

Criminal Record Policy Statement

POLICY:

At the request of (name of agency) (hereinafter referred to as the "Centre") all staff of the Centre (employees, board members, and other registered volunteers) must have their criminal records reviewed and determined to be acceptable by the Centre and consistent with government standards.

Any employee, who is charged with or convicted of a new offense subsequent to a criminal record check, must promptly report the charge or conviction to the Executive Director and provide the Executive Director with a signed criminal record check Authorization Form.

REASON FOR POLICY:

This Policy Statement provides the procedure that will be used in reviewing the criminal records of all present and potential staff. In developing this policy, the safety of the children and other clients of the Centre, the current and potential staff members' right to privacy and procedural fairness, and the reputation of the Centre were considered.

PROCEDURE:

1. A potential staff member is a person who has applied for a job or volunteer position with ---- and whom the Centre has decided to interview for a job or volunteer position with the Centre.
2. A Criminal Record Search is the document produced by the police in cooperation with the Centre when a Consent to Release Criminal Record Information Form is filed with them.
3. The Executive Director shall be responsible for overseeing the criminal record search and review process. For the position of the Executive Director, the Board of Directors will be responsible for overseeing the criminal record search and review process.
4. All staff members and selected potential staff members shall file a Consent to Release Criminal Record Information form with the appropriate police and required provincial authorities and direct the results to the Executive Director.
5. Any fee charged by these authorities to the staff or selected potential staff member for the provision of the Criminal Record Search shall be reimbursed by the Centre upon presentation by the staff member or selected potential staff member of a receipt from them for payment of the said fee.
6. The Criminal Record Search of all staff and selected potential staff members shall be held in confidence.

HIRING OF NEW STAFF:

7. (a) Prior to the interview of any potential staff member, the Executive Director shall notify the potential staff member that a Criminal Record Search is prerequisite to employment with the Centre.
- (b) Upon receipt of the notification of the selected potential staff member, the Executive Director shall require the selected potential staff member to file a Consent to Release Record Information Form.

- (c) If upon receipt of the selected potential staff member's Criminal Record Search, it shows a conviction exists, the Executive Director shall show the Criminal Record Search to the potential staff member who may provide the Executive Director with a written explanation of his/her criminal record. The Executive Director shall notify the selected potential staff member of this right.
- (d) If the selected potential staff member's Criminal Record Search shows no convictions, the Executive Director may offer the selected staff member employment with the Centre.
- (e) If a selected potential staff member's Criminal Record Search shows that he/she had been convicted of an offense or offenses, the Executive Director shall call a meeting of the legal advisor to the Board to review the Criminal Record Search, if deemed necessary.
- (f) If the selected potential staff member's Criminal Record Search and his/her explanation, determines that the potential staff member is not disqualified from employment with the Centre, the Executive Director may offer employment with the Centre to that potential staff member. Decision will be written as to why employment would be offered and placed in file.
- (g) If the selected potential staff member's Criminal Record Search and his/her explanation, determines that the potential staff member is disqualified from employment with the Centre, the Executive Director shall not offer the potential staff member employment with the Centre, but shall inform the Hiring Committee of the name of the alternate selected potential staff member.
- (h) Upon determining that a potential staff member is unsuitable for employment with the Centre on a review, the Executive Director shall return to that potential staff member a copy of his/her Criminal Record Search and a copy of his/her explanation, if any, by regular mail. The Centre will keep the original and attach it to the resume with an explanation. This will be kept in the personnel files for a year by the Office Manager.

PRESENT STAFF:

- 8. (a) Staff on leave for a period greater than 12 months will be required to submit a new record check.
- (b) A staff member who works with children must provide a criminal record check authorization at least once every five (5) years as required by Bill 16, the Public Safety Statues Amendment Act, 2007 that came into effect January 2008.
- (c) If a Criminal Record Search of a staff member shows no convictions, the Record Search will be placed in the personnel file.
- (d) If a Criminal Record Search of a staff member shows convictions, the Executive Director shall call a meeting with the legal advisor, if deemed necessary.
- (e) The Executive Director shall review the Criminal Record Search(es) presented and shall determine whether the staff member's Criminal Record disqualifies him/her from employment with the Centre.
- (f) The Executive Director shall record any decisions made pursuant to subsection (4) and the reasons for their decision in writing and will place the written record in the personnel file.
- (g) If the Executive Director determines that a staff member's Criminal Record does not disqualify the staff member from employment with the Centre, the Executive Director shall notify the staff member of the decision in writing within seven (7) days of making the decision.

- (h) If the Executive Director determines that a staff member's Criminal Record disqualifies the staff member from further employment with the Centre, he /she will notify the staff member of the decision, in writing, by regular mail or hand delivery, as soon as possible after making the decision.
- (h) A staff member who has been notified by the Executive Director that he/she has been disqualified from further employment with the Centre may appeal that notice to the Executive Director in writing within seven (7) days of receipt of the notification. That staff member will then make submissions to the Review Committee consisting of the Executive Director, Legal Advisor and a mutually acceptable member of staff or board.
- (i) Upon reconsideration of the Executive Director's decision, the Review Committee shall notify the staff member of its decision of the Board within seven (7) days of making the decision.
- (k) Upon reconsideration of the Executive Director's decision, the Review Committee shall notify the staff member of its decision of the Board within seven (7) days of making the decision.
- (l) No staff member who has been notified by the Review Committee, that his criminal Record disqualifies him/her from further employment with the Centre, shall report to work after the date specified in the notification, if and until requested to do so by the Centre.
- (m) If the Review Committee in reconsidering the decision of the Executive Director determines that the Criminal Record of the staff member does not disqualify the staff member from employment with the Centre, the Centre shall pay the staff member any earnings lost by the staff member's inability to report to work.

CRITERIA TO BE CONSIDERED BY THE EXECUTIVE DIRECTOR OR REVIEW COMMITTEE:

- 9. The quality of the services provided to and the safety of children and other clients of the Centre is the paramount consideration of the Committee when reviewing a Criminal Record Search.
- 10. The Executive Director and/or the Review Committee in reviewing a Criminal Record Search shall consider the following criteria:
 - (a) the nature of the offense
 - (b) the number of offenses
 - (c) the date when the offense was committed
 - (d) the age of the staff member or potential staff member at the time the offense was committed;
 - (e) the sentence imposed upon conviction
 - (f) the functions that the staff member or potential staff member performs or will perform; and
 - (g) any other circumstance that the Executive Director and Review Committee deems relevant having regard to the above.