### Purpose

As professionals caring for children, it is necessary to meet and maintain Ministry of Education and The Salvation Army requirements regarding Criminal Reference Checks and Vulnerable Sector Checks. In the event of a declared offence, steps are taken to ensure confidentiality and the continued safety of all children, staff, students and volunteers.

***Definitions***

Criminal Reference Check: A type of police record check that may include criminal convictions and findings of guilt under the Youth Criminal Justice Act.

Offence Declaration: A written declaration signed by an individual that lists all of the individual’s convictions for offences under the Criminal Code (Canada), if any, during the period specified in the declaration.

Police Record Check: A search of records that are held in police databases pertaining to a specific individual. The two types of police record checks referenced in the CCEYA are criminal reference checks and vulnerable sector checks.

Vulnerable Sector Check: An enhanced type of police record check that may include criminal convictions, findings of guilt under the Youth Criminal Justice Act, outstanding charges, arrest warrants, certain judicial orders, absolute discharges, conditional discharges, other records as authorized by the Criminal Records Act, findings of not criminally responsible due to mental disorder, record suspensions (pardons) related to sexually-based offences, and non-conviction information related to the predation of a child or other vulnerable person (i.e., charges that were withdrawn, dismissed or stayed, or that resulted in acquittals). A vulnerable sector check is conducted in cases where an individual would be in an employment or volunteer position of trust or authority over children or other vulnerable persons.

Vulnerable Person: A person who, because of age, disability or other circumstances, whether temporary or permanent, is

a) In a position of dependence on others; or

b) Is 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.

Vulnerable Sector Checks will come back with information that is “negative” - no criminal records, or “criminal record” – match to registered criminal record. If there is a criminal record there will be an additional sheet attached to the Vulnerable Sector Check listing the records.

### Policy

Every employee, student, and volunteer over 18 years of age, must obtain a Vulnerable Sector Check before interacting with children.

The Governing Council of the Salvation Army must submit to the Ministry an official letter that identifies which individuals from the organization are responsible for the delivery and oversight of the child care program on behalf of the organization. A current Police Record Check is required for each individual named in the letter. If the persons named in the letter may be interacting with children then they must also provide a Vulnerable Sector Check. They must be kept on file.

Criminal Reference Checks and Vulnerable Sector Checks must be obtained from the employee’s local police force.

New hires are required to provide a Vulnerable Sector Check prior to employment commencing and this Vulnerable Sector Check must have been prepared no earlier than 6 months prior to the date it is obtained.

Vulnerable Sector Checks must be provided by any employee, student or volunteer every three years, thereafter.

In every calendar year, employees, students and volunteers will be required to complete an offence declaration, a written declaration signed by the individual that lists all of the individual’s convictions for offences under the Criminal Code of Canada if any occurred during the period specified in the declaration. This Offence Declaration must be completed no later than 15 days after the anniversary of their previous Offence Declaration.

It is the responsibility of the employee and students to pay for their initial Criminal Reference Check/Vulnerable Sector Check. The cost for volunteers will be covered by the agency. The cost of subsequent Criminal Reference Checks/Vulnerable Sector Checks will be incurred by the employer.

All information obtained through a Criminal Reference Check, or Vulnerable Sector Check is strictly confidential.

Any person who is employed by or contracted with outside organizations (i.e. Special Needs Consultants) has completed background screening prior to interacting with children in the program. While each outside organization may implement their Vulnerable Sector checks differently, our program requires a copy of their Vulnerable Sector Check, or an attestation from the person’s employer stating they have reviewed the Vulnerable Sector Check and a signed Offence Declaration from that person. If the services of the outside person continue longer than one year, the offence declaration must be signed annually, not longer than 15 days after the anniversary date of the most recent offence declaration or attestations. The Vulnerable Sector Check must occur on or before the fifth anniversary after the date of the most recent Vulnerable Sector Check.

### Procedure

1. All new direct care employees (as defined above) are required to have an up to date criminal reference check including a Vulnerable Sector Check. This Vulnerable Sector Check must be conducted by the employee’s local police force and be dated within 6 months of offer of employment.
2. Successful candidates will go to their local police department where they will complete an application for a criminal reference check including a Vulnerable Sector Check.
3. All costs related to obtaining a Vulnerable Sector Checks are the complete responsibility of the successful candidate.
4. Upon receiving the Vulnerable Sector Check, the successful candidate will present the original to their supervisor for review. If the candidate requires the original, the supervisor will make a copy, write “true copy” on it along with their initials and place the copy in the successful candidate’s file.
5. It is not the intention of The Salvation Army London Village to discriminate or necessarily preclude employment opportunities against those applicants with a criminal offence. The Executive Director and the Program Director will consider the nature and circumstances surrounding the charges and convictions. The Executive Director and the Program Director will consider the nature and circumstances surrounding the charges and convictions. Decisions would be based on whether the candidate could be considered a high-risk person to have in contact with the children, the nature and number of convictions, the length of time since the conviction, rehabilitative efforts made by the applicant, the relevance of the conviction to the job description of the applicant and references obtained from past employers. The final hiring decision is the complete responsibility of The Salvation Army.
6. A candidate for a job, who has not yet provided a Vulnerable Sector Check due to the time it is taking to obtain, may be permitted to begin interacting with children if:

* The candidate provides evidence in the form of a receipt that they have applied for a Vulnerable Sector Check (which will be maintained on the employees HR file until the Vulnerable Sector Check is received) and
* The candidate will only have supervised access with the children.

During this time the candidate for job positions will be employed under a conditional job offer. If the Vulnerable Sector Check is returned with a criminal record, and The Salvation Army deems this individual not suitable for employment, the relationship with the candidate will be terminated.

1. All information pertaining to a Vulnerable Sector Check or an Offence Declaration will be maintained in the employee’s confidential personnel file.
2. If the employment relationship is permanently terminated for 6 or more months, The Salvation Army will require a new Vulnerable Sector Check before the employment relationship resumes.
3. If the employment relationship is permanently terminated for less than 6 months and then resumes, and the employee would have been responsible for providing a Vulnerable Sector Check or Offence Declaration during the period of termination, The Salvation Army will obtain such documents before the relationship resumes.
4. Annually employees, students and volunteers must sign an Offence Declaration. It must be dated within 15 days of the previous Offence Declaration.

***Additional information for Volunteers/Students***

1. If the Vulnerable Sector Check was performed more than 6 months but less than 3 years ago, the volunteer or student will be required to provide the original or a copy of the document and in addition will be required to complete an Offence Declaration that addresses the period of time since the day of the Vulnerable Sector Check.
2. If the Vulnerable Sector Check was performed three or more years ago, the volunteer or student must provide a new Vulnerable Sector Check or copy.
3. All costs related to obtaining a criminal reference check are the complete responsibility of the student. Volunteers will be reimbursed by The Salvation Army for their Vulnerable Sector Check.
4. Upon receiving the Vulnerable Sector Check, the volunteer or student will present it to their supervisor for review. The supervisor will make a copy, write “true copy” on it along with their initials and place the copy in the volunteer/ student’s file.

***Third Party Criminal Record Checks/Vulnerable Position Checks***

1. Persons employed or contracted from outside organizations wishing to work directly with a child or children must provide either an attestation (letter from their employer), verifying that they have reviewed the person’s Vulnerable Sector Check, that it was performed within the last five years, and there were no convictions for offences under the *Criminal Code* (Canada) or their Vulnerable Sector Check, performed within the last five years.
2. If the person provides their Vulnerable Sector Check, a copy may be made and will be signed and dated by the Program Director as “true copy”.
3. An Offence Declaration will be signed by the individual dated from their last Vulnerable Sector Check. This will be signed annually (provided the service is still being provided to the child) and dated not later than 15 days of their previous Offence Declaration.
4. All Vulnerable Sector Checks or copies, attestations and Offence Declarations will be kept in a confidential file.