Background Checks –
What You Need to Know

This document outlines what you need to know about background checks – police records checks, child abuse registry checks, and reference checks.

A background check policy is part of your commitment to providing a safe environment for children. Acting on that policy is part of fulfilling the duty of care – your legal obligation to care for and protect the children in the childminding program.

You must thoroughly check references for all staff and for volunteers who will come into contact with the children.

*National LINC Childminding Requirements* specify that you must develop written policies and procedures for carrying out background checks on all current and prospective staff and volunteers and that these background checks must include, but are not limited to,

1) A police records check,
2) A child abuse registry check – where available – and
3) Reference checks.

**POLICE RECORDS CHECKS**

**What is a Police Records Check?**

A police records check reveals whether the applicant has a conviction for a criminal offence. Depending on the police force, this check is also known as a Clearance Letter or a Certificate of Conduct.

**Why Do Childminders and Volunteers Need a Police Records Check?**

A police records check is part of gathering information about an applicant’s suitability as a childminder or as a volunteer.

**What Does a Police Records Check Do for Your Organization?**

Requiring a police records check is part of the duty of care. Before hiring an applicant with a conviction, or accepting a volunteer with a conviction, first exercise due diligence: think carefully about whether the conviction indicates that the person could be a risk to children.

**What Kind of Police Records Check is Needed?**

There are two kinds of police records checks – checks for those working with the non–vulnerable population and checks for those working with the vulnerable population:
1) The non–vulnerable population includes people who are least likely to be at risk for serious physical or emotional harm – that is, adults.

2) The vulnerable population includes people who are most likely to be at risk for serious physical or emotional harm – that is, children, senior citizens, and people with disabilities.

Your background check policy should specify that the police records check be for the vulnerable population.

**What is the Cost of a Police Records Check?**

The costs vary from city to city and are decided by the local police service.

**How Often is a Police Records Check Required?**

A police records check is required once an applicant is offered paid work or a volunteer position. You can, however, set a policy that also requires police records checks at specific intervals.

**How Does the Applicant Apply for a Police Records Check?**

The applicant applies personally or through the Service Providing Organization.

If the applicant is applying personally, he or she must go directly to the local police service and must request a police records check for the vulnerable population.

If the applicant is applying through your organization, you must first have a Memorandum of Understanding (MOU) with the local police service. The MOU is a written agreement between the organization and the local police service. To arrange for an MOU, contact the local police service. The MOU should specify that the check be for the vulnerable population.

**How Do We Get the Results of a Police Records Check?**

The police service issues a letter to the applicant and to the Service Providing Organization. The letter to the organization states either “no convictions” or “convictions.” If the applicant has a conviction, the letter to the organization states only that there is a conviction. The details of the conviction appear only in the applicant’s letter. The applicant is responsible for disclosing what the conviction was for. You then use that information as part of deciding whether the applicant is suitable.

**CHILD ABUSE REGISTRY CHECKS**

**What is a Child Abuse Registry?**

A child abuse registry includes the names of persons found to have abused a child.

**How Do We Check the Child Abuse Registry?**

The Acts noted below govern child protection in the provinces that offer LINC programs. Not every province has a child abuse registry. Where there is a registry, the conditions for access depend on the province.

**Alberta – Child, Youth and Family Enhancement Act**

Where the position involves working directly with children, prospective employees and volunteers can be required to provide a Child Intervention Record Check, also known as a Child Welfare Information
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System check, or a Child Welfare Check. The check states whether the person has been “involved in a Child Intervention investigation” or has “placed a child under the protection of the Child, Youth and Family Enhancement Act.” The results of the check go directly to the person undergoing the check. Forms are available at any Child and Family Services Authority office.

New Brunswick – Family Services Act

New Brunswick requires a Family and Community Services Record Check for programs and services that are “part of the legislation, within the scope of the policy or have a contractual agreement” with the Ministry of Family and Community Services. To find out if your childminding program falls within the scope of the policy, contact the Ministry of Family and Community Services.

Newfoundland & Labrador – Child, Youth and Family Services Act

No child abuse registry.

Nova Scotia – Children and Family Services Act

Nova Scotia provides for the screening of “prospective employees or volunteers who are or would be working with children.” To find out how to make arrangements, contact the nearest District Office of the Department of Community Services.

Ontario – Child and Family Services Act

Only police and child protection agencies have access to the child abuse registry.

Prince Edward Island – Child Protection Act

PEI has been revising its child protection legislation over the past few years and those revisions may not be complete. The regulations for the Act provide that the Minister may create a child abuse registry. For more information, contact Child and Family Services.

Saskatchewan – Child and Family Services Act

The prospective employee or volunteer fills out a request for a Child Abuse Record Check, available at Community Resources offices. It is up to the prospective employee or volunteer to give the results to the organization requesting the check.

REFERENCE CHECKS

What is a Reference?

An applicant for paid work or for a volunteer position provides the names of people who can give information about the applicant’s ability and character. The information given is known as a reference.

What is a Reference Check?

Reference checks help you assess the applicant. When checking a reference, be sure to describe the position clearly and to ask specifically about the applicant’s suitability and skill.
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PLEASE NOTE …

CMAS strongly recommends that Service Providing Organizations review their background check policies. All childminders and volunteers must undergo police records checks for the vulnerable population.