

Police Records Checks

July 2017



The United Church of Canada
L'Église Unie du Canada

Police Records Checks (July 2017)



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Supported by
Mission & Service

Design: Ian Ball, Graphics and Print

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ABOUT THIS RESOURCE

This resource expands on the policy found under Oversight, Conflict Resolution, and Discipline, section J.2 of *The Manual*. Please refer to the current edition.

This resource contains

- policies and procedures that must be followed
- information and guidance to support committees working to receive and review police records checks from ministry personnel, candidates, and admission applicants

It replaces the October 2016 edition, and is in effect as of July 1, 2017. The procedures have changed to bring clarity and consistency to the requirement for police records checks.

Please refer as well to *Footsteps: Screening Procedures for Positions of Trust and Authority in The United Church of Canada* (2000), found on www.united-church.ca.

Purpose

The requirement for ministry personnel to provide police records checks (level 1 and level 2) has evolved since its implementation in 2006. The policy had different requirements for different categories of those in leadership positions. Administration of the policy varied widely across the church from Conference to Conference. This document brings clarity and consistency to the requirement for police record checks.

Theological Statement

“You are the salt of the earth... You are the light of the world.” (Matthew 5:13–14)

“You shall love the Lord your God with all your heart, all with all your soul, and with all your mind... and your neighbour as yourself.” (Matthew 22:37–39)

As people who follow the Way of Jesus, each one of us is called to affirm the inherent giftedness of each person and to serve each other in life-giving ways. Such service includes ensuring that policies and procedures are in place that seek the protection of the most vulnerable in our midst.

Background

Ministry and religious leadership is by nature a position of sacred trust. Services offered in the name of the United Church need to be held to high ethical standards. To be acting in the name of God among vulnerable people demands great integrity and trustworthiness. Adopting stringent and consistent screening measures in our church communities is an important way to communicate some key values of our faith: protection of all in our care, honouring the image of God in each person and being a trustworthy community.

—Faithful Footsteps

Faithful Footsteps: Screening Procedures for Positions of Trust and Authority in The United Church of Canada (2000) is the document on which the policies and procedures on police records checks are based. It is important to refer to this resource when considering the larger issue of “duty of care,” which is the “legal principle which summarizes the duty of The United Church of Canada to care for and protect participants in United Church programs.”

Faithful Footsteps provides important information about the selection process to be followed when recruiting individuals. The selection process includes application forms, interviews, reference checks, and police records checks. The police records check is only one tool in the screening process. Should there be discovery or disclosure of a criminal charge or conviction, guidance about how to proceed is provided under Best Practices (p. 8).

Policies

The United Church is committed to providing a safe environment for worship, work, and study in all pastoral charges, congregations, institutions, agencies and organizations, or other bodies that operate under its name.
—*The Manual*, section J.15

The policy about police records checks may be found under Oversight, Conflict Resolution and Discipline in section J.2 of *The Manual*. This resource includes changes to procedures that must be followed.

The policy on police record checks for ministry personnel applies to

- members of the order of ministry,
- designated lay ministers or DLM applicants,
- candidates, and
- those seeking admission or readmission to The United Church of Canada or ministry partnership status.

The policy for police records checks with respect to volunteers can be found in *Faithful Footsteps*.

The policy and procedures in respect to police records checks rely as well on the requirements set out in section J.10 of *The Manual*, which states: “A ministry personnel who is charged with a criminal offence must inform the presbytery Pastoral Relations Committee immediately.”

Procedures

Upon Entrance into Ministry

When an inquirer applies to be recognized as a candidate or designated lay ministry applicant, the inquirer shall provide level 1 and level 2 (vulnerable sector) checks to the body responsible for the formation of the inquirer.

If the inquirer is under the age of 25, only a level 1 check is required. (Vulnerable sector, level 2 checks provide information about pardoned sexual offences. No one under the age of 25 has a pardoned sexual offence.) Upon reaching the age of 25 the candidate (or ministry personnel) will provide a level 2 check to the body responsible for their formation.

Upon Admission, Readmission, or Application for Ministry Partnership Status

When an individual applies for admission or readmission to The United Church of Canada or requests status as ministry partner, level 1 and level 2 (vulnerable sector) checks must be provided to the body responsible for the individual's admission, readmission, or granting of status.

In all cases, level 1 and level 2 police record checks are to be shown to the body responsible for the formation of the candidate, the admission or readmission of the individual, or the ministry partner. The police record checks must be dated within six months of the review.

The chair of the body responsible will consult with the Conference personnel minister as needed.

The Conference personnel minister will make a notation within the individual's personnel file that the required police record checks have been seen.

Annual Filing

Each year, by June 30, each candidate or ministry personnel will certify that no criminal charges have been filed against them in the preceding year. This certification will be made by completing an online form sent to the Conference personnel minister. The Conference personnel minister will include the annual filing in the individual's personnel file.

Failure to provide such certification annually will require that the ministry personnel or candidate provide a current (dated within six months) level 1 and level 2 police records check to bring them back into good standing.

Failure to provide such certification above may affect the person's standing and may result in the court of accountability making recommendations to the next higher court to place that individual's name on the Discontinued Service List (Disciplinary).

At Other Times

The court of accountability or designate may at its discretion and expense require that a candidate or ministry personnel provide a current (within six months) level 1 and level 2 police record check.

How to Obtain a Police Records Check

Level 1 and level 2 police record checks may be obtained from a local police authority. The local police authority (local police, provincial police, or RCMP) will vary depending on where you live. Any fee is the responsibility of the individual. The record check remains the property of the individual.

Best Practices for Discussion of Criminal Charges/Record

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 aware of our biases.

Some behaviors 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.

When a criminal charge or conviction is disclosed or discovered it is expected that there will be a further clarifying conversation and discernment about what, if any, other action is necessary.

To be responsible in relation to duty of care and clarification of risk assessment (see *Faithful Footsteps*), the conversation needs to focus on the type of conviction and when it occurred. Again, this is to be a clarifying discussion, exercising diligence, compassion and wisdom. The conversation should focus on how the nature of the conviction would affect their 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 assist in developing any report or recommendation that may be required to inform the decision-making body (the presbytery or Conference).

If You Have a Criminal Charge or Record

“You are the salt of the earth... You are the light of the world...” and yes, we humans make mistakes. As you prepare to discuss the charge or conviction with a court of the church, you may wish to consider the following:

- how your actions have impacted the community
- how you have attempted to repair any harm caused
- what you learned of yourself
- what systems you have in place to ensure healthy community engagement

You may find it beneficial to be in conversation with the Conference personnel minister.

If a Criminal Charge or Record Is Disclosed or Discovered

We humans make mistakes and together we are the church, “to reconcile and make new” (A New Creed). As you prepare to discuss a charge or conviction with a candidate or ministry personnel, you may wish to consider:

- What is the nature of the charge or conviction?
- How recent is the charge or conviction?
- Is the conviction for a pardonable offence?
- Has the person applied for a pardon or been denied a pardon?
- What steps has the person taken to repair harm?
- Are there any restrictions on the person’s conduct as a result of the conviction that may affect their ability to perform all the duties of ministry? How can those issues be addressed?

You may find it beneficial to be in conversation with the Conference personnel minister.



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