

ADMINISTRATIVE PROCEDURES

SUBJECT: Police Record Checks for Employees, Trustees, Volunteers, Service Providers and Others
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Definitions

“Police Record Check” means a police record check within the meaning of the Police Record Checks Reform Act, 2015 and is a document that:

- a) was prepared by a police force or service from national data on the Canadian Police Information Centre (CPIC) database within six (6) months before the date the Board collects the document; and
- b) depending on the type of check provides information concerning the individual’s police record including Criminal Code (Canada) convictions, pardoned sexual offences, records of convictions under the Controlled Drugs and Substances Act, Narcotic Control Act and Food and Drugs Act and all outstanding warrants and charges.

“Vulnerable Sector Check (VSC)” is a type of police record check that will be collected if an individual is or will be in a position of trust or authority in relation to students as defined by the Board.

“Criminal Record and Judicial Matters Check (CRJMC)” is a type of police record check that will be collected if an individual is not or will not be in a position of trust or authority in relation to students as defined by the Board.

“Offence Declaration” means a written or electronic declaration signed by an individual listing all of the individual’s convictions for offences under the Criminal Code (Canada) up to the date of the declaration:

- a) that are not included in a police record check collected by the Ontario College of Teachers (OCT) after December 31, 1998 or in the last police record check collected by the Board under O. Reg 521/01; and,
- b) for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted.

A. POLICE RECORD CHECKS FOR EMPLOYEES

Requirements

The Collection of Personal Information Ontario Regulation (521/01) requires the Board to do the following:

New Employees

All new employees will be required to provide, at their own expense, an original police record check. The Board will communicate the type of police record check required by the employee (either a VSC or CRJMC). The date of the police record check must be no more than six (6) months prior to the date of commencement of employment. All offers of employment with the Board shall be conditional upon the applicant supplying the required police record check that is acceptable to the Board.

Current Employees

In accordance with Regulation 521/01, as amended by Regulation 298/25, all current employees will be required to provide an updated police record check as per the schedule found in Appendix 1 and if they are charged with, or convicted of, an offence under the Criminal Code (Canada) as soon as reasonably possible after the charge or conviction. When an original police record check is required, the Board will communicate the type of check required by the employee. The date of the police record check must be no more than six (6) months prior to the date requested by the Board.

All employees are required to provide an annual offence declaration prior to the start of each school year in which the individual continues to be employed by the Board.

Rehiring Employees

If an individual terminates their employment with the Board and is then rehired within one (1) year of their original termination, the Board shall obtain an offence declaration upon the date of rehire. If the date of rehire occurs beyond one (1) year from the date of termination, the Board shall collect an acceptable police record check before the day the individual commences employment with the Board.

Emergency Provision for New Employees

Normally, a candidate shall not commence employment with the Board until an acceptable police record check has been supplied. Only in exceptional circumstances will a person be permitted to commence employment with the Board before the Board has received the police record check. In such a case, the candidate will be required to provide an offence declaration which may, at the Board's sole discretion, permit the candidate to commence employment prior to the submission of the police record check.

Before any such exception is made, a binding agreement (Appendix 2) shall be entered into between the employee, or any authorized representative of the employee, and the Board, ensuring that the verification be provided without delay and in a timely manner.

This agreement will preserve the Board's right to revoke the offer of employment, and dismiss the employee, should the information provided by the employee prove to be false or misleading in any respect, or if the police record check is determined to be unacceptable.

Retention

The Board shall retain the original or true copy of the police record check. Completed police record checks and offence declarations will be filed in a separate and secure location.

Adjudication for New Employees

Where evidence is received of a criminal conviction or other relevant conviction, the designated Board contact will consider at least the following factors in determining an appropriate course of action:

- a) the length of time since offence(s);
- b) any involvement of children and/or sexual activity and/or violence and/or acts of dishonesty in the offence(s);
- c) the employment history;
- d) the employee's attitude towards offence(s);
- e) any treatment, counselling or other services received since the offence(s);
- f) other steps taken to rehabilitate;
- g) any likelihood offence(s) will be repeated;
- h) if alcohol or illegal drugs were a factor in commission of offence(s);
- i) the degree of co-operation with this investigation;
- j) if the offence(s) committed while employed by the Board;
- k) if the employee is a teacher, relevance of offence(s) to teacher duties as set out in the Education Act and Regulations;
- l) if employee is not a teacher, relevance of offence(s) to their employment duties; and
- m) whether the offence(s) require any action pursuant to The Student Protection Act (including notification of the Ontario College of Teachers)

The course of action may include disciplinary action up to and including dismissal, or withdrawal of an employment offer, and shall be in compliance with other Board policies, collective agreements and legislation.

Consequences of Non-Compliance

Employees who fail to provide either a police record check or a signed offence declaration form by the date prescribed by the Board may be suspended without pay until the form is received. Continued failure to submit either of these documents will result in termination of employment.

B. CRIMINAL BACKGROUND CHECKS FOR TRUSTEES

All new trustees will be required to provide a police record check at the start of their term. The date of the check must be no more than six (6) months prior to the date of

commencement of being sworn in as a trustee. All current trustees will be required to provide an updated police record check as per the schedule found in Appendix 1 and if they are charged with, or convicted of, an offence under the Criminal Code (Canada) as soon as reasonably possible after the charge or conviction. When an original police record check is required, the Board will communicate the type of check required by the trustee. The date of the police record check must be no more than six (6) months prior to the date requested by the Board.

Trustees are also required to provide an annual offence declaration prior to the start of each school year in which they continue to be a trustee of the Board.

C. POLICE RECORD CHECKS FOR VOLUNTEERS

All volunteers are required to comply with LKDSB Regulation R-PR-219 *Volunteers*.

D. POLICE RECORD CHECKS FOR SERVICE PROVIDERS

Definition

“Service Provider” means an individual who is not an employee of the Board and who comes into direct contact with pupils on a regular basis at a school site of the Board in the normal course of:

- a) providing goods or services under contract with the Board, carrying out their employment functions as an employee of a person who provides goods or services under contract with the Board, or,
- b) providing services to a person who provides goods or services under contract with the Minister.

Requirements

Purchasing will include language in any new request for services and contracts, where the Service Provider will be in direct contact with pupils on a regular basis, and will ensure that all applicable Service Providers are in compliance with Regulation 521/01 before providing services to the Board and will ensure that Service Providers obtain updated police record checks every five years for their employees.

Consequences of Non-compliance

A Service Provider who fails to comply with the police record check requirements of the Board will be barred from providing services to the Board.

E. POLICE RECORD CHECKS FOR OTHERS HAVING DIRECT AND REGULAR CONTACT WITH STUDENTS

Included in this category are the following:

- a) provincial organizations that provide services to schools, but who are not Service Providers as defined in the regulation and **who are not exempt from these requirements** as the organization has standards and practice in place. The Board will request a valid organization

issued photo-identification card which clearly identifies them as an employee of the organization

- b) students attending colleges and universities which require practicum placements in schools will be required to obtain a police record check (VSC) from their local police services and submit it to their respective institution. The colleges and universities will provide a copy of the acceptable police record check (VSC) to the Board prior to the practicum placement commencing.

Implementation Date: March 9, 2005

Reviewed: June 2008

Revised: November 9, 2015

Revised: January 26, 2016

Revised: February 23, 2026

Reference: Policy

Education Act – Regulation 521/01, as amended by Regulation 298/25

APPENDIX 1

TABLE 1

POLICE RECORD CHECKS FOR THOSE WITH A PREVIOUS RECORD CHECK ON OR BEFORE SEPTEMBER 1, 2021

Item	Birth Month	Date by which a new police record check must be collected
1	January to March	Last day of birth month in the year 2027
2	April to June	Last day of birth month in the year 2026
3	July and August	June 30, 2026
4	September to December	Last day of birth month in the year 2026

TABLE 2

POLICE RECORD CHECKS FOR THOSE WITH A PREVIOUS RECORD CHECK AFTER SEPTEMBER 1, 2021 AND SUBSEQUENT RECORD CHECKS

Item	Birth Month	Date by which a new police record check must be collected
1	January to June	Last day of birth month in the year that is five years after the year in which the most recent police check was collected
2	July and August	June 30 in the year that is five years after the year in which the most recent police check was collected
3	September to December	Last day of birth month in the year that is five years after the year in which the most recent police check was collected

O. Reg. 298/25, s. 2.

**INTERIM OFFENCE DECLARATION**

PLEASE PRINT IN INK USING BLOCK CAPITAL LETTERS (No Pencil Please)

LAST NAME:	FIRST NAME(S):
DATE OF BIRTH (YYYY/MM/DD):	GENDER: MALE ☐ FEMALE ☐ NON-BINARY ☐ PREFER NOT TO DISCLOSE ☐
HOME ADDRESS:	
REASON FOR OFFENCE DECLARATION: (e.g. NEW HIRE)	
SCHOOL/LOCATION:	

☐ I have NO convictions under the *Criminal Code(Canada)* up to and including the date of this declaration for which a pardon has not been issued or granted under the *Criminal Records Act*. I have NO charges that are ongoing or have been withdrawn. I have NOT been convicted or been granted a pardon for any of the sexual offences that are listed in the schedule to the *Criminal Records Act* and to my knowledge I have never been nor am I currently being investigated for any of the sexual offences that are listed in the schedule to the *Criminal Records Act*. (If you have checked this box, please date and sign this form and return it to the appropriate school board official); **OR**

☐ I have the following convictions for offences under the *Criminal Code (Canada)* for which a pardon under the *Criminal Records Act* has **not** been issued or granted **OR** I have the following charges that are ongoing or have been withdrawn **OR** I have been convicted or been granted a pardon for the following sexual offences that are listed in the schedule to the *Criminal Records Act* **OR** I am aware that I am currently being investigated for the following sexual offences that are listed in the schedule to the *Criminal Records Act*. (If you have ever been charged or convicted of any criminal offence(s) for which you have not been pardoned or if you have been granted a pardon for any of the sexual offences that are listed in the *Criminal Records Act* you must provide ALL details below).

1. Date of Offence: (YYYY/MM/DD) _____

Charge/Offence: _____

Location: _____

Penalty/Conviction: _____

(Use additional pages if necessary)

Personal information on this form is collected pursuant to: (i) the *Freedom of Information and Protection of Privacy Act*, or the *Municipal Freedom of Information and Protection of Privacy Act*; and (ii) the *Personal Information Protection and Electronic Documents Act*, if applicable, for the pursuit of providing services to or for placement with the Lambton Kent District School Board.

I understand that failing to provide information or omission of facts may disqualify me from consideration for providing services to or placement with the Lambton Kent District School Board. I acknowledge that as soon as I am able I will provide the school board with a valid police record check.

DATED at _____ this _____ day of _____, 2____.

Signature: _____ Full Name: _____ (please print)

PLEASE RETURN COMPLETED FORM TO: _____