

**THE PROTESTANT SEPARATE SCHOOL BOARD
OF THE TOWN OF PENETANGUISHENE**

POLICY MANUAL

POLICY TITLE:

SECTION/CODE:

Criminal Background Check – Vulnerable Sector Screening

Personnel A – 4

APPROVAL DATE:

SUPERSEDES:

NUMBER OF PAGES:

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POLICY STATEMENT

The Protestant Separate School Board of the Town of Penetanguishene (Board) has the responsibility under the Education Act to provide a safe and secure working and learning environment for students and employees.

PURPOSE

To protect students within the Protestant Separate School Board of the Town of Penetanguishene by taking reasonable precautions to screen out applicants and prospective employees who might pose a danger to students, staff and visitors as per [Regulation 521/01](#) of the Education Act.

ADMINISTRATIVE REGULATIONS

1. The Board will not accept as volunteers, hire into its employ or continue to have as persons who will have direct and regular contact with students who have unsatisfactory police records and/or patterns of inappropriate behaviour which place students or staff at risk.
2. The Board will not allow school access to those who have direct and regular contact with students:
 - 2.1 who have not provided a Criminal Background Check-Vulnerable Sector Screening; or,
 - 2.2 who have provided a Criminal Background Check – Vulnerable Sector Screening which has been adjudicated and found to present an unacceptable risk to students and/or staff.

OPERATING PROCEDURES

General

1. All new employees/volunteers are required to provide the Senior Board Management, prior to the first day of work, with an original, valid Criminal Background Check – Vulnerable Sector Screening (dated within the last six (6) months) outlining the details of any conviction(s) for offence(s) under any federal statute (including the Criminal Code of Canada and the Narcotics Control Act) for which a pardon has not been granted or revoked. A Criminal Background is a document concerning an individual that was prepared by a police force or service from national data on the Canadian Police Information Centre database that contains information concerning the individual's personal criminal history. The PSSBP does not accept cards issued by the Ontario Education Services Corporation or background checks performed by other service providers as evidence of a valid and satisfactory

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Criminal Background Check – Vulnerable Sector Screening.

2. If, contrary to information provided by the applicant on their application form, the applicant:
 - have outstanding charges or prior convictions for which a pardon has not been granted or revoked, which indicate that the applicant could pose a threat to students;
 - have made a false declaration in their application;
 - decline to provide a verification of criminal record as required by Board policy; the Supervisory Officer is authorized to withdraw the Board's offer of assignment, or, if the applicant has commenced working, to initiate the dismissal of the employee for cause.
3. All offers of employment with the Board are conditional on the applicant supplying a valid Criminal Background Check - Vulnerable Sector Screening that is satisfactory to the Board before the first day of work.
4. All employees are required to provide an electronic Offence Declaration each year in which the employee is employed by the Board. This declaration states that the employee have no convictions under the Criminal Code of Canada, up to and including the date of the declaration. Individuals who have been convicted of a criminal offence(s), for which a pardon under the Criminal Records Act (Canada) has not been issued or granted, up to and including the date of declaration, must declare the conviction(s) when completing the Offence Declaration. Individuals who declare that they have been convicted of a criminal offence(s), that is not included in the last Criminal Reference Check/Vulnerable Sector Check collected by the Board, must provide the required information on the Offence Declaration form.
5. The board will ensure that all information obtained through the Criminal Background Check - Vulnerable Sector Screening and Offence Declaration for applicants and current employees, is stored in a confidential manner in a secure location. Access to such information will be restricted to the Supervisory Officer and/or designate and the employee.
6. All employees/volunteers are required to provide an Offence Declaration by September 1 of each year in which the employee is employed by the Board.
7. An Offence Declaration is 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, that are not included in the last Criminal Background Check collected by the Board, and for which a pardon under section 4.1 of the *Criminal Records Act* (Canada) has not been issued or granted.

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Process – Criminal Background Checks

1. All new applicants who are offered a position with the Board (employee or volunteer) will be directed by the appropriate Board management staff to obtain and submit a Criminal Background Check - Vulnerable Sector Screening as a condition of employment/volunteering prior to being assigned duties.
2. A completed Criminal Background Check - Vulnerable Sector Screening shall be submitted promptly to the Board office/Principal by the applicant. Only original documents will be accepted.

Process – Offence Declarations

1. As a condition of employment/volunteering, all employees/volunteers are required to complete by September 1 of each year, an Offence Declaration, which is available at the Board office/School.

Adjudication of Criminal Background Check – Vulnerable Sector Screening for Job Applicants

1. The Supervisory Officer will examine the Criminal Background Check - Vulnerable Sector Screening to identify any areas of concern. Persons with a criminal record who are otherwise suitable for employment/volunteering shall not be automatically disqualified. Any mitigating circumstances will be assessed before a final decision is made with respect to suitability.
 - 1.1.1 When the Criminal Background Check – Vulnerable Sector Screening contains a criminal conviction, the following factors are considered in order to determine an appropriate course of action:
 - 1.1.2 the full circumstances of the charge(s) in question, including their disposition in the courts, any penalty imposed and the impact on any victims;
 - 1.1.3 the age when the offence(s) was committed;
 - 1.1.4 if there is more than one conviction or repeated convictions, the length of time between convictions and whether a pattern of behavior is evident;
 - 1.1.5 steps taken by the applicant to rehabilitate, including any medical, psycho- psychiatric treatment and any other relevant treatment obtained;

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1.1.6 a determination of whether the offence(s) involved or could have involved children or adversely affected children;

1.1.7 if drugs and/or alcohol were involved during the commission of the offence(s) and what, if any, treatment the applicant has received for such;

1.1.8 the applicant's attitude to the offence(s), including the degree of remorse shown and the understanding of the circumstances giving rise to the offence;

1.1.9 the relevance of the offence(s) to the duties of the position in question; and

1.1.10 any other information that may be relevant to the particular circumstances of the offence(s) and the information shared by the applicant directly or indirectly.

1.2 The Supervisory Officer shall meet with the applicant to consider the above factors.

1.3 The Supervisory Officer and Manager/Principal shall make a determination as to whether the applicant should be eligible for employment/volunteering.

1.4 The Supervisory Officer advises the applicant of the decision regarding their eligibility for employment/volunteering

Exclusion from Disclosure

It is understood that the following are excluded from disclosure in all levels of record checks:

1. *Youth Criminal Justice Act* information beyond the applicable disclosure period;
2. Convictions under provincial statutes (e.g., *Highway Traffic Act*, *Occupational Health and Safety Act*, *Environmental Protection Act*, etc.);
3. Ministry of Transportation information;
4. Family Court Restraining Orders;
5. Diversions (i.e. a lighter disposition of a criminal charge regarding an adult who would be prepared to plead guilty, or at a minimum, acknowledge guilt; results in a mild penalty such as community service, an apology to the victim, or counseling.)

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6. Local police contact information (e.g. victim/complainant/witness information)
7. Information from the Special Interest Police (SIP) category of the Canadian Police Information Centre (CPIC) database;
8. References to incidents involving mental health contact;
9. References to contagious diseases; and
10. Foreign information.

Adjudication of Annual Offence Declaration for Current Employees

1. The Supervisory Officer will examine the annual Offence Declaration of all Board Employees to identify any areas of concern. The employee's explanation and any mitigating circumstances must be assessed before a final decision with respect to continued employment, or other response, is made. The Board Chair will review the Supervisory Officer and follow the same protocols.
 - 1.1 When the Offence Declaration reflects a criminal conviction, the Supervisory Officer shall meet with the employee and their appropriate union representative to discuss the Offence Declaration. The Board will consider all relevant information in order to determine an appropriate course of action.
 - 1.2 The employee/volunteer may be required to produce court documents concerning the conviction and/or a new Criminal Background Check – Vulnerable Sector Screening.
 - 1.3 The Supervisory Officer and the employee's Manager/Principal shall make a determination as to the appropriate course of action.
 - 1.4 Employees/volunteers will be advised in writing of any employment consequences resulting from their Offence Declaration, which may include the imposition of restrictions on the employee or other disciplinary action, up to and including termination of employment.

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CONFIDENTIAL STORAGE OF INFORMATION

1. The Board will ensure that all information obtained through a Criminal Background Check – Vulnerable Sector Screening and Offence Declaration for applicants and current employees/volunteers is stored in a confidential manner in a secure location. Access to such information will be restricted to the Supervisory Officer and/or designate and the employee and/or their designate.