* will obtain a Vulnerable Sector Screening check as a condition of employment on or before *(insert date)*. The Board's Offer of Employment shall be revoked and the employee will be dismissed should the employee fail to provide the Vulnerable Sector Screening Check by the agreed upon date or, if the employee provided false or misleading information on the Offense Declaration Form.
2. This agreement is made this xx day of xxx of 20XX at \_\_\_\_\_, Ontario.

\_\_\_\_\_  
For the Board

\_\_\_\_\_  
*(insert person's name)*

\_\_\_\_\_

\_\_\_\_\_

**DISTRICT SCHOOL BOARD ONTARIO NORTH EAST**

**INTERIM OFFENCE DECLARATION FOR SERVICE PROVIDERS/STUDENTS/  
NEW HIRES/VOLUNTEERS for District School Board Ontario North East**

**For interim during waiting/processing period of employee Vulnerable Sector Screen from O.P.P.**

<b>LAST NAME:</b>	<b>FIRST NAME (S)</b>
<b>DATE OF BIRTH (YYYY/MM/DD):</b>	<b>GENDER:</b> MALE <input type="checkbox"/> FEMALE <input type="checkbox"/>
<b>HOME ADDRESS:</b>	
<b>REASON FOR OFFENCE DECLARATION:</b> (e.g. SCHOOL PLACEMENT, VOLUNTEER etc.)	

I have NO convictions under the *Criminal Code of Canada* up to and including the date of this declaration for which a pardon has not been issued or granted under the *Criminal Records Act*. I have NO charges that are ongoing or have been withdrawn. I have NOT been convicted or been granted a pardon for any of the sexual offences that are listed in the schedule to the *Criminal Records Act* and to my knowledge I have never been nor am I currently being investigated for any of the sexual offences that are listed in the schedule to the *Criminal Records Act*. (If you have checked this box, please date and sign this form and return it to Human Resources); **OR**

I have the following convictions for offences under the *Criminal Code of Canada* for which a pardon under the *Criminal Records Act* has **not** been issued or granted **OR** I have the following charges that are ongoing or have been withdrawn **OR** I have been convicted or been granted a pardon for the following sexual offences that are listed in the schedule to the *Criminal Records Act* **OR** I am aware that I am currently being investigated for the following sexual offences that are listed in the schedule to the *Criminal Records Act*. (If you have ever been charged or convicted of any criminal offence(s) for which you have not been pardoned or if you have been granted a pardon for any of the sexual offences that are listed in the *Criminal Records Act* you must provide ALL details below).

1. Date of Offence: (YYYY/MM/DD) \_\_\_\_\_  
 Charge/Offence: \_\_\_\_\_  
 Location: \_\_\_\_\_  
 Penalty/Conviction: \_\_\_\_\_

*(Use additional pages if necessary)*

Personal information on this form is collected pursuant to: (i) the *Freedom of Information and Protection of Privacy Act*, or the *Municipal Freedom of Information and Protection of Privacy Act*; and (ii) the *Personal Information Protection and Electronic Documents Act*, if applicable, for the pursuit of providing services to or for placement with District School Board Ontario North East.

I understand that failing to provide information or omission of facts may disqualify me from consideration for providing services to or placement with District School Board Ontario North East in. I acknowledge that as soon as I am able I will provide the school board with either a valid Vulnerable Sector Police Record Check or proof that I hold a current valid OESC ID Card.

DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_\_.  
 Signature: \_\_\_\_\_  
 Full Name: \_\_\_\_\_