



Policy Section: **Personnel/Employee Matters**  
Policy Name: **Criminal Background Checks for Employees, Volunteers, Service Providers, and Others**

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## **Policy Statement**

In accordance with Regulation 521/01 (as amended by Regulation 322/03) of the Safe Schools Act, it is the policy of the Keewatin-Patricia District School Board (KPDSB) that all prospective and current employees as well as, volunteers, service providers, and others who have direct and regular contact with students undertake a Criminal Background Check. The required Criminal Background Check will consist of a vulnerable sector screening which will provide the information concerning the individual's police record including Criminal Code (Canada) convictions, pardoned sexual offences, records of convictions under the Controlled Drugs and Substances Act, Narcotic Control Act, and Food and Drugs Act and all outstanding warrants and charges for which a pardon has not been granted or for which a pardon has subsequently been revoked.

The KPDSB will not hire into its employ or continue to employ persons who will have direct and regular contact with students who have police records and/or patterns of behaviour which place students or staff at risk.

The KPDSB will not allow school access to Service Providers or others who have direct and regular contact with students:

- Who have not provided a Criminal Background Check; or
- Who have provided a Criminal Background Check which has been adjusted and found to present an unacceptable risk to students and/or staff.

## **Rationale**

The KPDSB has the responsibility, under the Education Act, to provide a safe and secure learning and working environment for students and employees. The KPDSB is in a position of trust with regard to students and must strive to protect their intellectual, physical, mental, and emotional wellbeing.

Cross Reference  
HR Protocol – 08  
Regulations 521/01 and 322/03  
Policies  
207, Trustee Code of Conduct  
306, Use of Volunteers  
706, Employee Code of Conduct  
712, Employee Hiring and Promotion  
Procedure  
706, Employee Code of Conduct

Date Adopted: 13/04/1999  
Dates Revised: 08/10/2002; 14/06/2005;  
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10/03/2020

Review By: 2024



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## **Guidelines**

### **1. General**

- a) A nominal fee is charged for Criminal Background Checks and the fee is the responsibility of the candidate/service provider or other. Fees for volunteers will be paid for by the school.
- b) Requests are processed through the Canadian Police Information Centre (C.P.I.C.) and the appropriate Ontario Provincial Police (O.P.P.) detachment, local police force, or provincial consortium.
- c) Completed Criminal Background Checks are to be submitted directly to the Human Resources Department.
- d) Completed Criminal Background Checks will be secured in the employee's confidential personnel file by the Human Resources Manager or designated Human Resources staff.
- e) The procedures for all employees responsible for hiring employees and/or engaging volunteers, service providers, or others, will be outlined in the Human Resources Procedures Manual.
- f) All documents shall be original or a true copy (as deemed acceptable by Human Resources staff).

### **2. Current Employees**

- a) Effective September 1, 2004, all current employees are required to submit a standardized Offence Declaration Form on an annual basis.
- b) Employees who fail to submit an Offence Declaration Form by the date prescribed by the KPDSB may be suspended without pay until the form is received.

### 3. New Hires

#### a) Condition of Employment:

As a condition of employment, all external candidates who are interviewed and subsequently offered a position with the KPDSB must provide the required Criminal Background Check before the day the individual commences employment with the KPDSB. The KPDSB shall then collect an Offence Declaration by September 1<sup>st</sup> of each year in which the individual is employed by the KPDSB after that day.

#### b) Emergency Provision:

Normally, a candidate shall not commence employment with the KPDSB until a current verification of their Criminal Background Check has been supplied. Only in an exceptional case will a person be permitted to commence employment with the KPDSB before the KPDSB has received the verification. In such a case, the candidate will be required to provide an Emergency Offence Declaration which may, at the KPDSB's sole discretion permit the candidate to commence employment prior to the submission of the Criminal Background Check. Before any such exception is made, a binding agreement shall be entered into between the employee(s), or any authorized representatives of the employee(s), and the KPDSB ensuring that the verification is provided without delay and in a timely manner. This agreement will preserve the KPDSB's power to revoke the offer of employment, and dismiss the employee, should the Offence Declaration provided by the employee prove to be false or misleading in any respect.

### 4. Volunteers

- a) Where a volunteer will be in direct and regular contact with students, a Criminal Background Check is required.
- b) It is the responsibility of the Principal to ensure that the volunteer provides the Criminal Background Check. Such documents will be retained at the school by the Principal.
- c) Where a question arises with regard to the content of a Criminal Background Check the Principal should consult with the Human Resources Manager to initiate adjudication procedures.

5. Service Providers

- a) “**Service Provider**” mean an individual(s) who is not an employee of the KPDSB and who comes into direct contact with pupils on a regular basis at a school site of the KPDSB in the normal course of:
- i) Providing goods or services under contract with the KPDSB, carrying out their employment functions as an employee of a person who provides goods or services under contract with KPDSB; or
  - ii) Providing services to a person who provides goods or services under contract with the Minister.
- b) All contracts and tenders will state that employees on-site during regular school hours require proof of current Criminal Background documentation.

6. Others

- a) All other groups that are not covered under the above-stated categories shall comply with this Policy. These groups include, but are not limited to, placement students from university or college programs, adult co-op students, secondary school co-op students, nurses, and/or health care professionals, and employees of agencies located in schools (i.e., Day Care, etc.).
- b) Any ‘other’ who is found to be in non-compliance with the Criminal Background Check requirements of the KPDSB will be denied school access pending compliance.

7. Adjudication

Where there are areas of concern identified by a Criminal Background Check the Human Resources Manager, along with a Supervisory Officer (where necessary), will review the circumstances surrounding the criminal record, pending charges, or investigation, before a final decision is made with respect to suitability of employment or service provision.