

# Police Record Checks (PRC):

## Administrative Procedure

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<b>Status:</b>	<b>Active</b>
<b>Effective:</b>	September 2003
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<b>Responsibility:</b>	Superintendent of Human Resources

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### **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, for which a pardon has not been granted, an exception has not been made, and/or where there are patterns of behaviour that may place students at risk.

### **DEFINITIONS**

“Police Record Check (PRC)” 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, as outlined in Ontario Regulation 521/01; 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 Code (Canada) up to the date of the declaration:

i) that are not included in the last police record check collected by the Board under this regulation; and

ii) 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.

“Service Provider” means all independent contractors, individuals employed by a vendor, or third-party clinicians who come into contact with pupils on a regular basis

## **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 Police Record Check (i.e. Vulnerable Sector Screening (VSS) or Criminal Record and Judicial Matters Checks (CRJMCs) as required by role. 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.

#### **Existing Employees**

Effective April 1, 2026, all employees must comply with a mandatory five-year Police Record Check cycle in accordance with Ontario Regulation 521/01. The specific deadline for each employee’s five-year renewal cycle is determined by their birth month and original hire date. In addition to the five-year PRC requirement, all staff must continue to submit an annual offence declaration by September 1 of each year.

#### **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

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from the date of termination, the Board shall collect an acceptable Police Record 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 Police Record 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 Police Record Check. The agreement will preserve the Board's right to revoke the offer of employment, and dismiss the employee, should the information provided by the employee prove to be false or misleading in any respect, or if the Police Record Check is determined to be unacceptable.

### **Retention of Documents**

The Board shall retain an original or a true copy taken from the original Police Record 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;

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- h) substance (e.g., alcohol or illegal drugs) use or abuse as a factor in commission 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;
- 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 Police Record Check in compliance with Regulation 521/01 will be suspended, without pay, pending submission of the Police Record 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 & STUDENT PLACEMENTS**

All volunteers and student placements must submit a Police Record Check, and/or 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 Police Record Check on site. Returning volunteers with a Police Record Check and Vulnerable Sector Screening on file at the school will be required to complete the

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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 Police Record Check will not be eligible to work with students in any capacity (e.g., within the school, school excursions, coaching, etc.).

Note: The Halton District School Board honours existing records of Police Record 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).

## **Adjudication**

Where evidence is received of a criminal conviction, the Principal should contact their Family of Schools Superintendent to determine eligibility based on similar criteria as listed in the Employee Adjudication section as this Administrative Procedure.

## **C. SERVICE PROVIDERS**

Before providing services on Board property, and as a condition of ongoing contract maintenance, Service Providers must submit an annual attestation to the HDSB. The annual attestation will be collected centrally for vendors engaged by the board and in some cases at the school level if vendors are engaged by individual schools. The attestation ensures that all Service Providers have/will:

- Undergone the required Police Record Checks (PRCs) (i.e. or Criminal Record and Judicial Matters Checks (CRJMCs) or Vulnerable Sector Screening (VSS)
- Confirm that all Service Provider Staff are in compliance with the regulation's periodic renewal requirements.
- Immediately disclose any new *Criminal Code* charges or convictions.

While a "service provider" is broadly defined, the requirement is triggered by the location of the work. Under the current framework:

- Location: The individual must be providing goods or services at a school site

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- Frequency: The individual must come into direct contact with pupils on a regular basis or perform duties where such contact is likely.

One Time Service Provider: If a service provider is only coming to a school once (e.g., a one-off repair technician, a guest speaker, or a single-delivery vendor), they are exempt from the Police Record Check requirement under O. Reg. 521/01, provided they do not have unsupervised access to students.

### Non-Compliance

Failure of a service provider to provide an annual attestation will result in the immediate restriction of that service provider from all Board properties. If a service provider cannot submit an annual attestation right away, they may be permitted to continue providing services under the following temporary, conditional exceptions:

- The service provider must officially demonstrate that they have done everything in their power to comply on time and the delay must be entirely outside of their control (e.g., documented police processing backlogs, or fingerprinting delays); and
- While waiting for the results, the service provider will be restricted from standard, unsupervised access to HDSB sites. The school board or employer must implement safety protocols, which shall include direct supervision by a board employee and/or restricted access to premises during school hours.

The above conditional measures are strictly **temporary** and will only remain in place until the annual attestation has been received by the HDSB. If the service provider fails to cooperate, refuses to provide an annual attestation, the exception is immediately revoked, and the service provider will be deemed ineligible to continue providing services.

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## **Cross-Reference:**

### **Legislation**

Education Act, R.S.O. 1990, c.E.2 R.S.O. 1990, c. E.2

Ontario Regulation 521/01 - Collection of Personal Information

### **Ministry Policy & Program Memoranda**

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

### **Board Policies, Procedures & Protocols**

Supervision of Co-Curricular Activities Administrative Procedure

### **Revision History**

- June 2026 - updated to align with regulatory requirements.