

Criminal Background Checks: Employees and Volunteers

Administrative Procedure

Topic:	Criminal Background Checks -- Employees and Volunteers
Status:	Active
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Responsibility:	Superintendent of Human Resources

INTENDED PURPOSE:

The Halton District School Board has the responsibility, under the Education Act, to provide a safe and secure working and learning environment for students and employees. The Board is in a position of trust with regard to students and must strive to protect their intellectual, physical, mental, and emotional well-being. The Halton District School Board will not employ or continue to employ persons who have criminal records and/or patterns of behaviour that may place students at risk.

DEFINITIONS

“Criminal Background Check” means, in respect of the Board, a document concerning an individual that:

- a) was prepared by a police force or service from the national data on the Canadian Police Information Centre (CPIC) database within six (6) months before the date the Board collects the document; and
- b) contains information concerning the individual’s Personal Criminal History.

“Offence Declaration” means, in respect of the 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 background check collected by the Board under this regulation; and
- b) for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted.

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“Personal Criminal History” means, in respect of an individual, information on criminal offences of which the individual has been convicted under the Criminal Records Act (Canada) and for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted to the individual.

PROCEDURES

A. EMPLOYEES

The Collection of Personal Information Regulation (521/01) requires the Halton District School Board to do the following:

New Employees

All offers of employment with the Board shall be conditional upon the applicant supplying an acceptable criminal background check. The Board shall obtain an Offence Declaration from the individual by September 1 of each year in which the Board employs the individual after the year employment was commenced.

Rehiring Employees

If an individual terminates their employment with the Board and is then rehired within 1 year of their original termination, the Board shall obtain an Offence Declaration upon the date of rehire. If the date of rehire occurs beyond 1 year from the date of termination, the Board shall collect an acceptable Criminal Background Check before the day the individual commences employment with the Board.

Emergency Provisions

In exceptional circumstances, it may be necessary for an individual to begin employment with the Board before an acceptable criminal background check is collected. With the approval of the Superintendent of Human Resources, or designate, a binding agreement shall be entered into between the employee and the Board, requiring the employee to submit an Offence Declaration and the application for the criminal background check. The agreement will preserve the Board's right to revoke the offer of employment, and dismiss the employee,

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should the information provided by the employee prove to be false or misleading in any respect, or if the background check is determined to be unacceptable.

Retention of Documents

The Board shall retain an original or a true copy taken from the original criminal background check.

Adjudication

Where evidence is received of a criminal conviction, the Director of Education or designate, in consultation with the Superintendent of Human Resources, will consider at least the following factors in determining the appropriate course of action:

- a) length of time since offence(s);
- b) involvement of children and/or sexual activity and/or violence and/or acts of dishonesty;
- c) employment history;
- d) employee's attitude towards offence(s);
- e) treatment, counselling or other services received since offence;
- f) other steps taken to rehabilitate;
- g) likelihood offence(s) committed while employed by the Board;
- h) substance (e.g., alcohol or illegal drugs) use or abuse as a factor in omission of offence(s);
- i) degree of co-operation with this investigation;
- j) employer, at the time the offence was committed;
- k) if employee is a teacher, relevance of offence(s) to teacher duties as set out in the Education Act and Regulations;

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l) if employee is not a teacher, relevance of the offence(s) to their employment duties; and

m) requirement of any action pursuant to the Student Protection Act (including notification of the Ontario College of Teachers).

The outcome may include action up to and including dismissal, and/or withdrawal of offer of employment and shall be in compliance with other Board policies and procedures, collective agreements and legislation.

Consequences of Non-Compliance

Employees who fail to provide a Criminal Background Check in compliance with Regulation 521/01 will be suspended, without pay, pending submission of the Criminal Background Check. Continued non-compliance will result in termination of employment.

Employees who fail to provide a signed Offence Declaration form by the date prescribed will be suspended without pay until the form is submitted. Continued failure to submit a signed Offence Declaration will result in termination of employment.

B. Volunteers

All volunteers must submit a Criminal Background Check, including a successful vulnerable sector screening, prior to commencing work in the school. The school will retain an original or a true copy taken from the original criminal background check on site. Returning volunteers with a Criminal Background Check and Vulnerable Sector Screening on file at the school will be required to complete the HDSB Annual Offence Declaration Form for Volunteers. The Annual Offence Declaration Form will be completed annually and filed at the school.

Volunteers who fail to provide a Criminal Background Check, with subsequent Annual Offence Declaration, will not be eligible to work with students in any capacity (e.g., within the school, school excursions, coaching, etc.).

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Note: The Halton District School Board honours existing records of Criminal Background Checks and Annual Offence Declarations when volunteers transfer to another HDSB school

(i.e., as a result of a change in school, regardless of panel).

Reference number: pending

Cross-Reference:

Education Act – Regulation 521/01

Protocol with External Agencies for the Provision of Services by Regulated Health Professionals, Social Service Professionals, and Paraprofessionals

Temporary Volunteer Supervisors of Extra Curricular Activities in Schools in Extenuating Circumstances