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Subject **CRIMINAL BACKGROUND CHECK – VULNERABLE SECTOR
SCREENING AND OFFENCE DECLARATIONS**

References *Education Act*

Links

Contact Human Resources and Organizational Development

1. Purpose

- 1.1 The Simcoe County District School Board has the responsibility under the Education Act to provide a safe and secure working and learning environment for students and employees.
- 1.2 The Simcoe County District School Board will not hire into its employ or continue to employ persons who will have direct and regular contact with students who have unsatisfactory police records and/or patterns of behaviour which place students or staff at risk.
- 1.3 The Simcoe County District School Board will not allow school access to those who have direct and regular contact with students:
 - 1.3.1 who have not provided a Criminal Background Check-Vulnerable Sector Screening; or,
 - 1.3.2 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.

2. General

- 2.1 All new employees are required to provide the Human Resource Services Department with an original, valid Criminal Background Check – Vulnerable Sector Screening that is satisfactory to the Board prior to the first day of work.
- 2.2 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 Simcoe County District School Board 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 Criminal Background Check – Vulnerable Sector Screening.



- 2.3 The Criminal Background Check - Vulnerable Sector Screening must be executed within six (6) months before the first day of work.
- 2.4 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.
- 2.5 All employees are required to provide an electronic Offence Declaration by September 1 of each year in which the employee is employed by the Board.
- 2.6 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.

3. Process – Criminal Background Checks

- 3.1 All new applicants who are offered a position with the Board will be directed by the hiring principal/manager to obtain and submit a Criminal Background Check - Vulnerable Sector Screening as a condition of employment prior to being assigned duties.
- 3.2 A completed Criminal Background Check - Vulnerable Sector Screening shall be submitted promptly to Human Resource Services by the applicant. Only original documents will be accepted.

4. Process – Offence Declarations

- 4.1 All employees are required to complete by September 1 of each year, an Offence Declaration, which is available on-line through the payroll portal on the staff website. If an employee does not have access to a computer/internet, Offence Declaration forms may be completed in the Human Resource Services Department.
- 4.2 Employees who fail to provide an Offence Declaration by September 1 will be suspended without pay. These individuals will be required to submit a new Criminal Background Check – Vulnerable Sector Screening in order to return to work.

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

- 5.1 A Human Resource Services representative 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 shall not be automatically disqualified. Any mitigating circumstances will be assessed before a final decision is made with respect to suitability.



- 5.2 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:
 - 5.2.1 the full circumstances of the charge(s) in question, including their disposition in the courts, any penalty imposed and the impact on any victims;
 - 5.2.2 the age when the offence(s) was committed;
 - 5.2.3 if there is more than one conviction or repeated convictions, the length of time between convictions and whether a pattern of behaviour is evident;
 - 5.2.4 steps taken by the applicant to rehabilitate, including any medical, psycho-psychiatric treatment and any other relevant treatment obtained;
 - 5.2.5 a determination of whether the offence(s) involved or could have involved children or adversely affected children;
 - 5.2.6 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;
 - 5.2.7 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;
 - 5.2.8 the relevance of the offence(s) to the duties of the position in question; and
 - 5.2.9 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.
- 5.3 The manager of Human Resource Services and the hiring principal/manager shall meet with the applicant to consider the above factors.
- 5.4 The manager of Human Resource Services and principal/manager shall make a recommendation to the Superintendent of Human Resource Services as to whether the applicant should be eligible for hire.
- 5.5 The principal/manager advises the applicant of the decision regarding their eligibility for hire.

6. Adjudication of Annual Offence Declaration for Current Employees

A Human Resource Services representative will examine the annual Offence Declaration 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.

- 6.1 When the Offence Declaration reflects a criminal conviction, the manager of Human Resource Services and the superintendent or the manager, where applicable, 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.



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- 6.2 The employee may be required to produce court documents concerning the conviction and/or a new Criminal Background Check – Vulnerable Sector Screening.
 - 6.3 The manager of Human Resource Services and the employee's superintendent/manager shall make a recommendation to the Superintendent of Human Resource Services as to the appropriate course of action.
 - 6.4 Employees 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.

7. Confidential Storage of Information

The Board will ensure that all information obtained through a 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 Superintendent of Human Resource Services and/or designate and the employee and/or their designate.

Approved

May 1999

Revised

September 2005, September 2007, September 2008, September 2010

Issued under the authority of the Director of Education