

BC SOCCER ASSOCIATION

RULE 22: RISK MANAGEMENT **Revised: June14th / 2007**

Guide for Employee/Volunteer Screening, Conducting Criminal Records Checks

POLICY

Every volunteer or employee age **19** and above must complete a Volunteer/Employee Disclosure Statement Form A or Form B or both annually.

Each District must appoint a District Risk Management Coordinator.

Each Club must appoint a Club Risk Management Coordinator.

The BC Soccer Association shall appoint a Provincial Risk Management Coordinator. This person's role is to investigate individual Volunteer Disclosure Forms when requested by the District R.M.C. after it has been determined that there may be a concern with a "Relevant Offence" as disclosed on an individual's application.

The BCSA shall, with input from the Districts review the existing Risk Management Policy and Procedures by April of each year.

Each District must establish a Risk Management Policy within their District.

PROCEDURE

To assist Districts, the following step-by-step guide is provided for the distribution and collection of the Risk Management Volunteer Disclosure Statement Form A and or B. The Form A and or B is to be filled out by every relevant applicant annually.

1. Each year the BCSA will update and post on the BCSA website the Risk Management Volunteer Disclosure Form A and B.
2. Each District will provide the BCSA Volunteer Disclosure Form A and or B to each Affiliate Club, who in turn will be responsible for the distribution and collection from all coaches, referees, managers, program administrators and other volunteers (described under Rule 22.), as per the BCSA policy.
3. The implementation procedure for the Risk Management Volunteer Disclosure Form A and or B is as follows:

INDIVIDUALS:

- i) Fill in all spaces on the Volunteer Disclosure Statement Form A or Form B
- ii) Place the original Form A or Form B or both in an envelope and seal it.
- iii) Print your name and club on the **BACK** of the envelope.
- iv) Return the sealed envelope to your Club Risk Management Coordinator as per his or her instructions.

CLUB RISK MANAGEMENT COORDINATOR:

- v) Make a Club Master List of all persons receiving the Form A or B. Each name will then be checked off as the forms are returned to you.
- vi) Club Coordinators DO NOT OPEN the envelopes, only to ensure on the Master List that they are all returned. When completed, make and retain a photocopy of the dated Master List for your club records.
- vii) Remit all sealed envelopes to the District Risk Management Coordinator, along with a dated copy of the Club Master List of enclosed Forms A, B, or both.
- viii) If an individual joins the coaching or administrative staff of a team at any time during the season, the Club Risk Management Coordinator must ensure that the above procedure is followed and that the applicant's name is added to the master list before sending his or her Form A to the District Coordinator. If an individual joins the board of directors or financial administration staff of a club at any time during the season, the Club Risk Management Coordinator must ensure that the above procedure is followed and the applicant's name is added to the master list before sending his or her Form B to the District Coordinator.
- ix) If an individual who is required to fill out the BCSA Volunteer Risk Management Disclosure Form A or B has filed a similar form within the past 12 months with another sport or organization, a copy of that form may be attached to the BCSA form with an appropriate address so that the District can follow up on the results of the first form being filed. Alternatively, the individual may elect to simply fill out and submit the BCSA Form A or Form B.

DISTRICT RISK MANAGEMENT COORDINATOR:

- x) All COASTAL District Clubs are required to file their Forms A or B with their District Risk Management Coordinators by October 1 each year. All INTERIOR District Clubs, the deadline will be June 1 of each year.
- xi) The District Risk Management Coordinator must open each envelope and review each Form A and Form B. If there is a positive .YES. response to question 3.a or 3.b, make and retain a photocopy of the Form A or Form B for your district records. A criminal history records check shall be performed.
- xii) The District Risk Management Officer shall confer with the BCSA Provincial Risk Management Coordinator when there is a positive relevant result to a criminal history record check. BCSA may confer with legal counsel when and will advise the District what further action is required.
- xiii) Once all Forms A and B have been collected and opened by the District Risk Management Coordinator, they are to be placed in alphabetical order in a PERMA RECORD STORAGE BOX. A copy of the District Master List of all individuals completing Forms A or B is to be firmly attached to the outside of the storage box, with another copy sealed inside the box.
- xiv) The PERMA RECORD STORAGE BOX is to be sent to the Executive Director - BC Soccer Association 375 Water St., Vancouver, BC V6B 5C6. A separate secured storage area outside of the BCSA office will be used to store these records.

How it works

A criminal record check will show whether a person has either an outstanding charge or a conviction under federal law.

Each District/Club/ League will be responsible for asking every current volunteer and successful applicant to provide written consent for a criminal record check Completion of Form A or Form B (BCSA Volunteer Disclosure Statement).

BCSA cannot place an individual who does not consent to a criminal record check. A current volunteer who does not give consent must not work with participants. New volunteers may be placed and current volunteers may stay in their regular positions while the criminal record check is being processed as long as the other screening measures have been completed and the volunteer has been cleared thus far.

The prospective volunteer can obtain a CRC his or herself or a Risk Management Officer from the District or League will submit the completed consent forms to the relevant police agency. The Risk Management Officer must sign an Oath of Confidentiality to ensure the privacy rights of the applicant are protected. The Risk Management Officer must also undergo a complete Criminal Records Check. It is preferred that the Risk Management Officer has a background in law enforcement or the judiciary. Some police agencies will have limitations on who can be assigned as the Designate; for example, the Vancouver Police Department will only grant permission to release a CRC to a person with signing authority for the registered society.

The police agency will process the information through the Canadian Police Information Center and return the results to the District Risk Management Officer.

- If a check does not reveal a record, the District Risk Management Officer will re-seal the Form A along with the results that no relevant record exists.
- If there is a record, the District Risk Management Officer compares the offence information to relevant offences named in the *Criminal Records Review Act* (crimes associated with physical or sexual abuse).
- If the record is not considered relevant under the *Act*, the District risk Management Officer will re-seal the Form A and or B along with the results that no relevant record exists.
- If the check does reveal a record the *Act* lists as relevant, the volunteer coach will be asked to provide fingerprints so that the police can confirm the person's identity.
- District Risk Management Officer receives the fingerprint results from the police.
- If the identity is confirmed, the District Risk Management Officer will inform BCSA and applicant that there is a relevant record and that the applicant's services are not required.
- If the fingerprints do not match those on the record, BCSA will be informed that no relevant record exists.
- The District Risk Management Officer then stores the record of rejected applications in a locked filing cabinet.

BCSA must then ensure that the volunteer is removed from or never placed in a position where he or she works with or has unsupervised access to participants.

New Charges and Convictions

If a volunteer who works with participants is charged or convicted of a relevant offence after a criminal record check has been completed, the volunteer must promptly report the conviction to the District Risk Management Officer.

Any volunteer has been charged with a criminal offense(s) amongst the list of Relevant Offenses may be temporarily suspended from its relationship with BCSA or from participating in any District/Club/League activities for an appropriate length of time determined by the BCSA Risk Management Committee having regard to:

- a) the seriousness of the incident(s);
- b) the length of sentence imposed in the criminal proceeding, if any;
- c) the member's prior behaviour; and
- d) any other relevant circumstance.

Any volunteer convicted of a criminal offense(s) listed under the Relevant Offenses shall be automatically suspended from participating in any and all activities of BCSA, District/ Club/ League for an appropriate length of time determined by the BCSA Risk Management Committee having regard to:

- a) the seriousness of the incident(s);
- b) the length of sentence imposed in the criminal proceeding, if any;
- c) the member's prior behaviour; and
- d) any other relevant circumstance.

Protection of Privacy

This policy balances the right of participants to be protected against the rights of individuals provided under the *B.C. Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.

Refusal to Comply

- If a current volunteer refuses to consent to a criminal record check, the individual cannot continue to participate.
- If a new volunteer coach refuses to consent to a criminal record check, the person will be refused placement.

NB. The same format would apply for paid coaches.

Schedule of Relevant Offences for Form A
(All Offense Sections cited relate to the Criminal Code of Canada)

S151 Sexual interference, S152 Invitation to Sexual Touching, S153 Sexual Exploitation, S154 Sexual exploitation of a person with a disability, S155 Incest, S159 Anal Intercourse; S160 Bestiality; S161 Order of Prohibition: S163.1 making, distribution or possession of Child Pornography; S170 Parent or Guardian Procuring Sexual Activity; S172 Corrupting Children; S173.1 Indecent Acts; S173.2 Exposure;

S177 Trespassing at Night; S179 Vagrancy; S212.1 Procuring a Person for the Purpose of Prostitution; S212.2 Living Off Avails of Child Prostitution; S212.4 Attempting to Obtain the Sexual Services of a Child; S215 Duties of a person to Provide Necessities; S218 Abandoning Child; S219 Criminal Negligence S220 Criminal Negligence Causing Death;

S221 Criminal Negligence Causing Bodily Harm; S222 Homicide; S229 Murder; S230 Murder in the commission of an offense; S233 Infanticide; S238 Killing Unborn Child in Act of Birth; S239 Attempt to Commit Murder; S240 Accessory after Fact to Murder; S243 Concealing Body of Child; S244 use of a firearm with intent to Cause Bodily Harm;

S245 Administering a Noxious Substance; S264 Criminal harassment; S264.1 Uttering Threats; S266 Assault; S267 Assault with a Weapon or Assault Causing Bodily Harm; S268 Aggravated Assault; S269 Unlawfully Causing Bodily Harm; S269.1 Torture; S270 Assault peace officer; S271 Sexual Assault; S272 Sexual Assault with a Weapon; S273 Aggravated Sexual Assault;

S273.3 Removal of Child from Canada; S279 Kidnapping; S279.1 Hostage Taking; S280 Abduction of Person under Sixteen; S281 Abduction of Person under Fourteen; S282 Abduction in Contravention of Custody Order; S283 Abduction; S 344 Robbery; S346 Extortion; S433 Arson; S372 False Messages/Indecent Telephone Calls/Harassing Telephone Calls; S810 Peace bond where fear of injury, damage or sexual offence.

2 The following sections of the Food and Drug Act (Canada) are designated relevant offences:

S39 Trafficking in Controlled Drug; S40 Trafficking in Restricted Drug.

3 The following is designated as a relevant offence:

S 4 Trafficking. Narcotic Control Act (Canada)

S 5 Trafficking. Controlled Drugs and Substances Act (Canada)

4 Additional Relevant Offences:

Conviction; Suspension; or Fine for the offence of Driving while under the influence of drugs and/or alcohol.

Schedule of Relevant Offences for Form B
(All Offense Sections cited relate to the Criminal Code of Canada)

s. 119 (bribery), s. 121 (fraud on the government), s. 122 breach of trust, s. 123 (municipal corruption), s. 124 (selling or purchasing office), s. 125 (influencing or negotiating appointments or dealing in offices), s. 129 (offences relating to public or peace officers), s. 130 (personating a peace officer), s. 131 (perjury), s. 137 (fabricating evidence), s. 139 (obstruction of justice), s. 140 (public mischief), s. 141 (compounding an indictable offence),

s. 322 (theft), s. 324 (theft by bailee), s. 328 (theft by or from person having special interest), s. 330 (theft by person required to account), s. 331 (theft by person holding power of attorney), s. 332 (misappropriation of money held under direction), s. 340 (destroying documents of title), s. 341 (fraudulent concealment), s. 342 (credit card theft or forgery), s. 342.1 (unauthorized use of a credit card), s. 344 (robbery), s. 346 extortion, s. 354 (Possession of stolen property), s. 362 (false pretences), s. 363 (fraud), s. 366 (forgery), s. 368 (uttering forged document), s. 374 (drawing document without authority), s. 380 (fraud of public market), s. 381 (fraud using mail), s. 382 (fraudulent manipulation of the stock market), s. 385 (fraudulent concealment of title documents), s. 387 (fraudulent sale of real property), s. 388 (misleading receipt), s. 389 fraudulent disposal of goods on which money advanced), s. 392 (disposal of property to defraud creditors), s. 398 (falsifying employment record), s. 399 (false return by public officer),

s. 400 (false prospectus), s. 403 (personation with intent), s. 422 (criminal breach of contract), s. 426 (taking secret commissions), s. 449 (making counterfeit money), s. 462.31 (laundering proceeds of crime).