

# BEACON LEARNING CENTRE

## POLICY ON POLICE VULNERABLE SECTOR CHECKS

### **1. Introduction**

The Beacon Learning Centre (BLC) exercises due diligence when placing individuals into positions that provide direct care or service to children.

The Ontario Ministry of Education requires that all childcare centres licensed by the Ministry develop and implement a Police Vulnerable Sector Check policy.

BLC is responsible to provide a safe and secure learning environment for children in care and employees. Therefore, BLC shall be compliant with relevant legislation on PVSCs and offense declarations for employees and volunteers.

This policy sets out the requirements and procedures that apply when an individual will, as a result of their position or potential position, be required by the BLC to undergo a PVSC.

### **2. Application and Scope**

This policy applies to employees and candidates for employment and volunteers whom the BLC deems, as a result of their position or potential position, to require a PVSC. Candidates for employment or volunteer positions may include students, employees, potential employees, volunteers or individuals from outside the BLC and will be required for either full or part-time positions.

### **3. Definitions**

For the purposes of this policy the following definitions apply.

**Position:** Refers to paid employment (full or part-time) or unpaid employment such as volunteers or student assignment.

**Children:** Persons who are less than 6 years of age.

**Direct Care:** Direct care normally refers to positions that provide support and supervision of individuals in a variety of areas of their lives, including vocational, educational, medical, social and/or recreational. (The *Child Care and Early Years Act* requires that all individuals who work (paid and unpaid) in a licensed childcare facility undergo criminal reference checks.)

**Police Vulnerable Sector Check:** Contains an employee's personal criminal history and is prepared by police using national data from the Canadian Police Information Centre (CPIC).

The check includes disclosure of:

- criminal record (adult);
- criminal record (young offenders);
- records of a not guilty by reason of mental incompetence;
- pending charges and previous or ongoing investigations under federal and provincial statutes;
- pending charges under the *Child and Family Services Act*;
- convictions for provincial offences;
- probation orders;

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- prohibition and other judicial orders which are in effect;
- records of conviction for offences under the *Child and Family Services Act*.

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

**Offence Declaration:** A form completed by the individual employee or volunteer that lists any Criminal Code convictions for which a pardon has not been granted since the last PVSC collected by BLC.

### 4. Policy

A PVSC is required for identified positions, before an individual can be confirmed in that position. Candidates applying for positions subject to this policy will be advised of the requirement for a PVSC should they be the successful candidate. If a candidate for a position refuses to consent to, or cooperate with, the PVSC he/she will no longer be eligible for the position.

Volunteers who will be affected by this policy will be informed of the requirement for a PVSC and will have completed a PVSC before they begin their volunteer activities.

Offers of employment and volunteer assignments for identified positions are conditional upon a satisfactory PVSC.

The results of PVSCs will be reviewed by the Director, or designate. The presence of a criminal record does not automatically disqualify an individual from a position. The Director, or designate, 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 Director, or designate.

A police vulnerable sector check is required every five years. Subsequent to the PVSC, an annual Offence Declaration is required and must be collected within 15 days of the anniversary date of the original PVSC each year.

The BLC will establish and maintain a list of positions that would be reasonably expected to be subject to this policy.

### **5. Cost**

The cost of PVSC will be paid by the employee. Volunteers are currently not charged for PVSCs. The Director or delegate will provide the volunteer with a letter explaining the voluntary position to the police department.

### **6. Confidentiality of Information**

Personal information cannot be collected, used or disclosed without the prior written consent of the individual in question. The police centre will release to the individual, information regarding their own criminal record and/or summary information.

The Director or delegate will maintain the information in a secure manner for the duration of the individual's employment or assignment. Once an individual's employment/assignment is terminated, all information obtained through the PVSC will be destroyed. The information is confidential and will be maintained in a separate file from the individual's official personnel file (if applicable). The information will be used solely for the purpose that the release of the information was required and will not be altered in any manner.

Information about offences under the *Young Offenders Act* will not be retained by BLC. A notation will be made in the individual's file indicating that information was disclosed through a PVSC, however, details with respect to the nature of the offence are protected under the *Young Offenders Act*.

### **7. Positions Requiring A PVSC**

All employees or individuals who are associated with:

1. Administration;
2. Early Childhood Education;
3. Food Services;
4. Volunteers;
5. Student assignment; and
6. Any other position, which might be expected to come into contact with children as defined in "Definitions".

### **6. Effective Date**

This policy takes effect on September 1<sup>st</sup> 2016. It will be reviewed to determine its currency and effectiveness 5 (five) years from the date of its approval or as required to address changes or requirements.