



YORK CATHOLIC DISTRICT SCHOOL BOARD

BOARD POLICY	
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CRIMINAL BACKGROUND CHECKS – SERVICE PROVIDERS

1. PURPOSE

The York Catholic District School Board ("Board") affirms its responsibility to provide students and staff with a safe and secure learning and working environment. The Board is in a position of trust with regards to students and must strive to protect their intellectual, physical and emotional well-being. In accordance with Ontario Regulation 521/01, *The Collection of Personal Information*, the Board commits to implementing appropriate measures to ensure that those service providers having direct and regular contact with students are free of any criminal records which may place students at risk.

2. OBJECTIVE

It is the policy of the Board to allow opportunities for providing goods or services requiring direct and regular contact with students, only to individuals in compliance with Regulation 521/01.

3. PARAMETERS

- 3.1 The Board shall comply with the Ontario Regulation 521/01, *The Collection of Personal Information*, as it pertains to service providers at a school site of the board.
- 3.2 Service Providers shall only provide goods and/or services to the Board when the appropriate party has received all required documentation with respect to criminal background checks.
- 3.3 The administration of the policy requires:
 - 3.3.1 Collection and verification of a Vulnerable Sector Check or an Enhanced Police Information Check (E-PIC), completed within six (6) months, for school-appointed Service Providers prior to the Service Provider commencing service at a school site and for any new employees who have been hired throughout the duration of the contract.
 - 3.3.2 Collection and review of annual Offence Declarations referencing every individual or employee who may come into direct contact with students on a regular basis at the school site, subsequent to commencement of service, by September 1 of each year in which the individual is a Service Provider at the

- school thereafter.
- 3.3.3 The establishment and implementation of appropriate recording keeping practices to ensure records are readily available for verification and audit purposes.

- 3.4 If an individual is a Service Provider of the board at one or more school sites and becomes a Service Provider at a different school site, the board shall collect an Offence Declaration from the individual before the individual becomes a Service Provider at that school.

4. RESPONSIBILITIES

4.1 Director of Education

- 4.1.1 To oversee compliance with the Criminal Background Checks – Service Providers policy.

4.2 Chief Financial Officer & Treasurer of the Board

- 4.2.1 To ensure that this Policy is administered effectively in accordance with all relevant legislation and Board practices.

4.3 Senior Administrators

- 4.3.1 To support the implementation of and compliance with the policy.
4.3.2 To ensure awareness of, and compliance with, approved Policy by their staff members.

4.4 Principals

- 4.4.1 To ensure compliance with and administration of this policy for Service Providers selected by School Administration.

4.5 Purchasing Services Manager

- 4.5.1 To ensure awareness of and compliance with approved Policy.

4.6 Purchasing Services Staff

- 4.6.1 To ensure awareness of and compliance with approved Policy among end users involved in the engagement of Service Providers.
4.6.2 To incorporate into bid documents for a Service provider necessitating Criminal Background Checks, a mandatory requirement for Criminal Background Checks from the awarded Proponent.

5. DEFINITIONS

5.1 Criminal Background Check

A document concerning an individual that was prepared by a police force within six months before the day the Board collects the document, containing information concerning the individual's personal criminal history.

5.2 Direct and Regular Contact with Students

Working with students face-to-face or having unsupervised access to students on a recurring basis.

5.3 Goods

Tangible consumable items.

5.4 Services

Tasks performed by individuals.

5.5 Service Provider

An individual who comes into direct contact with students on a regular basis at a school site of the Board in the normal course of providing goods or services to the Board, as defined in Regulation 521/01, including a company's owner, employee or subcontractor.

- 5.5.1 Board-Appointed Service Provider Service Providers engaged by Purchasing. Services via a competitive bid process, primarily due to the higher dollar value of the engagement, e.g.: Child Youth Workers.
- 5.5.2 School-Appointed Service Provider Service Providers selected locally by School Administration. These primarily address the expenditure of locally raised funds, e.g.: Tour Operators

5.6 Vulnerable Sector Check

A Vulnerable Sector Check is a background check completed by the police and is required of individuals who intend on working or volunteering within a vulnerable sector. A vulnerable person is defined as a person who, because of their age, a disability, or other circumstances, whether temporary or permanent are (a) in a position of dependence on others or (b) are otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them.

A Vulnerable Sector Check may provide the following information:

- 5.6.1 Every criminal offence of which the individual has been convicted for which a pardon has not been issued or granted; or
- 5.6.2 Every finding of guilt under the Youth Criminal Justice Act (Canada) in respect of the individual during the applicable period of access under the Act; or
- 5.6.3 Every criminal offence of which the individual has been found guilty and received an absolute discharge; or
- 5.6.4 Every criminal offence of which the individual has been found guilty and received a conditional discharge on conditions set out in a probation order; or
- 5.6.5 Every criminal offence for which there is an outstanding charge or warrant to arrest in respect of the individual. Every court order made against the individual; or
- 5.6.6 Every criminal offence with which the individual has been charged that resulted in a finding of not being criminally responsible on account of a mental disorder; or
- 5.6.7 Any conviction for which a pardon has been granted; or
- 5.6.8 Any conviction information authorized for exceptional disclosure in accordance with the *Police Record Checks Reform Act*, s.10(1).

5.7 Enhanced Police Information Check (E- PIC)

The Enhanced Police Information Check includes searches that may be under criminal convictions that did not establish a Criminal Record or that may be in addition to a Criminal Record and may include:

- 5.7.1 Every criminal offence of which the individual has been convicted for which a pardon has not been issued or granted; or
- 5.7.2 Every finding of guilt under the Youth Criminal Justice Act (Canada) in respect of the individual during the applicable period of access under the

- 5.7.3 Act; or Every criminal offence of which the individual has been found guilty and received an absolute discharge; or
- 5.7.4 Every criminal offence of which the individual has been found guilty and received a conditional discharge on conditions set out in a probation order; or
- 5.7.5 Every criminal offence for which there is an outstanding charge or warrant to arrest in respect of the individual. Every court order made against the individual; or
- 5.7.6 Any conviction for which a pardon has been granted.

CROSS REFERENCES

Legislation

[Ontario Regulation 521/01 The Collection of Personal Information](#)

Additional Documents

[YCDSB Purchase Reference Guide](#)

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