

Background Checks: What are they?

Background checks are commonly required to volunteer or work in most organizations. But there is a great deal of confusion around what the differences are between checks. This document will outline the differences and answer some common questions around background checks.

Public Safety Canada's [The Screening Handbook, 2012 Edition](#) provides organizations with guidance on what level of criminal record screening they require and how to determine their screening requirements.

Note: the information on the differences between the checks is provided by the RCMP.

Criminal Record Check

A Criminal Record Check will determine if a person has been charged or convicted of a crime. There are two ways to check if you have a criminal history:

Name-based criminal record checks

- Using names and dates of birth is the most common way to check a person's criminal history.
- Name-based criminal record checks are done checking against the RCMP's Canadian Police Information Centre (CPIC) system. They consist of a check of the National Repository of Criminal Records based on a person's name and date of birth. It may also include searches of other national and local databases.
- Name-based checks have weaknesses in verifying a person's identity due to some last names being the same, differences in spelling, use of nicknames, legal name changes and the intentional changing of names to avoid a record of criminal history.

Certified criminal record checks

- When name-based criminal record checks do not provide a definite way of confirming a person's identity, you may be asked to provide fingerprints. This is known as a "certified criminal record check."
- A fingerprint search of the National Repository of Criminal Records is conducted by the RCMP.
- The use of fingerprints for criminal record checks is based on informed consent and includes sharing the results of that information to a third party named by you on the application form.
- The fingerprints submitted for criminal record checks are only used to confirm your identity. At no time are fingerprints added to a database where they could be subject to search.

Vulnerable Sector Check

A Vulnerable Sector Check is a police information check plus a check to see if a person has a record suspension (pardon) for sexual offences. Only individuals who have access to

vulnerable populations or are in positions of trust or authority over children or other vulnerable person, through volunteer or paid employment, are eligible to undergo a Vulnerable Sector Check.

Children are defined as being anyone under the age of 18. Vulnerable persons are people who, because of their age, disability or other circumstance, are more vulnerable than others.

To obtain a Vulnerable Sector Check, you usually have to attend your local police service (where you live, not where you work) and the organization may be required to provide information to confirm your need for a Vulnerable Sector Check. Each jurisdiction operates slightly differently but, in general, the following information may be required:

- A description of the position
- The name of the organization staffing the position
- Details about the children or vulnerable persons (e.g. age, or other factors that can show how the person is vulnerable)
- If the position is volunteer, provide a letter from the organization stating the person will not be paid for services or any other personal expenses incurred.

Vulnerable Sector Checks include checks of national databases maintained by the RCMP and local police records where the applicant lives.

(The previous material found at <http://www.rcmp-grc.gc.ca/en/types-criminal-background-checks>)

Enhanced Police Information Check (conducted by Sterling Backcheck)

The Enhanced Police Information Check (EPIC) consists of two elements:

- **Criminal Record Check** – a search of adult convictions held within the RCMP National Repository of Criminal Records.
- **Local Police Information** – searches of additional conviction and selected non-conviction information which may be relevant within both national and local police data sources.

Other Important Information about Background Checks

1. There are two significant limitations related to Background Checks:
 - they are only good up until the day they are conducted, that is, they should not be used to predict future behaviour
 - they only report on incidents where an individual has been caught. Incidents of sexual abuse and assault of children and adults, for example, are notoriously under-reported. A clear Background Check is an important piece of information should not be interpreted to mean that the individual has never committed illegal or unethical behaviour. A Background Check should always be considered as one part of an overall assessment strategy.

2. Background checks should be conducted and be received and reviewed by the employer/ organization prior to hiring. Hiring should be conditional on a Background Check that does not present any concerns relevant to the position, its responsibilities and risks.
3. A Vulnerable Sector Check needs to be conducted only once unless the individual takes on a new position with different risks. Further, Canada does not grant pardons for very serious criminal offences such as those of a sexual nature that involves a child and assaults against a child. If any of these offenses were committed, charged or tried before January 4, 1983, they are not eligible for being covered under a record suspension (pardon).
(<https://www.pardonapplications.ca/articles/what-offences-are-ineligible-for-a-pardon/>)

However, an individual can be pardoned for other sex offences. Although the record will be kept 'separate and apart', their name will still be flagged in the CPIC computer system. Past convictions will be disclosed for the safety of vulnerable people but will NOT be disclosed for a criminal record check for employment or volunteering where the individual would not be in contact with children or other vulnerable groups.

4. Youth records are protected under the Youth Criminal Justice Act. This federal piece of legislation protects the criminal history of youth, except under very particular circumstances such as hiring within the federal government. It is unlikely that a Background Check, of any description, will be useful for youth under 18 years old. It would be more useful to conduct regular reference checks for youth.
5. Sometimes coaches may have a Background Check conducted for other purposes, such as volunteering at their child's school or being a Scout leader. Before deciding whether to accept those Checks, take a close look at when the check was conducted and what level of check it was. It is possible that the risks associated with the current position are different than the risks checked by the Background Check. It is also possible that the Check is stale-dated and needs to be updated.
6. Sometimes coaches are from a different country. Make sure that, if conducting a Background Check within the Canadian system, that the coach has lived long enough in Canada to make the Check worthwhile. If the coach has lived in Canada less than two years, try to conduct the Check in the country they lived in prior to moving to Canada.