

Police Records Check Handbook

Policy and Procedures for Committees
Requiring a Police Records Check as a Screening Tool
for Ministry Personnel and Candidates

July 2010



The United Church of Canada
L'Église Unie du Canada

Police Records Check Handbook: Policy and Procedures for Committees Requiring a Police Records Check as a Screening Tool for Ministry Personnel and Candidates



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This document was originally developed by the Division of Ministry Personnel and Education, revised by the Ministry and Employment Policies and Services Unit, and revised by the Human Resources Unit.

Approved by the 37th General Council of The United Church of Canada, August 2000.

Approved by the 39th General Council of The United Church of Canada, August 2006.

This policy has been in effect since July 2, 2007.

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This publication is made possible by the Mission and Service Fund.

Contents

Theological Statement 5

Preamble 6

Policy 7

Assumptions 9

Principles 10

How a Police Records Check Works 11

Guidelines for Committees 13

Clarifying Conversations 17

Appendix: Definitions 19

What's new in this edition

- Inclusion of a General Secretary's opinion that committees and pastoral charges can make and keep a copy of the original police records check for their files.
- Deletion of notice in preceding version regarding the phasing in of Designated Lay Ministry and Congregational Designated Ministry.
- Deletion of reference to third-party agencies such as BackCheck; they can no longer do the vulnerable sector police records check.
- Updating of *Manual* references and "definitions" wording.
- Editing to remove inconsistencies and increase clarity.

Theological Statement

We live as imperfect beings in an imperfect world. Each one of us has faults and has committed wrongdoing. We often fail at our efforts to live fully in harmony with God's intentions (Romans 3:23).

As people of faith—whether staff, volunteers, or ministry personnel—we aspire to a high standard of ethical and moral behaviour in full recognition of our need to make confession for our wrongs and to seek forgiveness, if appropriate, through apology, or offer of restitution or reparation. We seek to restore, if possible, the relationships we are responsible for fracturing.

For those in positions of trust and authority, scrutiny of character and calling is demanded. Being in a position of power calls for the utmost commitment and willingness to provide safety and care when engaged in pastoral, counselling, and teaching responsibilities.

Many people are in awe of those in positions of power; this awe may make them susceptible to wrongful violation. The pastoral relationship is a sacred trust, demanding accountability within established professional norms and the maintenance of appropriate professional and personal boundaries.

As The United Church of Canada affirms its commitment to organizational accountability, we call our lay and ordered members to continually examine their relations with others and to attempt to relate honestly, morally, and lovingly to those with whom they interact. We must admit our indiscretions and take responsibility for them.

We need to be “wise as serpents and innocent as doves” (Matthew 10:16*b*) as we recognize the love and power of God to redeem and restore each individual to full communion in community. The church is called to provide a place for all to feel secure, forgiven, and loved. We pray for God's wisdom and the guidance of the Holy Spirit to allow us to balance mercy and reasonableness in our decisions, recognizing that we can only do our best and that there are no risk-free dimensions of life.

Preamble

All ministry personnel in pastoral charges or outreach ministries are in positions of trust. The United Church has always had a process to check suitability for ministry through interviews with a number of committees and boards, reference checks, discernment committees, and written statements in response to questions. Following the decisions made at the 37th and 39th General Councils, a police records check is one more part of the whole screening process for individuals who are, or are seeking to be, in ministry positions.

A police records check can be an extremely important step in the screening process, but it should never be the first, last, or only step used. A police records check has limitations. The information yielded must be weighed carefully to determine if it indicates potential risk to those who would be in contact with the minister or potential minister. (See *Clarifying Conversations*, page 17.)

Committees must determine in advance the procedure they will follow if they receive an indication of a previous conviction through a police records check. In such a situation, the committee as a whole will need to determine the continued suitability of the individual for the position/role being considered.

Policy

Please see the current edition of *The Manual* or the specified policies and procedures documents for the relevant formal policy statements. A summary of requirements for a police records check is as follows:

1) For Candidates for the Order of Ministry (*The Manual*, section 024 (a))

At the completion of the discernment process, when the Presbytery/District Education and Students Committee receives an application from an inquirer to be received as a candidate, an original, current vulnerable sector (level 2) police records check is required as a part of the application process. Thereafter, a police records check will be required in the sixth year of the candidacy process.

In the year prior to ordination or to commissioning to diaconal ministry, a candidate must provide an original, current vulnerable sector (level 2) police records check. If a candidate has already provided the Presbytery/District E&S Committee with such a police records check within the previous 12 months, a second police records check is not required.

2) For Designated Lay Ministers (see DLM policy and procedures document)

At the completion of the discernment process, when the presbytery/district receives an application from an inquirer to be appointed as a designated lay minister, an original, current vulnerable sector (level 2) police records check is required as a part of the process.

3) For All Ministry Personnel (*The Manual*, sections 054 (d), 062 (a), 363 (b))

Before a name is presented for a call or appointment, an original, current vulnerable sector (level 2) police records check is required from the selected candidate.

4) For Ongoing Ministry (*The Manual*, sections 126, 244 (c) ix)

When ministry personnel remain in a pastoral charge or outreach ministry for a number of years, an updated original, current vulnerable sector (level 2) police records check is required every six years. It is given to the Ministry and Personnel Committee of the pastoral charge. Those conducting the triennial oversight visits on behalf of the Presbytery/District Oversight Committee are responsible for ensuring that this step is regularly completed.

5) For Applicants for Ordained Supply/Admission from Another Denomination (see handbook *Admission to the Order of Ministry*)

A current vulnerable sector (level 2) police records check of the applicant is included in the documentation required by the Human Resources Unit of the General Council Office.

**6) For Applicants for Re-admission to the Order of Ministry
(The Manual, section 032 (a))**

Included with the application to the Conference through the presbytery/district of which the applicant was last a member would be an original, current vulnerable sector (level 2) police records check of the applicant.

**7) For Ministry Personnel Requesting a Letter of Good Standing
(The Manual, section 369)**

Before endorsement as a member of the Order of Ministry in good standing with The United Church of Canada can be given, the writer of the endorsement must view an original, current vulnerable sector (level 2) police records check from the applicant.

**8) For Ministry Personnel Retained on the Roll of the Presbytery/District
(The Manual, section 314 (d) i)**

Because the membership, accountability, and oversight of ministry personnel always rests with the presbytery/district, ministry personnel retained on the roll must provide the presbytery/district with an original, current vulnerable sector (level 2) police records check when they first apply to have their name retained on the roll of presbytery and every third year thereafter while their name is retained on the roll.

9) For Congregational Designated Ministers (see CDM policy and procedures document)

To be appointed a congregational designated minister, an original, current vulnerable sector (level 2) police records check must be provided to the pastoral charge.

Note: The General Secretary's Opinion 10-001-0 states that committees and pastoral charges are entitled to make and keep a copy of the police records check for their files.

Assumptions

Several primary assumptions underlie the procedures outlined here.

- We all hold biases and values from our own life experiences that affect our perceptions of criminal convictions. When on committees determining suitability for ministry, we need to be prepared to engage our biases and values.
- It is important to remember that 10 percent of all Canadians have a criminal record.
- Some behaviours that may result in criminal convictions have been applauded and supported by the church. Political and social activism on environmental issues, support of First Nations communities, involvement in the civil rights and peace movements, and activism on many other issues have earned people within the church community a criminal record.
- We acknowledge that we all make mistakes and that we all learn differently. Convictions acquired at an earlier stage of life may have led to significant personal learning, growth, and transformation, which now may be helpful tools for an individual in pastoral ministry.
- The existence of any criminal record does not immediately preclude someone from a position in ministry. The information produced must become part of any further conversations to determine the continuation of candidacy or suitability for the position under consideration. (See *Clarifying Conversations*, page 17.)
- Committees charged with the responsibility of receiving the police records check will have reviewed and understood the concepts of “duty of care” and “risk assessment” as outlined in *Faithful Footsteps: Screening Procedures for Positions of Trust and Authority in the United Church of Canada*.
- Every conviction is relevant to a ministry position; however, the relevance is not always negative!

Principles

- When a police records check is required, the individual is responsible for obtaining it at his or her own expense.
- The police records check is the property of the person in whose name it is produced, but it must be shared with specific authorized people as part of the screening.
- The police records check will be seen by two members of the appropriate committees: Ministry and Personnel Committee, Presbytery/District Pastoral Relations Committee, and Presbytery/District Oversight Committee (when it meets). Committees will sign the appropriate forms, indicating that a police records check has been seen by two committee members.
- Only original documents are to be presented to the relevant committee. *Photocopies are not acceptable.*
- The committee or pastoral charge may keep a photocopy of the police records check for its records.

How a Police Records Check Works

Two levels of background checks are available. The vulnerable sector (level 2) police records check is the more thorough of the two. The level 1 check does not provide sufficient detail for people employed to work with children or vulnerable individuals.

The vulnerable sector (level 2) police records check includes the following information:

- expired judicial orders
- criminal record (adult)
- criminal record (young person) pursuant to section 119 (1) (a) of the Youth Criminal Justice Act
- records of findings of “Not guilty: Not criminally responsible on account of mental disorder”
- convictions, pending charges, and ongoing investigations under federal statutes and selected provincial statutes
- relevant occurrence reports
- convictions where a pardon has not been granted
- absolute and conditional discharges where not prohibited by legislation
- probation, prohibition, and other judicial orders
- sexual offences for which a pardon has been granted

If a form returns showing information under any of these categories, the person will not be immediately stopped from proceeding with the position or candidacy that is being sought. What is expected is further conversation! To be responsible in relation to “duty of care” and clarification of risk assessment, the conversation needs to focus on the type of conviction and when it occurred. This is to be a clarifying discussion, exercising diligence and using compassion and wisdom (see Clarifying Conversations, page 17.)

Following the clarifying conversation, *the candidate may be requested to show further documentation detailing the actual conviction(s) and their disposition by the courts.* There is usually an additional cost for this procedure, and it may require the applicant to be fingerprinted for record verification. This additional cost is the responsibility of the applicant, candidate, or inquirer. This document must be shown and recorded in the same manner as the police records check; it remains the property of the person in whose name it is produced.

Summary

- The police records check must be shared as an original document. Photocopies are not acceptable.
- The existence of a previous conviction does *not* cause automatic suspension, dismissal, deferment, discipline, or any other penalty. It does require explanation and conversation, and in some cases, verification (see Clarifying Conversations, page 17).

Guidelines for Committees

Confidentiality

In any activities of the church where personnel screening and selection occur, or in discussions regarding ministry candidate suitability, confidentiality is a concern. Committees that are involved with receiving information regarding a police records check must practise a high degree of confidentiality. The contents of any person's police records check (or certificate of convictions) should be discussed only with the committee during scheduled meetings for the purpose of screening, and never with any individual outside the committee.

Committee Roles

All committees that require a police records check as a screening tool need to develop a protocol indicating which committee members will review and sign that they have seen the original. Committees may also make and retain a copy of the police records check for their records.

In case the police records check shows a possible conviction, the committee needs to have a plan in place for further clarifying conversation. This conversation would focus on how the nature of the convictions affects the person's ability to perform all of the duties of ministry (see Clarifying Conversations, page 17).

Presbytery/District Education and Students Committee

Inquirers: The Presbytery/District E&S Committee, upon receiving the reports of the Conference Interview Board and the Discernment Committee, contacts the inquirer to request that he or she obtain, at his or her own expense, an original, current vulnerable sector (level 2) police records check as part of the application. Please refer to form ADM 306, Presbytery/District Action re: Applicant for Admission and Suitability for Ministry, available on the United Church website: www.united-church.ca/forms.

Candidates: The Presbytery/District E&S Committee meets with its candidates each year to review their progress and their ongoing call to ministry. Every sixth year during the candidacy, a candidate must provide, at his or her own expense, an original, current vulnerable sector (level 2) police records check at this meeting.

Designated Lay Ministers: Before the presbytery/district recognizes a designated lay minister, the individual must provide, at his or her own expense, an original, current vulnerable sector (level 2) police records check. Designated lay ministers only submit the police records check to the Presbytery/District E&S Committee as an inquirer. Once they are in presbytery/district appointments, designated lay ministers submit their police records check to the pastoral charge.

Ordination and Commissioning: The Presbytery/District E&S Committee receives from each candidate nearing the completion of his or her requirements an application to be ordained/commissioned, a personal statement of faith and theology, notification from the theological school

that the prescribed course of study is nearing completion, and, at his or her own expense, an original, current vulnerable sector (level 2) police records check. Please refer to form CAN 209, Application for Ordination/Commissioning, available at www.united-church.ca/forms.

Presbytery/District Pastoral Relations Committee

Designated Lay Ministers: Before any presbytery/district appointment of a designated lay minister, the individual to be appointed is asked to provide, at his or her own expense, an original, current vulnerable sector (level 2) police records check. Please refer to form PR 433 AP, Record of Appointment, available at www.united-church.ca/forms.

Joint Search Committee

Candidates: When the Joint Search Committee has made a decision about the candidate that they wish to recommend to the pastoral charge, that individual must be asked to provide, at his or her own expense, an original, current vulnerable sector (level 2) police records check. Please refer to form PR 435 RC, Record of Call, available at www.united-church.ca/forms.

The Joint Search Committee also checks the candidate's references. See *Handbook for Joint Search Committees* (available at www.united-church.ca/handbooks).

Ministry and Personnel Committees

Ministry Personnel: The Pastoral Charge Ministry and Personnel Committee ensures that any ministry personnel in a continuous relationship, whether by call or appointment, provides, every six years, at his or her own expense, an original, current vulnerable sector (level 2) police records check. The M&P Committee keeps a signed and dated record of having seen the original, and may keep a copy of the report for its records. The Presbytery/District Oversight Committee, on its triennial oversight visit, confirms that this has taken place.

If a ministry personnel does not comply, this needs to be reported to the Presbytery Pastoral Oversight Committee. If the police records check indicates a possible conviction, the M&P Committee should request that someone from the Presbytery/District Pastoral Relations Committee join them and the ministry personnel for further conversation (see *Clarifying Conversations*, page 17).

Congregational Designated Ministers: A pastoral charge may appoint a congregational designated minister to fill a position that has been approved by presbytery. To be appointed a congregational designated minister, a person must meet all requirements of *The Manual, 2010*, section 345, and provide to the Ministry and Personnel Committee of the pastoral charge, at his or her own expense, an original, current vulnerable sector (level 2) police records check.

Presbytery/District Oversight Committee

Ministry Personnel: When conducting and reporting on their triennial visit, the visitors representing the Pastoral Oversight Committee check with the Pastoral Charge M&P Committee to ensure that a police records check has been obtained from the ministry personnel within the last six years.

Specific Situations

Applications for Admission/Ordained Supply/Diaconal Supply

The General Council Office's Human Resources Unit receives proof of ordination or commissioning, official academic transcripts, current letters of standing from the home denomination, letters of reference, and a completed application form. The applicant includes, at his or her own expense, an original, current vulnerable sector (level 2) police records check.

When the minister is approved to seek an appointment, Human Resources reviews the police records check and forwards a copy to the presbyteries with all the other relevant documentation. If there is indication of a possible previous conviction, the Presbytery/District Education and Students Committee follows its protocol for the conversation that is needed with the applicant (see Clarifying Conversations, page 17).

Applications for Re-admission

A person seeking to be re-admitted after having been on the Discontinued Service List must apply to the Conference through the presbytery of which he or she was last a member. As part of the application for re-admission, the applicant must include, at his or her own expense, an original, current vulnerable sector (level 2) police records check. Please refer to form ADM 308, Application to Be Considered for Re-admission, available at www.united-church.ca/forms.

The Conference follows its protocol for who has the authority to review and sign that the original copy has been seen, and if there is indication of a possible previous conviction, who has the responsibility to have conversation with the minister (see Clarifying Conversations, page 17).

Appointment of Retired Ministers

It is the duty of the presbytery, when appropriate, to appoint an individual to a pastoral charge, mission, or outreach ministry. Before making any appointment, the presbytery must receive from that person, at his or her own expense, an original, current vulnerable sector (level 2) police records check.

In a case of a retired ministry personnel to be appointed within the presbytery of which he or she is a member, a vulnerable sector (level 2) police records check that has been issued within the past three years satisfies the requirement (*The Manual, 2010*, section 062).

Ministry Personnel Retained on the Roll of Presbytery/District

A ministry personnel wishing to have his or her name retained on the roll of presbytery/district must make annual application to do so. The applicant must provide, at his or her own expense, an original, current vulnerable sector (level 2) police records check when first applying to have his or her name retained on the roll and every third year after that if the applicant remains retained on the roll (*The Manual, 2010*, section 314(d)).

The presbytery/district shall develop a protocol indicating who has the authority to review and sign part D of form PR 442 RR to verify that the original copy of the police records check has been

seen. In case the police records check indicates the possibility of a conviction, the presbytery must also determine appropriate people to have further conversation with the ministry personnel (see Clarifying Conversations, page 17).

Letters of Standing for Ministry Personnel

Prior to issuing a letter of good standing for any ministry personnel on its roll, the presbytery/district must receive from the ministry personnel, at his or her own expense, an original, current vulnerable sector (level 2) police records check (*The Manual, 2010*, section 369). It would be shown to the writer of the letter, normally the presbytery/district secretary.

Clarifying Conversations

Each committee that requires a police records check as a screening tool must develop a protocol for further clarifying conversation if a possible conviction is indicated.

It is suggested that the two members of the Presbytery/District Pastoral Relations Committee who have been designated to see the police records check enter into further conversation with the ministry personnel. The conversation should focus on how the nature of the convictions would affect his or her ability to perform all the duties of ministry.

The committee members would also consult with the Conference personnel minister, who may seek legal advice through the General Council Office. These conversations will help develop the kind of reporting that is required for informing the whole Presbytery/District Pastoral Relations Committee and the presbytery.

Some questions for the committee to reflect on include:

- How recent is the conviction?
- Is the conviction for a pardonable offence? Has the person applied for a pardon or been denied a pardon?
- What type of rehabilitation/treatment (if appropriate) has the person engaged in to address the behaviour that resulted in conviction?
- Are there any restrictions on the person's conduct as a result of the conviction that may affect his or her ability to perform all the duties of ministry? How can those issues be addressed?
- How does the person understand and describe his or her responsibility for the conviction?
- How has the issue affected the person's faith and spirituality?

In these deeper conversations regarding a conviction, the focus should be two-fold:

- the growth and change that has occurred for the individual as a result of dealing with such charges
- the potential risk posed to those with whom the person will have contact in a ministry position

Following the clarifying conversation, the candidate may be requested to show further documentation detailing the actual conviction(s) and their disposition by the courts. There is usually an additional cost for this procedure, and it may require the applicant to be fingerprinted for record verification. This additional cost is the responsibility of the applicant, candidate, or inquirer. This document must be shown and recorded and remains the property of the person in whose name it is produced.

Suggested Protocol in Case of a Conviction

1. The ministry personnel is to inform the representatives that his or her report will show a conviction, the nature of the conviction, and whether he or she received a pardon. Note: Ministers are required to disclose any convictions to the Presbytery/District Pastoral Relations Committee or to any other committee fulfilling that function (*The Manual, 2010*, section 364).
2. Two members from the Presbytery/District Pastoral Relations Committee see the police records check.
3. A conversation is to discuss held whether or not the conviction is of a nature that may affect his or her ability to perform all the duties of ministry. Involve the individual in the conversation to determine how the conviction has affected his or her life, faith, and ministry.
4. A member designated by the Presbytery/District Pastoral Relations Committee is encouraged to consult the Conference personnel minister, who may seek legal advice through the General Council Office.

Appendix: Definitions

Canadian Police Information Centre (CPIC)

The only source available in Canada for accurate criminal records; database is managed by the RCMP.

Candidate

A person who, having been an inquirer, has been recommended by a Session or Church Board or Church Council and received by the presbytery as being qualified to prepare for ordination or commissioning to the diaconal ministry by The United Church of Canada.

Congregational Designated Minister

A baptized lay person employed by a pastoral charge in a specified ministry position designated by the presbytery as accountable to the Official Board or Church Board or Church Council of the Pastoral Charge. This category does not include persons serving as Candidate Supply, Intern Supply, Student Intern, or Student Supply.

Current Police Records Check

This report must be dated no earlier than six months prior to the date of presentation to the committee, unless otherwise indicated by the committee in its selection criteria.

Designated Lay Minister

A lay member of the United Church appointed by a presbytery to serve in a presbytery accountable ministry. This category does not include persons serving as Candidate Supply, Intern Supply, Student Intern, or Student Supply.

Ministry Personnel

Those persons who are members of the Order of Ministry (ordained/diaconal), those lay persons under appointment as a Designated Lay Minister, Candidate Supply, Intern Supply, or Student Supply and those persons from other denominations under appointment as Diaconal Supply or Ordained Supply. It does not include persons serving as Congregational Designated Ministers.

Police Records Check

The process of determining if an individual has any information recorded in his or her name and date of birth pertaining to criminal convictions for which no pardon has been granted. In other organizations, may be called criminal records check, criminal history check, or security check.

Vulnerable Sector (Positions of Trust) Check

This search is intended for individuals whose prospective position would involve them being in contact with persons in a position of dependence on others or otherwise at a greater risk than the general population of being harmed by a person in a position of authority or trust relative to them (i.e., working with children, the elderly, sick, or infirm).



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