



**DURHAM CATHOLIC  
DISTRICT SCHOOL BOARD**  
*Learning and Living in Faith*

## **POLICY – PO314**

### **Criminal Background Checks and Offence Declarations**

Area: Human Resource Services

Source: Superintendent of Business, Finance and Facilities Services

Approved: February 24, 2003

Revised: May 11, 2020

#### **1. Introduction**

The Durham Catholic District School Board (the “Board”) has the responsibility under the law to provide a safe and secure working and learning environment for students and employees. To ensure the safety of all staff and students, and in accordance with Ontario Regulation 521/01, the Board will collect criminal background checks for all employees, service providers and volunteers who have direct and regular contact with students.

#### **2. Definitions**

**Police Record Check**, also known as a ‘background check’ (*Police Record Checks In Ontario*) – a search of police records on an individual.

**Criminal Background Check** (*Ontario Regulation 521/01 Collection of Personal Information*) – in respect of a board, a document concerning an individual,

(a) that was prepared by a police force or service from national data on the Canadian Police Information Centre database within six months before the day the board collects the document, and

(b) that contains information concerning the individual’s personal criminal history.

**Offence Declaration** (*Ontario Regulation 521/01 Collection of Personal Information*) – in respect of a 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 the last criminal record check collected by the Board under this policy; and

b) for which a pardon under section 4.1 of the Criminal Records Act (Canada) has not been issued or granted.

**Service Provider** (*Ontario Regulation 521/01 Collection of Personal Information*) – an individual who comes into direct contact with pupils on a regular basis:

- a) 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, or
  - iii. providing services to a person who provides goods or services under contract with the Minister or,
- b) at a school under the jurisdiction of the Minister in the normal course of:
  - i. providing goods or services under contract with the Minister;
  - ii. carrying out their employee functions as an employee of a person who provides goods or services under contract with the Minister, or
  - iii. providing services to a person who provides goods or services under contract with the Minister.

**Volunteer Worker** (*Ontario Regulation 385/96: Joint Health and Safety Committees*) – a worker who performs work or supplies a service but who receives no monetary compensation for doing so other than an allowance for expenses or an honorarium.

### **3. Purpose**

The purpose of this policy is to protect the well-being of students and staff by ensuring that all employees, service providers, and volunteers satisfy the Ontario Regulation 521/01: Collection of Personal Information with respect to criminal background checks.

### **4. Application / Scope**

This policy applies to all persons, and service providers being considered for employment or contracting in any capacity. This policy also applies to current employees and service providers within the Board, as well as volunteers who have direct and regular contact with students.

### **5. Principles**

The Board:

- 5.1.1 acknowledges its responsibility to ensure the safety of pupils through the collection of a criminal background check of every individual who is an employee of the Board, a service provider of the Board or a volunteer;
- 5.1.2 is committed to providing learning environments which are safe, harmonious, and sensitive to the needs and well-being of all employees, students, volunteers, visitors and service providers;
- 5.1.3 will not employ, continue to employ, contract or continue to contract a person or accept a volunteer who will have regular unsupervised contact with students if that employee, contracted person or volunteer has been convicted of a criminal offence involving sexual or immoral conduct under Part V of the Criminal Code (Canada).

## **6. Requirements**

- 6.1 The Director of Education, or designate, shall issue administrative procedures to support this policy and amend them thereafter as the need may arise.
- 6.2 All employees will provide the Board with a criminal background check with the vulnerable sectors check upon commencement of their employment.
- 6.3 All employees will provide the Board with an offence declaration prior to the start of each school year which details any convictions for offenses under the Criminal Code of Canada for which a pardon has not been issued or granted under the Criminal Records Act (Canada) that were not included in the original criminal background check or previous offence declarations.
- 6.4 In addition to criminal background check, the Board may also use other screening measures when hiring new employees (e.g., reference checks, confirmation of standing with the employee's Professional College).
- 6.5 All Service Providers who have direct contact or supervision responsibilities with students must have a signed partnership agreement with the Board before commencing their service within the Board. All such agreements must address the requirement for up-to-date criminal background checks with the vulnerable sectors check and offence declarations either housed with the Board or with their own organization.
- 6.6 All Volunteers in the school who have direct contact with students in a supervisory role where a staff member is not supervising must provide an up-to-date Criminal Background Check with the Vulnerable Sectors Check before assuming any volunteer duties.
- 6.7 All volunteers who have previously provided a criminal background check with the vulnerable sector check, will provide the respective school with an offence declaration prior to the start of each subsequent school year which details any convictions for offenses under the Criminal Code of Canada for which a pardon

has not been issued or granted under the Criminal Records Act (Canada) that were not included in the original Criminal Reference Check or previous Offence Declarations.

- 6.8 The results of criminal reference checks will be kept confidential and will only be shared with authorized staff involved in the hiring or approval process.
- 6.9 Individuals with criminal offenses that pose a risk to students or staff, or offenses that are directly relevant to their role, may be disqualified from employment, service provision, or volunteering. The Board reserves the right to take appropriate action based on the findings.

## **7. Sources**

- 7.1 O. Reg. 521/01 – Collection of Personal Information, 2003
- 7.2 O. Reg. 347/18 – Police Records Checks Reform Act – Exemptions, 2015
- 7.3 Criminal Records Act, R.S.C., 1985, c. C-47 (Canada)

## **8. Related Policies and Administrative Procedures**

- 8.1 Volunteers in Schools Policy (PO413)
- 8.2 Student Protection Policy (PO607)
- 8.3 Student Protection Administrative Procedure (PO607-1)
- 8.4 Criminal Records Check for New Employees Administrative Procedure (AP314-1)