

# CARE Family & Children Services Inc.

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## Police Record Checks (PRCs) and Offence Declarations Policy

### Term and Condition One

#### Effective Date

January 1, 2025

#### Purpose

The purpose of this policy is to establish clear and consistent procedures for obtaining, reviewing, and storing Police Record Checks (PRCs) and offence declarations in accordance with the Child, Youth and Family Services Act, 2017 (CYFSA) and Ontario Regulation 155/18, effective January 1, 2025. These measures are intended to safeguard children and youth in the care of CARE Family & Children Services Inc. (CARE FCS) by ensuring individuals in positions of trust do not pose a risk to their safety or well-being.

#### Scope

This policy applies to:

- All foster parents and applicants
- Persons over the age of 18 residing in a foster home
- CARE FCS employees
- Volunteers and students on placement
- Contractors with direct, unsupervised access to children
- Officers and Directors of the licensee

#### Policy Statement

CARE FCS is committed to protecting children and youth in our care by adhering to all provincial legislative and regulatory requirements related to PRCs. This includes the implementation of Vulnerable Sector Checks (VSCs) and Broad Record Checks (BRCs), as applicable, along with mandatory offence declarations.

#### Definitions

- Police Record Check (PRC): A general term including Vulnerable Sector Checks and Broad Record Checks.
- Vulnerable Sector Check (VSC): A type of PRC required for individuals who may interact, without supervision, with children/youth.
- Broad Record Check (BRC): A PRC that includes broader types of information than a VSC, applicable to specific roles per O. Reg. 155/18.
- Offence Declaration: A written and signed declaration listing Criminal Code convictions and outstanding charges/warrants.

## Requirements

1. New Employees, Foster Parents, Volunteers, and Students:
  - Must request the required BRC prior to having unsupervised contact with children.
  - Must provide the BRC to CARE FCS as soon as possible after receipt.
2. Existing Employees and Foster Parents:
  - Must provide a new BRC every three (3) years.
  - In years when a BRC is not required, an offence declaration must be submitted within 15 days of the anniversary date of the last PRC or offence declaration.
3. Individuals Residing in Foster Homes:
  - Must provide a BRC within 30 days of turning 18 and every 3 years thereafter.
  - Offence declarations are required annually.
4. Officers and Directors of the Licensee:
  - Must provide a BRC at the time of appointment or application and every three (3) years thereafter.

### Delays and Exceptions:

- If a BRC is not received within six (6) months of being requested, an offence declaration must be submitted within 15 days after that six-month period.
- Persons who are receiving out-of-home care or residential services in a host family residence are exempt.

## Confidentiality and Storage

CARE FCS shall:

- Keep all PRCs, BRCs and offence declarations confidential and securely stored in SharePoint.
- Maintain records regarding PRC, BRC receipt, expiry, and offence declarations.
- Dispose of sensitive documentation according to legal and privacy standards.

## Notice of Charges or Convictions

Any person subject to this policy who is charged with or convicted of a Criminal Code offence must provide written and signed notice to CARE FCS immediately.

## Breaks in Affiliation

- If a person has a break in professional affiliation under 12 months, they must provide any BRC or offence declaration they would have otherwise been required to submit.
- If the break exceeds 12 months, a new BRC and offence declaration are required.

## Right to Statement of Relevance

When submitting a PRC, individuals may attach a written statement regarding the relevance of any information in their check to their role.

## **Roles and Responsibilities**

- Licensee/Designate: Ensure all persons in applicable roles comply with PRC, BRC and offence declaration timelines.
- Employees/Foster Parents/Volunteers: Submit BRC's and offence declarations as required.
- File Audits: PRC, BRC and offence declaration status will be checked during routine audits and licensing inspections.

## **Supporting Documents**

- Offence Declaration Form
- Notice of Charge or Conviction Form
- Ministry Reference: O. Reg. 155/18
- PRC Reform Act, 2015: <https://www.ontario.ca/laws/statute/15p30>
- Exemptions: O. Reg. 347/18: <https://www.ontario.ca/laws/regulation/180347>

## **Review and Update**

This policy shall be reviewed annually and updated to reflect any changes in legislation, regulation, or ministry directives.

## Use and Consideration of Police Record Check Information

CARE FCS maintains clear procedures regarding the way information included in a police record check, offence declaration, or statement of relevance may be considered and used by the agency.

Information disclosed through a Vulnerable Sector Check (VSC), Broad Record Check (BRC), or offence declaration is reviewed by designated supervisory staff to assess its relevance to the applicant's or individual's role and access to children or youth.

A positive finding or past conviction does not result in automatic disqualification. Consideration is given to:

- The nature, seriousness, and circumstances of the offence
- The time elapsed since the incident
- The age of the individual at the time of the offence
- Evidence of rehabilitation or change in circumstances
- The relevance of the offence to the responsibilities of the position

When relevant information is disclosed, the individual is invited to provide a written Statement of Relevance. This statement allows the person to explain the context of the incident(s), demonstrate insight or accountability, and present mitigating factors.

Final decisions regarding the suitability of individuals are made by the agency's senior leadership team in alignment with child safety standards, the Ontario Human Rights Code, and the CYFSA.

All information is treated as strictly confidential and retained only as long as necessary to meet regulatory and legal obligations. Decisions and documentation are maintained in secure systems in compliance with CARE FCS's privacy policies.

Signature of compliance and understanding:

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_