



Niagara Catholic District School Board

POLICE RECORD CHECK AND OFFENCE DECLARATION

ADMINISTRATIVE OPERATIONAL PROCEDURES

Section 200 – Human Resources

No 201.18

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In keeping with the Mission, Vision, and Values of the Niagara Catholic District School Board, the following are the Administrative Operational Procedures for Police Record Checks, and Offence Declarations.

PREAMBLE

The Board is committed to fostering a safe, caring, and Christ-centered learning environment, and is dedicated to taking all reasonable steps to ensure that individuals entrusted with the care, supervision, and support of students, do not pose a risk to their safety or well-being. These Administrative Operational Procedures establish the requirements of the Board for collecting, reviewing, adjudicating, and securely retaining police record checks and offence declarations.

The Board has the responsibility to provide a safe, secure working and learning environment for students and employees. The Board is in a position of trust and must strive to protect the well-being of students. The Board has an obligation to take all reasonable steps to ensure that employees, by virtue of their employment, constitute excellent role models and will not pose a risk or danger to students and staff.

Accordingly, the Board shall collect Police Record Checks and Offence Declarations to assist in making informed decisions about the suitability for employment, volunteering, educational placement, or contracted services.

SCOPE

These Administrative Operational Procedures apply to:

- all employees (permanent, temporary, casual and occasional),
- volunteers as outlined in the Niagara Catholic Volunteers AOP (800.9),
- service providers at school sites (and their employees/agents with school-site access and direct, regular student contact), and
- students on educational placement (including co-op, college/university practicum).

DEFINITIONS

Adapted from Niagara Region Police Service as per Regulation 521/01 of the Education Act, as amended by Regulation 322/03 and the Police Records Reform Act of 2015, and further enhanced by Regulation 298/25.

A Chief of Police or a member of a police service designated by a chief of police for the purposes of this Act shall conduct police record checks. Each check must be dated within six (6) months prior to the date on which the Board collects the document.

A Police Record Check is the general term for police background checks under the Police Record Checks Reform Act. There are three kinds of police record checks:

- Police Criminal Record Check (PCRC)
- Police Criminal Record and Judicial Matters Check (PCRJMC)
- Police Vulnerable Sector Check (PVSC)

The Education Act requires only two of the three types:

1. Police Criminal Record and Judicial Matters Check
2. Police Vulnerable Sector Check

Police Criminal Record and Judicial Matters Check

Required when an individual is **not** in a position of trust or authority in relation to students.

A Police Criminal Record and Judicial Matters Check includes all information permitted to be disclosed in a basic criminal record check and includes additional information such as outstanding charges, warrants, certain judicial orders, and absolute and conditional discharges.

Police Vulnerable Sector Check

Required when an individual is in a position of trust and authority in relation to students.

A Police Vulnerable Sector Check is a more in-depth check that includes all information permitted to be disclosed in a Police Criminal Record and Judicial Matters Check as well as applicable findings of not criminally responsible on account of mental disorder, record suspensions related to sexually-based offences, and non-conviction charges-related information in certain circumstances and when a strict test is met.

Offence Declaration

A written declaration signed by an individual confirming whether they have been convicted of any Criminal Code (Canada) offences since the date of their last Police Record Check or last Offence Declaration, for which a pardon/record suspension has not been granted. Only convictions not already captured in the previous Police Record Check or declaration must be disclosed.

Service Provider: An individual who has **direct, regular contact with students at a school site** while providing goods/services under or through a board contract.

Position of Trust or Authority: A situation where an individual has trust or authority over students beyond mere contact - used to determine when a Police Vulnerable Sector Check is required.

ROLES AND RESPONSIBILITIES

Human Resources Services

- Determine required Police Record Check type per role;
- Verify Police Record Checks and Offence Declarations;
- Track renewal timelines;
- Maintain secure records;
- Conduct contextual risk assessments;
- Make final determination regarding suitability for employment;
- Review and adjudicate all offence-related disclosures (charges, convictions) from existing employees;
- Determine when an employee must complete a new Police Record Check following the disclosure of charges;
- Communicate decisions and required next steps to Administrators/Supervisors;

- Apply consequences for non-compliance (suspension without pay, termination, revoking conditional offers);
- Approve exceptional circumstances for conditional starts;
- Ensure proof of Police Record Check application was submitted;
- Maintain documentation in compliance with privacy legislation.

Administrators, Supervisors, Managers

- **Applies to all employees:**
 - Implement conditional start protection measures as directed by Human Resources Services.
- **Applies to Service Providers and Placement Students:**
 - Request, collect, and verify required Police Record Checks and Offence Declarations to ensure individuals are fully compliant before beginning duties or placements;
 - Ensure annual Offence Declarations are completed when applicable;
 - Request a Police Vulnerable Sector Check at any time to confirm ongoing compliance;
 - Restrict school access for individuals who are not compliant with requirements;
 - Ensure no individual providing services with regular, direct student contact enters without a satisfactory Police Vulnerable Sector Check;
 - Notify Human Resources Services of concerns or when an exception or conditional start may be required;
 - Maintain required documentation at the school and ensure records are stored in compliance with privacy and retention requirements;

Employees, Service Providers and Placement Students

- Submit required Police Record Checks dated within the previous six (6) months, and Offence Declaration by deadlines as required;
- Immediately report Criminal Code charges or convictions to Human Resources Services, and obtain a new required Police Record Check if charged with an offence;
- Ensure required Police Record Checks are renewed every five (5) years, aligned with birth month;
- Provide documentation confirming that the required Police Record Check application has been submitted;
- Sign Conditional Offer conditions and Offence Declaration if starting conditionally;
- Comply with supervision restrictions during conditional starts;
- Cooperate with Human Resources Services during contextual risk assessments.

FOR NEW EMPLOYEES

School-Based Positions

In accordance with regulation 521/01 of the Education Act as amended by regulation 322/03, and further enhanced by Regulation 298/25, all newly hired employees for school-based positions of trust and authority over children or vulnerable persons are required, as a condition of employment to provide a Police Vulnerable Sector Check demonstrating a satisfactory result.

This requirement applies to, but is not limited to, the following school-based positions; Teachers, Educational Assistants, Early Childhood Educators, Secretaries, Social Workers, Chaplains, Child and Youth Workers, Administrators, Library Personnel, and Custodial Staff.

Prospective employees in school-based positions must:

- a. provide, upon hire, a fully executed Police Vulnerable Sector Check dated within the previous six (6) months showing a satisfactory vulnerable sector screening result;
- b. obtain a new Police Vulnerable Sector Check every five (5) years, aligned with their birth month, as part of the Board's ongoing police background check requirements;

- c. be responsible for obtaining the background check at their own expense and presenting it to Human Resources Services;

In exceptional circumstances, with the approval of the Executive Officer of Human Resources Services /Designate, an individual may be permitted to begin employment before the Police Vulnerable Sector Check is received.

A conditional start under an exceptional circumstance may be granted only when all the following conditions are met:

- The delay in obtaining the Police Vulnerable Sector Check is attributable to the police service or authorized provider, or the hiring is urgently required to maintain safe school operations;
- Appropriate student protection measures can be put in place (e.g., direct supervision by a staff member with a current Police Vulnerable Sector Check, no one-to-one or unsupervised contact with students);
- The individual signs an Offence Declaration and a Conditional Offer of Employment which confirms that the required Police Vulnerable Sector Check will be provided without delay.
- The agreement will also affirm the Board's right to revoke the offer of employment or terminate employment if the information provided is false, misleading, or if the completed Police Vulnerable Sector Check is deemed unacceptable;
- The individual provides documented proof that the Police Vulnerable Sector Check application has been submitted (e.g., receipt or confirmation from the police service).

Non-School-Based Positions

In accordance with regulation 521/01 of the Education Act as amended by regulation 322/03, and further enhanced by Regulation 298/25, all newly hired employees for non-school-based positions are required as a condition of employment to provide a Police Criminal Record and Judicial Matters Check demonstrating a satisfactory result.

This requirement applies to, but is not limited to, the following non-school-based positions Administration, Finance, Information Technology Services, Maintenance Staff, Human Resources Services, and Communications.

Prospective employees in non-school-based positions must:

- a. provide, upon hire, an original Police Criminal Record and Judicial Matters Check dated within the previous six (6) months and showing a satisfactory result.
- b. obtain a new police check record every five (5) years, aligned with their birth month, as part of the Board's ongoing criminal background check requirements.
- c. be responsible for obtaining the document at their own expense and presenting it to Human Resources Services.

In exceptional circumstances, with the approval of either the Executive Officer of Human Resources Services/Designate, an individual may be permitted to begin employment before the required Police Criminal Record and Judicial Matters is received.

A conditional start under an exceptional circumstance may be granted only when all of the following conditions are met:

- The delay in obtaining the Police Criminal Record and Judicial Matters Check is attributable to the police service or authorized provider, or the hiring is urgently required to maintain safe operations;
- The individual signs an Offence Declaration and a Conditional Offer of Employment which confirms that the required Police Criminal Record and Judicial Matters Check will be provided without delay.

- The agreement will also affirm the Board's right to revoke the offer of employment or terminate employment if the information provided is false, misleading, or if the completed Police Criminal Record and Judicial Matters Check is deemed unacceptable.
- The individual provides documented proof that the Police Criminal Record and Judicial Matters Check application has been submitted (e.g., receipt or confirmation from the police service);

ELIGIBILITY FOR EMPLOYMENT

- a. The purpose of the requirement to obtain a Police Vulnerable Sector Check or a Police Criminal Record and Judicial Matters Check is to determine whether a person has a record of offences, which would make them unsuitable as an employee. To further specify, but not to limit this purpose, the Board will not knowingly employ any person with a record of criminal conviction for which a pardon has not been granted for the following offences but not limited to:
 - Any sexual offence under the Criminal Code of Canada;
 - Any violations under the Narcotic Control Act or the Food and Drug Act;
 - Any criminal offence which relates directly or indirectly to a person who is less than 18 years of age, or in the case of a person who has Special Needs, 21 years old or less;
 - Crimes of violence which include, but are not limited to, threats, assaults, the use, possession or concealment of a weapon or imitation of a weapon;
 - Propagation of hate literature or incitement to hatred;
 - Possession, distribution, or sale of any pornographic or violent material.
- b. The appropriate Board personnel will examine the Police Vulnerable Sector Check, or a Police Criminal Record and Judicial Matters Check to identify areas of concern. Persons with a criminal record who are otherwise suitable shall not be automatically disqualified. Mitigating circumstances will be assessed before a final decision with respect to suitability is made. The following factors shall be considered, where applicable:
 - The risk posed to students, employees and Board property and equipment;
 - The specific duties and responsibilities of the position in question and the relevance of the criminal charge(s)/conviction(s) to that position;
 - The length of time since the conviction(s);
 - Rehabilitative or other efforts undertaken.
- c. The Board will not employ persons who have criminal records and/or patterns of behaviour that may place students and/or staff at risk.

REQUIREMENTS FOR EXISTING EMPLOYEES

In accordance with Regulation 521/01 of the Education Act, as amended by Regulation 322/03 and the Police Records Reform Act of 2015, and further enhanced by Regulation 298/25, all existing employees are required to submit:

1. A police record check based on their position with the board on a five-year renewal cycle, aligned with their birth month; and
2. An Offence Declaration in each year when an employee is not required to submit a new police record check. The Board shall collect an Offence Declaration from every employee in any year when a police record check is not required. The purpose of the Offence Declaration is to confirm whether an employee has been charged with or convicted of any Criminal Code offence within the previous twelve (12) months that may affect their suitability for continued employment. All employees must complete an Offence Declaration through the *Employee Information Portal* by June 30th in any year when a police record check is not required.

An employee charged of an offence in advance of the Offence Declaration date must:

- a. Report the charge immediately upon receipt to the Executive Officer of Human Resources Services/Designate, and
- b. Complete a new Police Vulnerable Sector Check or Police Criminal Record and Judicial Matters Check, as appropriate to their role, as soon as possible.

In reviewing offence-related information Human Resources Services shall consider the applicable legal framework, including but not limited to the *Canadian Charter of Rights and Freedoms*, *Criminal Code of Canada*, *Ontario Human Rights Code*, *Police Services Act*, *Child and Family Services Act*, *Youth Criminal Justice Act*, *Municipal Freedom of Information and Protection of Privacy Act* and relevant Board policies.

The Niagara Catholic District School Board will not continue to employ, individuals whose criminal record, conduct, or patterns of behaviour is determined to pose a risk to students and/or staff.

RETENTION OF DOCUMENTATION

The Board shall retain an *original or a true copy*, in the matter to which it has been issued, of the Police Vulnerable Sector Check, Police Criminal Record and Judicial Matters Check, and the Offence Declaration in Human Resources Services.

CONSEQUENCES OF NON-COMPLIANCE

New employees who fail to provide a Police Vulnerable Sector Check or Police Criminal Record and Judicial Matters Check in compliance with Regulation 521/01 as amended by Regulation 322/03, and further enhanced by Regulation 298/25, will have the offer of employment revoked, and their employment terminated.

Existing employees who fail to submit a required Police Vulnerable Sector Check or Police Criminal Record and Judicial Matters Check on a five-year renewal cycle, or who fail to complete an Offence Declaration in any year when a police record check is not required, by the prescribed deadline may be suspended without pay until the required document is submitted.

Existing employees who fail to disclose any charges immediately upon receipt may be terminated.

POLICE VULNERABLE SECTOR CHECKS FOR SERVICE PROVIDERS

A service provider is an individual who is not an employee of the Board and who, in the normal course of providing goods or services performs work under contract with the Board or performs work as an employee or agent of a person or organization that provides goods or services under contract with the Board or Ministry of Education. For the purposes of this Policy, a contract includes regularly scheduled, ongoing, or recurring work that is open-ended in nature or returns year after year, even where a formal written contract may not exist. The definition of "others" extends the requirement of a Police Vulnerable Sector Check (to individuals who provide goods or services without a formal contract, where the nature of their work results in direct and regular contact with students).

1. The Board will not permit school access to service providers or "others" who have direct and regular contact with students if they have not provided a satisfactory Police Vulnerable Sector Check, or their Police Vulnerable Sector Check, that has been reviewed and deemed to present an unacceptable risk to students and/or staff.
2. School Administrators, Managers and Supervisors are authorized to request any service provider to produce a Police Vulnerable Sector Check at any time to confirm compliance with this Policy and the statutory Regulations.

3. The Board will determine which service provider may come into direct and regular contact with students and are therefore required to produce a Police Vulnerable Sector Check prior to attending any school site.
4. The Board will include provisions in the Request for Proposal, Tender, Quotations, that will notify potential service providers of the requirements to obtain a Police Vulnerable Sector Check prior to commencing work, and an Offence Declaration in each year in which a new police record check is not required.

POLICE VULNERABLE SECTOR CHECKS FOR INDIVIDUALS REQUIRING A PLACEMENT FOR PROFESSIONAL CERTIFICATION

The Board will not permit school access to individuals requiring a placement for professional certification, or “others” who have direct and regular contact with students if they have not provided a satisfactory Police Vulnerable Sector Check, or their Police Vulnerable Sector Check that has been reviewed and deemed to present an unacceptable risk to students and/or staff.

Individuals requiring a placement for professional certification, and “others” who perform duties on an ongoing, recurring, or year-to-year basis are considered continuous for the purpose of this Policy. Accordingly, they are required to obtain a new Police Vulnerable Sector Check every five (5) years, and they must complete an Offence Declaration every year in which a new police record check is not required. This requirement applies equally to:

- Placement students who participate in recurring co-op or practicum cycles, and
- “Others” whose school involvement returns from year-to-year in roles requiring direct and regular contact with students.

A requirement for individuals requiring a placement for professional certification or “others” who are not in a position involving direct and regular contact with students, must provide a Police Criminal Record and Judicial Matters Check instead of a Police Vulnerable Sector Check.

RETENTION OF DOCUMENTATION FOR INDIVIDUALS REQUIRING A PLACEMENT FOR PROFESSIONAL CERTIFICATION

The Board will retain an original or a true copy, in the matter to which it has been issued, of the Police Vulnerable Sector Check, for the individual at the site of the placement. Documentation will be retained in accordance with all applicable privacy legislation and Board policies.

References

- [Education Act](#)
- [Canadian Charter of Rights and Freedoms](#)
- [Ontario Human Rights Code](#)
- [Child and Family Services Act](#)
- [Criminal Code of Canada](#)
- [Youth Criminal Justice Act](#)
- [Regulation 521/01, as amended by Regulation 322/03](#)
- [Regulation 298/25](#)
- [Student Protection Act, 2002](#)
- [Teaching Profession Act](#)
- [Police Records Check Reform Act 2015](#)
- [Niagara Regional Police Service - Police Record Checks](#)

Niagara Catholic District School Board Policies/Procedures

- [Access to Board Premises: Safe Schools \(302.6\) AOP](#)
- [Accessibility Customer Service Policy \(800.8.1\)](#)
- [Educational Field Trip \(400.2\) AOP](#)
- [Sexual Misconduct \(201.13\) AOP](#)
- [Niagara Catholic Volunteers \(800.9\) AOP](#)
- [Privacy Policy \(600.6\)](#)
- [Privacy Breach Protocol](#)
- [Police Protocol between the Niagara Regional Police Services and the Niagara Catholic District School Board](#)
- [Protocol between Family and Children Services and the Niagara Catholic District School Board](#)
- [Record Information and Management Classification System and Retention Schedule](#)

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