



Report to: General Committee

Date Report Authored: April 29, 2011

SUBJECT: Memorandum of Understanding with the Toronto Police Service regarding Disclosure of Information for Employment and Volunteer Purposes

PREPARED BY: Mona Nazif, Human Resources Manager, ext. 2484

RECOMMENDATION:

- 1) THAT the report entitled Memorandum of Understanding with the Toronto Police Service regarding Disclosure of Information for Employment and Volunteer Purposes be received; and,
- 2) THAT the Mayor and Town Clerk be authorized to sign the Memorandum of Understanding with the Toronto Police Service to allow for disclosure of information relating to Vulnerable Sector Screening Program- Police Reference Check; and further,
- 3) THAT Staff be directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to seek Council approval to have the Mayor and Town Clerk sign as “head of the organization” the Memorandum of Understanding with the Toronto Police Service to enable the Corporation to obtain the disclosure of information necessary to determine suitability of potential candidates for employment, volunteer opportunities, and/or the holding of a municipal licence where they will have direct contact with children or vulnerable persons.

BACKGROUND:

The Town of Markham routinely conducts Vulnerable Sector Screening Program- Police Reference Checks (also known as vulnerable sector screening checks) to determine the suitability of applicants and volunteers who will enter into contact with children and vulnerable persons for employment or volunteer purposes. Vulnerable persons are deemed to be individuals who, because of their age, a disability, or other circumstances, are in a position of dependence on others, or are otherwise at greater risk than the general population of being harmed by a person in a position of authority or trust relative to them.

This practice of conducting vulnerable sector screen checks is common practice in municipalities, social agencies, many sports associations and any other type of organization which provides services to children and other vulnerable individuals. Currently the majority of the Town’s vulnerable sector screening checks are conducted for potential employment and volunteer candidates relating to the Departments of Recreation and Culture for positions such as lifeguards, swim instructors and programs dealing with children and vulnerable individuals. In addition, vulnerable sector screen checks are conducted for taxis drivers applying for taxi licenses, and for driving school instructors applying for driving school licenses. It is anticipated that such screening will be extended to other categories of licence holders as part of the Licensing By-law review currently being undertaken by Legislative Services staff.

In October of 2010, the RCMP mandated that police services only conduct vulnerable sector screening checks for their own residents. As such, the York Regional Police became able to process only those vulnerable sector screening applications for individuals residing in the Region of York. Residents living outside of York Region must now contact their own local police service to facilitate a vulnerable sector screen check.

Some police services require an agreement to be in place between their police service and the agency or organization in order to facilitate a request for a vulnerable sector screening check. At this time, agreements are not required to be in place by York Region Police, Durham Region Police or Peel Region Police. However, the Toronto Police Service requires agencies and organizations (including municipalities) needing vulnerable sector screening checks performed for potential candidates and volunteers to have an agreement (a Memorandum of Understanding) in place between the Toronto Police Service and the agency.

The following provides some information about the Memorandum of Understanding with the Toronto Police Service whose purpose is to set out the terms and conditions for the disclosure of information by the Toronto Police Service to the individual.

- Any disclosure of information shall only be for the purpose of assisting the Agency to determine the suitability of potential candidates for employment, volunteer duties having direct contact with children or vulnerable persons in addition to applicants for specified municipal licences.
- The Toronto Police Service will only conduct vulnerable sector screen checks for an Agency with whom the Toronto Police Service has entered into an agreement.
- The Agency must provide the Toronto Police Service with the names of a maximum of three contact members – a contact member has been selected in each of the Departments of Human Resources, By-Laws, and Recreation Services.
- The Agency must understand its obligations under the Human Rights Code (all three Town of Markham contacts have completed the required training).
- The Agency must ensure the applicant understands the type of information that may be disclosed about him/herself.
- The information must be either destroyed after use or maintained in such a manner as to prevent unauthorized use.
- The Agency will ensure that any Agency Board Members having direct contact with children or vulnerable adults consent to a Police Reference Check, and that the Agency will ensure that steps are taken to have these Police Reference Checks carried out.
- The Agency must indemnify the Toronto Police Service from all claims, damages and demands and expenses arising directly or indirectly out of the provision or use of information pursuant to this Memorandum provided the claim, loss, damage, demand or expense was not the fault or negligent act or omission of the Toronto Police Service.

OPTIONS/ DISCUSSION:

In order to determine the suitability through a vulnerable sector screening check of potential candidates who reside in the City of Toronto for employment and volunteer duties with the Town of Markham that involve direct contact with children or vulnerable persons, the Town of Markham must enter into a Memorandum of Understanding with the Toronto Police Service.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable as the applicant will bear the cost of the vulnerable sector screening.

HUMAN RESOURCES CONSIDERATIONS

As per this report

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable

BUSINESS UNITS CONSULTED AND AFFECTED:

The Legal Services Department has reviewed this report. Consultations were held with Recreation Services and Legislative Services, two departments that specifically require vulnerable sector screening checks conducted for potential candidates and potential volunteers.

RECOMMENDED BY:

26/05/2011

X Nadine Daley

Nadine Daley
Acting Director, Human Resources

X



John Livey
Chief Administrative Officer

ATTACHMENTS:

Memorandum of Understanding between the Toronto Police Service and the Corporation of the Town of Markham