

MEMORANDUM TO: Directors of Education
Supervisory Officers and Secretary Treasurers of School
Authorities

FROM: Elizabeth Harding
Director
Learning Environment Branch

DATE: June 15, 2010

SUBJECT: Criminal Record Checks

I am writing to let you know about recent developments regarding criminal record checks that may affect school boards.

Since 2001, Ontario Regulation 521/01 has required school boards to collect criminal record checks for all employees and for service providers who have direct and regular contact with students.

On December 8, 2009, the Canadian Police Information Centre (CPIC) issued a Policy Directive across Canada to all police services advising them of requirements under the *Criminal Records Act* and federal regulatory and policy requirements concerning criminal record checks and release of information. While we understand that there are no new requirements in the Directive, practices in Ontario have not been consistent and the Ontario Provincial Police (OPP) and local police services are expected to comply immediately.

The interim Policy Directive from CPIC also addresses the role of third party companies who may have been conducting criminal record checks on behalf of school boards. The Directive indicates that until third party companies enter into approved agreements with OPP detachments or local police departments, police services are not permitted to provide them with criminal record information. At this time, no third party company has an approved agreement in place. The Ministry of Education has been advised that criminal record checks and vulnerable sector screens can only be obtained through the OPP or local police department.

We have also been advised that according to section 6.3 of the *Criminal Records Act*, an organization responsible for the well being of one or more children or vulnerable persons and to whom or to which an application is made for a paid or volunteer position can work directly with a member of a police force or authorized body to conduct a vulnerable sector check. You should therefore direct any individuals who you may require to obtain criminal record checks to do so through police services.

The Ministry understands that the Ontario Education Services Corporation (OESC), which has provided criminal record check services for many school boards, continues to be in close contact with the RCMP on this issue. The OESC is committed to updating its clients via its website as the issue is resolved.

The Ministry of Education has also recently asked Deans of Faculties of Education to advise teacher candidates to go to their local police services to get criminal record checks over the summer months so that they are prepared for student placements in the Fall.

If you have any questions please contact Norman Stormes at 416-325-7531.

Elizabeth Harding

- c. Regional Office Managers
Ontario Association of Deans of Education