

Police Records Check

The Opportunity

The nonprofit sector in Ontario is an international leader when it comes to engaging people in meaningful volunteer activities and contributing to the health and well-being of our society. Volunteerism significantly contributes to this sector which is known for its highly effective and efficient delivery of public benefits in Ontario. With an estimated \$60,000,000 worth of volunteer time invested annually in communities across Ontario, increasingly those volunteer roles carry responsibilities that require nonprofit organizations to add more stringent screening protocols to their volunteer engagement process.

Effective risk management in service delivery has always been an essential component of the nonprofit sector's credibility. As such, organizations recognize that police records checks for both volunteers and those employed in the sector are an integral part of strong screening and risk management practices as well as an important step in ensuring service quality for our communities. ***However, there is not always a clear understanding of the processes involved, or of what governs the 'why and when' of requesting a police records check as part of effective screening practices (e.g. Criminal Records Check, Police Information Check, Vulnerable Sector Check).***

It is important that the nonprofit sector understand police records check practices, legislation and regulations that relate to sector volunteers and employees. Police terminology that is more consistent from one police service to another would also increase clarity.

The current challenges faced by organizations in the nonprofit sector with regard to police records checks should be largely resolved by recent work completed by a sub-committee of the Ontario Association of Chiefs of Police. The LEARN Committee Guidelines also address some of the key process and terminology issues that have been so problematic for the nonprofit sector.

Still outstanding, and contributing to the inconsistency of when it is appropriate to request a police records check in engaging a volunteer or as part of human resources practices, is the absence of an authoritative provincial voice providing clear direction for screening protocols. Seeking to be compliant with provincial requirements, nonprofit organizations are concerned they may be unaware of regulations or requirements relevant to screening decisions.

When requirements are poorly understood, police records check procedures and policies within organizations can be based on the wrong criteria, creating significant costs to organizations and volunteers, and longer wait times due to an unnecessarily high volume of police records check requests. An increase in risk to vulnerable clients and potential violations of the Ontario Human Rights Code can also result when proper protocols are not determined and followed.

Recommendations

An organization's procedure for conducting police records checks on volunteers and employees should be based on a 'bona fide' occupational requirement of the position, as defined by the Ontario Human Rights Code, not on an organizational or funder concern of potential liability.

The search for solutions to this complex challenge has identified a need that is within the province's power and mandate to address: a clear statement defining all legislative and regulatory expectations for the nonprofit sector in Ontario, providing references to provincial requirements related to screening, as well as links to key tools and resources available to assist organizations in developing and managing screening protocols.

This would enhance the sector's ability to more effectively and efficiently manage risk and costs when engaging volunteers and employees. It would also support awareness of and compliance with relevant provincial requirements.

Create a single authoritative statement on the provincial legislative and regulatory requirements as a basic guideline for nonprofit organizations in developing and managing appropriate and effective screening practices. To support the sector in ensuring compliance:

- 1. Highlight requirements, both legislated and regulatory, by the provincial government that relate to police records checks.** This would clarify compliance expectations and minimize inconsistencies in interpretation. Provide links to requirements for use by the nonprofit sector and police services.
- 2. Create a clear language guideline related to these requirements.** This will be of use to the nonprofit sector and the policing community, and of assistance to ensure that all provincial ministry/government employees are aware of how to apply requirements.
- 3. Provide references to key relevant resources.** Post Volunteer Canada's 10 Steps of Screening and provide links to additional web sites for resources and information on effective screening practices.

Lead Ministry - Ministry of Community Safety and Correctional Services.

Supporting Ministry - Ministry of Citizenship and Immigration.

Resources:

The impact of these issues has been a burden to sector human resources, finances and volunteerism for some time and many groups have been working diligently on solutions. The resulting strategies complement each other and are headed in a positive direction for both the sector and the province.

Highlights of a few include:

- The 2011 Guidelines for Police Records Checks developed by the LEARN Committee (Law Enforcement & Records (Managers) Network) have made a significant contribution to addressing specific aspects of the sector's current challenges. For more information: www.oacp.on.ca. The link to the LEARN Guidelines is <http://www.oacp.on.ca/content/news/article.html?ID=1047>
- In 2011, Professional Administrators of Volunteer Resources - Ontario (PAVRO) undertook a review of screening practices in Ontario's voluntary sector with a particular focus on the use of police records checks. The results of the survey with close to 500 respondents are available at <http://www.pavro.on.ca/Default.aspx?pageId=1114793>
- Volunteer Canada provides a range of resources on their website on the topic of screening volunteers, including *Best Practice Guidelines for Screening Volunteers*, which outlines the 10 steps in the volunteer screening process; webinars; and power point presentations. For more information, tools and resources, go to: www.volunteer.ca