

CATEGORY: Human Resources

Policy: Employment Procedures Number 2 - 70
- Criminal Reference Check

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1. Purpose

A criminal reference check is part of the recruitment and selection procedures for new staff and volunteers of Scadding Court Community Centre. Agencies funded for licensed by the Ministry of Community and Social Services are required to include criminal reference checks as part of their applicant screening procedures to protect the safety and well being of clients. The information rendered from the criminal reference check will be used solely for the purposes of determining the suitability of the candidate for the position to which they have applied.

Criminal reference checks will be the final stage in the screening process. Only after a successful interview process and other references have been checked will a criminal reference check be initiated.

2. Contact Members

The contact member is the Director of Human Resources.

3. Positions Covered

3.1 Paid Staff

Criminal reference check will be conducted on all new part-time and full-time staff hired after January 1, 2000 working in the following areas:

- Emergency & Occasional Child Care
- Children's Programs (After 4 and Saturday Kids Club)
- Youth Programs
- Programs for persons with physical & developmental disabilities
- Security

3.2. Volunteers

All new volunteers including placement students and Members of the Board of Directors, who are providing direct services, and working unsupervised with children and vulnerable adults will require a criminal reference check.

All volunteers who transfer from a volunteer position to an employed position requiring direct, unsupervised contact with children and vulnerable adults will require a criminal reference check.

3.3. Vulnerable Adults

For the purposes of this policy, the term vulnerable adult will include all adults who, for a range of reasons, may have difficulty ensuring their own safety and protection. These reasons may include but are not limited to:

- the presence of a physical disability;
- the presence of a developmental disability;
- the presence of a psychiatric disability;
- the presence of alcohol or substance abuse;
- the presence of an emotional dysfunction requiring treatment or support; and,
- the need for support and services as a result of being a victim of assault/sexual assault.

4. Costs

Scadding Court will pay the cost of the criminal reference check for both staff positions and volunteers.

5. Process for Obtaining Criminal Reference Check Information

5.1 Criminal reference checks will be conducted only for those applicants/volunteers who have been tentatively selected for the position. The selected candidate will complete and sign the Service Waiver which will be forwarded to the Director of Human Resources to be submitted to the Toronto Police Service.

5.2 During the recruitment and selection process, the applicant/volunteer:

- (i) will be advised of the purpose for the criminal reference check as set out above;
- (ii) will be advised in writing, that a criminal reference check is a prerequisite to securing employment. Any offer of employment is conditional upon the receipt of a criminal reference check as part of the hiring process. The applicant/volunteer will be advised that the employment relationship can be terminated if Scadding Court deems it appropriate upon the receipt of the criminal reference check information. If the applicant/volunteer refuses to provide her/his consent to such a check, then the applicant/volunteer should be advised that her/his application shall proceed no further;
- (iii) will be provided with a Service Waiver form to be complete and signed by the applicant and witnessed by the Director of Human Resources;
- (iv) will be advised that the Service Waiver form requires consent to disclose the following information:
 - (a) convictions, for both Federal (Criminal Code and Young Offenders Act) and Provincial offenses (including Child and Family Services Act)
 - (b) pending charges and previous or ongoing investigations under Federal and Provincial statutes
 - (c) records of “not guilty by reason of mental competence”
 - (d) probation, prohibition and other judicial orders and Civil Findings with respect to abuse of children
 - (e) admissions of abuse of children where charges were not laid
- (v) will be advised that if the Toronto Police Service identifies police record information on the applicant/volunteer, the Toronto Police Service will:
 - (a) contact the applicant/volunteer in writing and request that the applicant/volunteer attend an interview at the Toronto Police Service and upon presentation of appropriate identification, the applicable information will be disclosed to the applicant/volunteer;
 - (b) provide the applicant/volunteer with a written summary of the policy information upon completion of the interview;

- (c) advise the applicant/volunteer that it is at their discretion to contact the organization's contact members thereafter with the police information
- (d) advise the organization in writing of the date and time of the applicant/volunteer interview and confirm the applicant/volunteer did attend and receive disclosure of police information in writing.
- (vi) will be advised that a positive criminal reference check will not automatically disqualify them from employment or volunteer status. The criminal reference check should be submitted to the Director of Human Resources. The candidate will then be invited to an interview to provide further information and clarification. The determination of the suitability of the candidate will be made in accordance with the factors indicated in section 8 of this policy.
- (vii) will be advised that if no record is found the Toronto Police Service will notify the Organization and the candidate in writing.

6. Conditional Offer of Employment

Scadding Court will not, as normal practice, make an offer of employment until the criminal reference check has been received, reviewed and determined to be acceptable.

If it is necessary for the applicant to begin work before the criminal reference check process is complete, a conditional offer of employment will be given with the approval of the Executive Director and the Program Director. The conditional offer shall stipulate that the employment relationship can be terminated without notice, should the results of the criminal reference check disqualify the applicant from further employment. The conditional offer of employment shall be given to the candidate in writing, and will require the agreement of the candidate to indicate acceptance of the terms and conditions.

Anyone hired on a conditional basis will be directly supervised at all times and not have unsupervised contact with clients.

Volunteers will not begin until the criminal reference check has been received, reviewed and determined to be acceptable by the Director of Human Resources.

7. Procedures for Receipt of Criminal Reference Check:

After the candidate has submitted the criminal reference check to the Director of Human Resources, the following procedures will be followed:

- 7.1 If the report is negative, the successful candidate will be offered the position for which s/he has applied. In case where a conditional offer has been tendered, the employment offer will be confirmed.

A Scadding Court report confirming an acceptable criminal reference check will be kept in the employee's file. The criminal reference check will be kept separate from the personnel file in a locked cabinet until the applicant has successfully passed their probationary period of employment.

- 7.2 If the criminal reference check is positive, the following procedures will be followed:
- (i) The candidate will be invited to attend an interview, and further information and clarification will be sought.
 - (ii) The Executive Director, the Director of Human Resources, and the Program Director will exercise discretion in determining whether the record of offenses constitutes cause to disqualify a candidate for the position.
 - (iii) The Executive Director will make the final decision.
 - (iv) The Human Resources Department will inform the candidate of the decision in writing.

8. Determination of Suitability of the Candidate

- 8.1 In determining whether a candidate with a positive criminal reference check will be offered a position, the following factors will be considered:
- (i) the nature and number of the offenses;
 - (ii) the length of time since the occurrence;
 - (iii) the applicant's age at the time of the offence;
 - (iv) the rehabilitative efforts made by the applicant;
 - (v) the specific duties and responsibilities of the position which would make the conviction a reasonable and bona fide reason for denying employment; and
 - (vi) the risk posed to the clients and the organization as a result of employing the applicant/volunteer for the position.
- 8.2 The following are examples of offenses which would put our clients at risk and would therefore negatively affect the applicant's suitability for employment or volunteer status. **This is not an exhaustive list.** e.g.: Violent crimes, sexual offenses, child abuse, theft, embezzlement, trafficking in or importing for the purpose of trafficking a narcotic under the

Narcotic Control Act or a controlled or restricted drug under the Food and Drug Act, individuals who have attempted to hide the fact of their conviction.

9. Current Criminal Reference Check

The criminal reference check must be dated no earlier than one month prior to the date it is submitted by the applicant.

10. Confidentiality

10.1 All information obtained from the criminal reference check will be kept in the strictest confidence. Applicants and volunteers will be informed that:

- (i) the information will be used only as part of the screening procedures
- (ii) the information will not be made public in any form
- (iii) the information reported in the criminal reference check will be shared only with the following personnel: the Executive Director, the Director of Human Resources and the Program Director. Under no circumstances will the information be shared with other staff.

10.2 In order to ensure that confidentiality is maintained:

- (i) all information received from the Toronto Police Service, and any additional documentation related to the review of the information by the organization, will be kept in a separate locked cabinet, accessible only to the contact members.
- (ii) information related to applicants not hired will be destroyed 2 years after the criminal reference check was received.