
Police Reference Check Policy

Policy

In the interests of hiring staff with the personal and professional qualifications essential to ensuring quality child care, the Kinder College Early Learning Centre will include criminal record checking as part of the hiring process for all positions within the Centre. The centre will criminal reference checks all volunteers who have direct access to children.

Purpose

The Ministry of Community and Social Services' guidelines state:

...criminal reference checking is a precautionary measure designed to ascertain whether certain groups of employees have a record of criminal convictions which would make them unsuitable for positions of trust (i.e. sexual assault, drug trafficking). Such checks assist the Ministry in attempting to ensure the safety and well being of those for whom it has the responsibility to provide or ensure proper care.

Effective March 1, 1995, a criminal reference check must be a condition of employment for all new employees, prior to their appointment.

Effective January 1, 2007 all volunteers who have direct contact with the children will be required to have a criminal reference check.

CRC Results

The results of the criminal reference checks will be reviewed by the Supervisor or Director. The presence of a criminal record does not automatically disqualify an individual from a position. The Supervisor or Director, will assess each situation to decide to what extent the individual would pose a risk to children. Consideration will be given to the following factors:

1. the nature of the offence and the number of convictions;
2. sentence(s) received;
3. the length of time since the most recent conviction;
4. any rehabilitative efforts made by the candidate;
5. any submissions made by the candidate;
6. the specific duties and responsibilities associated with the position and the relevance of the particular criminal conviction to the position;
7. any other factors deemed relevant by the Supervisor or Director.

The information provided by the criminal reference check is used to assist the agency and in no way making a recommendation on the suitability of the applicant/volunteer for the position being sought.

Definition

Position

Refers to paid employment (full or part-time) or volunteer assignment

Children

Persons who are less than 18 years of age.

Criminal Reference Check

Consists of a check by the Toronto Police Service, or the police centre that has jurisdiction over the area where the individual resides. The check includes disclosure of:

- criminal record (young offenders);
- records of “not guilty by reason or mental incompetence”;
- pending charges under the *Child and Family Services Act*;
- convictions for provincial offences;
- probation orders;
- probation and other judicial orders which are in effect;
- records of convictions for offences under the *Child and Family Services Act*.

Criminal Code convictions will not be reported as part of the criminal reference check if a pardon has been granted. Summary information details any type of police contact for which the individual has not been charged or convicted.

Criteria

- 1) All persons who are employed or volunteer at the Kinder College Early Learning Centre will be required to have a criminal reference check completed which must also include a search of the sex offender registry, prior to any volunteer activity commencing.
- 2) In situations where the employing/Licensing Authority determines that the existence of a criminal record is reasonable disqualification, notification shall be made in writing.

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- 3) Only an original copy of the records will be accepted. The date on the CRC must not be more than 6 months from the hiring date.
 - 4) Kinder College Early Learning Centre reserves the right to request further checks at its discretion and with permission from the volunteer.
 - 5) All information surrounding the Criminal Reference Check, including the results will be maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act and shall be maintained by the Supervisor.
 - 6) All employees of must update their criminal reference check at least every 5 years during their employment.
 - 7) Employees must verify and sign off that their criminal reference status has not been changed on an annual basis.
 - 8) Employees (and volunteers) who do not have a stamped CRC can be present in the classrooms if they have applied for the CRC (provided a proof of payment) and have signed an *Offence Declaration for Child Care Applicants* form. These employees (or volunteers) are not permitted to be alone with children until the verified CRC has been received.

Procedure

1. The Supervisor engaging the volunteer or candidate in a position that is subject to the criminal reference check will:
 - a. After the candidate has a conditional offer of employment, the Supervisor will request the candidate to sign the Consent to Disclosure for a police reference check;
 - b. During the signing of the consent form, the Supervisor must sign the document before the applicant. After both signatures, a copy of the consent form is made and given to the candidate.
 - c. Inform him/her of the criminal reference check process, including the classes of information referred on the Service Waiver Form;
 - d. inform him/her that the presence of a criminal record does not automatically disqualify him/her from the position; and,
 - e. request two pieces of identification to verify the identity of the individual, including one piece of photo identification.

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2. Individuals required a criminal reference check are responsible for personally meeting this obligation prior to commencing employment. If the individual is not a resident of Toronto, he/she will be informed that he/she will have to follow the procedures established by the police centre that has jurisdiction in his/her area. This may include personally attending the police centre, signing the required forms and disclosing the results of the criminal reference check to Kinder College Early Learning Centre.
 3. Any individual being considered for a position for which there is a criminal reference check requirement and who refuses to comply with the requirement will be deemed to have withdrawn from the volunteer/employment competition and is no longer eligible for the position.
 4. The Toronto Police Service will send a copy of the results to the applicant and it is the applicants responsibility to submit this report to submit the report to the Supervisor.
 5. If the criminal reference check reveals a record of offense or summary information:
 - a. Local and/or National Records Found – If a local and/or national records are found, Toronto Police Services will mail to the applicant at the address provided on the waiver a synopsis of record(s) found.
 - b. Local and/or National and Pardon Records Found – If a local and/or national and pardon records are found, the Toronto Police Service will send a synopsis of record(s) found, and a record of an individuals convictions dealing with previous convictions of sexual offences as outlined in the schedule to the *Criminal Records Act* in respect of which a pardon has been granted or issued to both the applicant and the Agency.
 - c. Applicant/Volunteer Refusing Fingerprints – Where screening identifies the applicant/volunteer as being suspected as a person named in a criminal record for one of the sexual offences listed in the schedule to the *Criminal Records Act* in respect of which a pardon was granted or issued, The Toronto Police Service will require the individual to consent to the submission of fingerprints for identification purposes. Where an individual/applicant declines to provide such consent, the Centre will be notified in writing by the Service.

It is the responsibility of the Centre to request that the applicant/volunteer disclose to the Centre the synopsis of record(s) provided to the individual.

6. Upon receipt of the letter, the Supervisor or Director will contact the individual to discuss the situation. He/she will have the option of providing the written validation from the police centre outlining the nature of police record to the Supervisor. Failure to disclose the information will, however, mean that he/she is no longer eligible for the position and that the proposed offer of employment or assignment will be terminated. In addition to providing the written validation, the individual will have the opportunity to make submission to the Supervisor, which will be reviewed with the Director.

All currently active employees or applicants must inform the centre supervisor if a criminal investigation or charges are pending or underway. Kinder College Early Learning Centre reserves the right to terminate employees based on current criminal investigation or charges.

7. The Supervisor, or Director will review the information obtained from the individual and determine the relevance of the information of the position requirements. A decision on the employment will be made in two weeks.
8. Any costs associated with securing a Criminal Reference Check, is the responsibility of the applicant.
9. Information relating to the offence for which a pardon has been granted may be available to agencies responsible for the well-being of children where the applications relates to a position of authority or trust relative to those children, and where the applicant consents to release.

Break in Employment and Vulnerable Sector Check (VSC)

Where an employee takes a leave of absence from their position and then subsequently returns to their position, if they would have provided a VSC or offence declaration during their period of leave, the employee must obtain a new VSC or offence declaration upon the employees return to the work.