



# Criminal Record Screening of Applicants and Members

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## Criminal Record Screening of Applicants and Members

# 8-71

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**Established:** March 2017

**Effective:** April 1, 2017

**Revised:** September 12, 2017

**Approved by:** Registration Committee

### **Purpose:**

The purpose of this policy is to describe the criminal record screening process required by the College of Occupational Therapists of Ontario (the “College”).

### **Principles:**

The College has a legislated duty to regulate occupational therapy in the public interest to help ensure the safety of all participants in the health system. One of the ways the College does this is by carrying out criminal record screening of applicants at application, and through an audit process for occupational therapists (OTs) once they are registered with the College.

The College recognizes that the results of criminal record screening may not guarantee good character or predict future conduct. However, the College endorses criminal record screening as an important tool for helping to ensure public safety.

All applicants must submit a Vulnerable Sector (VS) Check with their application for registration for any class of registration with the College. Members of the College must submit a VS check when requested by the College.

### **Applicable to:**

This policy applies to:

- All applicants for all classes of registration; and
- All members of the College

### **Applicable Legislation:**

From Ontario Regulation 226/96: General, under the *Occupational Therapy Act, 1991*:

35. (1) The following are registration requirements for a certificate of registration of any class:



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1. The applicant must provide evidence as to whether he or she has been found guilty of any offence arising in any jurisdiction, including,
    - any criminal offence, or
    - any offence relating to the practice of occupational therapy.
  4. Nothing in the applicant's previous conduct affords reasonable grounds for the belief that he or she will not practise occupational therapy safely and ethically.
35. (2) It is a condition of a certificate of registration of any class that the member provide the College with the following:
1. Details of any of the following that relate to the member and that occur or arise after the member has applied for registration:
    - i. A finding of guilty in relation to any offence.
  2. Any other information about the member in the manner and in the form as required under the by-laws. O. Reg. 19/12, s. 1 (6)

#### **Type of Requirement:**

This is an exemptible requirement.

#### **Procedure:**

##### Applicants

1. The applicant must submit the results of a VS Check as part of their application to the College.
2. The applicant is responsible for obtaining the correct type of check and paying all related fees (including submitting to and paying for fingerprints, if required).
3. The VS check must be completed on all the names the applicant is currently using and has used in the past. The applicant is responsible for ensuring that the full legal name, previous names (if applicable) and date of birth on the VS check match the information provided to the College during the application process. If



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the information does not match, the VS check will not be accepted by the College.

4. The VS check must have been conducted no more than six months before the date on which registration with the College is granted.
5. If the results of the VS check are not clear, the Registrar will review the finding(s) and determine whether there are concerns about the applicant's suitability to practice (i.e., if the applicant's previous conduct affords reasonable grounds for the belief that the applicant will not practise occupational therapy safely and ethically). If the Registrar has reasonable doubts about the applicant's suitability to practice, the application will be referred to the Registration Committee for review and decision. Please see the Suitability to Practice policy for more information.
6. Applicants who have provided proof acceptable to the Registrar that they are not able to obtain the results of a VS Check (for example, applicants who do not or have not resided in Canada), will be required to undergo a criminal record screen approved by the Registrar, and to submit the results in the manner and form requested by the Registrar.

#### Members

1. Members of the College, when requested, must submit the results of a VS check to the College, in the manner and timeframe requested by the College.
2. The member is responsible for obtaining the correct type of check and paying all related fees (including submitting to and paying for fingerprints, if required).
3. The VS check must be completed on all the names the member is currently using and has used in the past. The member is responsible for ensuring that the full legal name, previous names (if applicable) and date of birth on the VS check match the information on file with the College. If the information does not match,



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the VS check will not be accepted by the College.

4. The Registrar will review the results of the VS check and determine whether there are concerns about the member's suitability to practice. If there are concerns, the Registrar may appoint an investigator pursuant to section 75 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991* to determine whether a member has committed an act of professional misconduct or is incompetent.