



Title: Swim BC Screening and Criminal Records Check Policy

Section: Swim BC Social Policies
Approved by: SBC Board of Directors

Date of Approval: October 3, 2020
Next Review: Annually

Background

The following Swim BC Policy outlines the responsibilities identified in the Criminal Records Review Act in accordance with the Criminal Records Review Program (CRRP). The CRRP carries out the criminal record checks that are mandatory for current and new employees working with children or vulnerable adults in organizations that are operated, licensed or funded by the BC government, or in volunteer organizations that have chosen to opt into the program. The CRRP is provided through the Ministry of Public Safety and Solicitor General. The [CRRP](#) offers online services to facilitate the screening and criminal records check policy.

Policy Statement

Swim BC Member Clubs are responsible for ensuring all employees or volunteers working with children or vulnerable adults, as a component of their respective organizational activities, complete a Screening and Criminal Records Check through the CRRP. Swim BC is responsible for ensuring all Swim BC employees complete a screening and criminal records review through the CRRP. The screening and criminal records check must be completed prior to working with children or vulnerable adults.

1. Definitions

The following terms have these meanings in this Policy:

- a) *“Authorized contact”* – a designated individual within Swim BC staffing structure who will be responsible for receiving and recording all CRC’s.
- b) *“Criminal Record Check (CRC)”* – a comprehensive search of legal records by the Criminal Records Review Program to determine whether an Individual has relevant events that deem them to be a risk for vulnerable populations.
- c) *“Criminal Records Review Program (CRRP)”* - Government of BC program receiving and reviewing all CRC’s; determines if there are any reviewable offences and reports all CRC results to Swim BC.
- d) *“Criminal Records Review Act”* - the Act
- e) *“Designated Categories”* - roles, areas of employ or volunteerism as defined by Swim BC
- f) *“Individuals”* – includes employees, volunteers, or contractors whose position is one of trust or authority or interaction with minors and vulnerable adults. Personnel may include but is not limited to: Swim BC: Staff, Board of Directors, Coaches, Team Managers, Chaperones and NCCP Coach Developers
Member Clubs: Coaches, Club Team Managers and Club Chaperones.
- g) *“Member Club(s)”* - any organized group of persons associated for the purposes of swimming and registered as a Member of Swim BC.
- h) *“Society”* – Swim BC.
- i) *“Swim BC designated event”* - All BC Provincial championships or competitions designated as such and where activities occur in a Swim BC sporting environment as defined in the Swim BC Code of Conduct and Ethics Policy.
- j) *“Swimming Canada Registration, Tracking and Review System (RTR)”* – The electronic registration and results system provided by Swimming Canada.
- k) *“Vulnerable Adult”* - means an individual 19 years or older who receives health services, other than acute care, from a hospital, facility, unit, society, service, holder or registrant as referred to in the Act.
- l) *“work with children”* - means working with children directly or having or potentially having unsupervised access to children
 - i. In the ordinary course of employment,
 - ii. In the practice of an occupation,
 - iii. During the course of an education program, or
 - iv. While providing services as a volunteer;



- m) “work with vulnerable adults” - means working with vulnerable adults directly or having or potentially having unsupervised access to vulnerable adults
 - i. In the ordinary course of employment,
 - ii. In the practice of an occupation,
 - iii. During the course of an education program, or
 - iv. While providing services as a volunteer.

2. Purpose

- a) Swim BC is required to adhere to the Province of British Columbia’s Criminal Record Review Act.
- b) Swim BC has an ethical, moral and legal responsibility to provide a safe sport environment for its program participants and staff.
- c) Swim BC understands that screening personnel and volunteers is a vital part of providing a safe sport environment for all Individuals.
- d) All Swim BC Member Clubs are required to adhere to all Swim BC policies.

3. Application

- a) All persons who work closely with children and vulnerable adults, and who occupy positions of trust and authority within Swim BC and our Member Clubs are expected to complete a CRC.
- b) Designated Categories have been established for application of this policy and are considered to include persons who work closely with children and vulnerable adults, and who occupy positions of trust and authority within Swim BC and our Member Clubs. The identified designated categories list below may not be exhaustive and individual Member Clubs are expected to identify all individuals who may meet the conditions outlined above in their respective organization and ensure that the individual complete a CRC.
- c) Swim BC has identified the following designated categories, based on their role, who require screening:
 - i. All club coaches, team managers and chaperones
 - ii. Club Board of Directors
 - iii. Paid Swim BC staff positions;
 - iv. Swim BC Board of Directors;
 - v. Coaches of provincial teams;
 - vi. Volunteers and paid contractors appointed to accompany provincial teams to events or competitions;
 - vii. Registered Level 3, 4 and 5 officials;

4. Screening Procedures

- a) All Individuals required to complete a Criminal Records Check will ensure a current CRC has been submitted via the Criminal Records Review Program prior to being confirmed for the position;
- b) New Board member (Swim BC and Member Club) will submit a CRC within 30 days of being elected or appointed to the Board of Directors.
- c) At its sole discretion, the Criminal Records Review Program may agree to accept a “Shared Result” of a previous CRC performed in BC under the Criminal Records Review Program, if such a check was performed within 18 months. The individual sharing their previous results will have to undergo future CRC’s in compliance with the required maximum 5-year period between checks as stated in this policy.
- d) If an Individual already employed with or volunteering as a member of Swim BC did not complete a CRC upon initial application or membership, a CRC will be required.
- e) Failure to participate in the screening process may result in the individual’s ineligibility for the position sought.
- f) Individuals are required to submit a new CRC every 5 years
- g) Clubs are required to send Swim BC a list of all volunteer positions and corresponding names requiring a CRC as per this policy. Swim BC will track CRC completion.

5. Results



- a) All results are sent by the Criminal Records Review Program to the Authorized Contact identified as part of the CRC process. The authorized contact will be the employee or volunteer's respective organization as identified in this policy required to ensure that a screen and criminal record review was completed.
- b) Any applicant with a relevant offence will undergo an adjudication process conducted by the Criminal Records Review Program, who will in turn determine if the applicant poses a risk. Individuals undergoing an adjudication process will be sent a letter from the Criminal Records Review Program informing them of the adjudication. This allows Individuals to provide a written submission to the Criminal Records Review Program with more information about the offence. As part of this program, and as the governing body for member organizations, Swim BC will also receive a letter indicating that an adjudication is in process.
- c) Swim BC and the Individuals whose adjudicated results indicate risk will both be notified. Swim BC will assess their membership status at that time and then inform the Member Club and Individual.
- d) The Criminal Records Review Program engages a Reconsideration Process for Individuals who receive an adjudicated result. As per the Criminal Records Review Program, this must be completed with 30 days.
- e) Only Individuals with adjudicated results will be informed of their CRC status.
- f) Coach results received are acknowledged in the Swimming Canada Registration, Tracking and Review System (RTR) by Swim BC – coaches will not be considered compliant until this step occurs.

6. Relevant Offences

- a) Relevant offences are those offences for which pardons have not been granted, as defined in the Criminal Records Review Act of the Province of British Columbia as Relevant and/or Specified Offences or other such Offences as may be determined by the Act. The Criminal Record Review Program additionally considers any criminal offence involving the use of a motor vehicle; any child pornography offence; any violations for trafficking under the Controlled Drug and Substances Act; any crime of violence including assault; any criminal offence involving a minor or minors; any criminal offence involving theft, fraud or embezzlement; or any sexual offence involving a minor or minors, to be a relevant offence.
- b) If an Individual is charged with or convicted of an offence, that person must report the charge or conviction to Swim BC immediately (as per the Criminal Record Review Program). Swim BC must request that the charged or convicted person obtain a new CRC and determine if that person is suitable to continue carrying out their duties.
- c) An Individual's conviction of any criminal offenses may result in expulsion from Swim BC and/or termination from any designated positions, program, activity or event upon the sole discretion of Swim BC.

7. Criminal Records Review Timing

Swim BC requires that a CRC be conducted every five (5) years as per the Criminal Records Review Program. Notwithstanding this, Swim BC may at any time request that an individual in a Designated Category provide a CRC to Swim BC if Swim BC has grounds to believe that results of the CRC obtained previously are no longer accurate.

8. Records

Written records obtained in the course of implementing this policy will be maintained in a confidential manner conforming to the British Columbia Personal Information Protection Act and will not be disclosed to other except as required by law, or for use in a legal or disciplinary proceeding.