



**CITY OF KINGSTON**

Ontario

**By-Law Number 2003-13**

**A By-Law To Establish A Screening Policy And Procedures To  
Protect Vulnerable Persons From Potential Offenders, Which  
Shall Apply To City Employees, Employees And Volunteers Of  
Agencies That Deal With Vulnerable Persons And Receive Funds  
Through Municipal Grants Or Purchase Of Service  
Agreements/Contracts With The City**

**Passed:** December 17, 2002

**As Amended By By-Law Number:**

**(Office Consolidation)**

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**Whereas** it has been determined that an updated By-Law to reflect current practices and funding programs is required with respect to the screening and hiring of the City of Kingston employees and volunteers and for staff and volunteers of organizations receiving funding from the City that deal with vulnerable persons;

**And Whereas** it is desirable to have a screening policy and procedure to protect vulnerable persons from potential offenders;

**Therefore Be It Resolved That** the Council of the Corporation of the City of Kingston hereby repeals the provisions of the former By-Law 88-59 re-enacted on November 4, 1997

**And Further That** a new by-law be enacted to establish a screening policy and procedures to protect vulnerable persons from potential offenders, which shall apply to City employees, employees and volunteers of agencies that deal with vulnerable persons and receive funds through municipal grants or purchase of service agreements/contracts with the City, as follows:

1. This policy is established and procedures implemented to protect vulnerable persons from potential offenders. The policy and processes outlined apply to City employees who deal with vulnerable persons as well as employees and volunteers of agencies that deal with vulnerable persons and receive funds through municipal grants and/or through Purchase of Service Agreements/Contracts with the City.
2. The policy applies to employees and volunteers of the Corporation of the City of Kingston and of agencies/organizations that deal with vulnerable persons and that receive funding from the City of Kingston, who have contact with vulnerable persons and who are in a position of trust or authority or in roles where limited supervision exists.

3. For the purpose of this policy, a vulnerable person is defined as one who has difficulty protecting him or herself from harm and is at risk because of age, disability, handicap, or temporary or permanent circumstances.
4. All employees and volunteers covered in this policy must take part in a Police Records Check.
  - (i) This check is carried out by the Kingston Police through its Canadian Police Information Centre (CPIC) computer system and other relevant Police records.
  - (ii) The presence of a criminal record shall not itself be a ban to acceptance, but in arriving at a final decision the employer shall take into account the following factors:
    - a) the nature and number of conviction(s);
    - b) length of time since the conviction(s);
    - c) rehabilitation efforts made by the candidate;
    - d) duties and responsibilities associated with the position, and the relevance of the criminal conviction; and
    - e) the potential risk to vulnerable persons as a result of employing or using this person in a volunteer capacity.
  - (iii) All agencies requiring a criminal reference check on an employee or volunteer shall be liable for the cost for each individual request. If more than one screening is required for an individual within a twelve month period from the date of the original screening, no additional fee will be levied.
  - (iv) Criminal reference checks shall be conducted prior to engaging the employee/volunteer. Thereafter, criminal reference checks shall be conducted at reasonable intervals or at such times as may be requested by the agency. In any event, checks must be conducted at least once every three years.
  - (v) All persons subject to a police record check shall be advised of such process prior to any reference checks being undertaken and shall provide a written signed release for such reference checks, it being noted that all information shall be used only for the intended purpose and shall be destroyed following such use.
  - (vi) Where advisable, a prospective employee or volunteer may be asked to provide a police clearance from his or her previous place of residence. Checks with other Police Agencies in locations where the employee or volunteer resided during the previous five year period will be conducted as completely as possible.

- (vii) The agency requesting a police records check will be required to pick up the completed "Criminal Information Request Form", no later than thirty days from the original date of the request.
  - (viii) Only Part 'A' of the 'Criminal Information Request' form shall be retained by each participating agency as evidence that a check was conducted. Agencies must retain the original document with the seal intact. Photocopies are not acceptable.
  - (ix) All costs for performing the police check shall be payable to the Kingston Police according to a fee schedule they establish from time to time.
5. The Human Resource Division of the City of Kingston will annually co-ordinate:
- (i) Abuse Identification Workshops which will provide an overview on abuse of vulnerable persons and assist employees and volunteers in recognizing abuse; assisting and supporting vulnerable persons; and appropriate reporting and referrals.
  - (ii) Volunteer Screening Workshops which will provide training on improving their screening and selection processes.
6. Attendance at the Abuse Identification workshop once every three years is mandatory for City employees covered by this policy.
7. All agencies and organizations receiving funding will be notified of the workshops and encouraged to send a senior staff member of their organization each year they receive funding.
8. All agreements for funding with agencies will contain a clause referring to this By-Law. Any agency which does not comply with the policies and procedures set-out herein will not be eligible to receive funding from the City of Kingston until compliance is verified. Participants from agencies who attend this training will be charged a per person fee at cost.
9. This By-Law shall come into force and take effect on the date of its passing.

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