



Hockey Newfoundland and Labrador Volunteer Screening Policy

Educating athletes and personnel about abuse and harassment is very important; however it is not enough. The Executive Officers of the local Minor Hockey Association have the responsibility to ensure that all volunteers, which includes: Players, Coaches and both on-ice and off-ice Officials are in a safe environment. Every effort must be made to protect them from abuse, harassment and injuries. We, as volunteer hockey administrators within our Associations, are responsible to ensure that players are protected both on and off the ice. It is important that volunteers at all levels within our Associations are certified and properly trained to deliver these programs to our players. We must provide both financial and human resources to deliver ongoing Professional Development Programs for our Coaches, Trainers, Managers and Directors of our Associations. Hockey Canada and Hockey Newfoundland and Labrador are constantly developing new programs and policies that will enhance the game of hockey and protect the Membership. It is important that we make every effort to ensure this information is disseminated to the participants.

Coaches, Assistant Coaches, Managers & Trainers:

Hockey Newfoundland and Labrador requires that all new Coaches, Assistant Coaches, Managers and Trainers who are making application for all teams during the upcoming season must make formal application to Hockey Newfoundland and Labrador. It is recommended that these application forms remain on permanent file with the branch office of Hockey Newfoundland and Labrador. In addition, it is recommended that all applicants be interviewed for the position. If the local Minor Hockey Association, League or team for the position selects the applicant, the appointment is contingent upon submitting the following completed forms: Part 1 – Personal Information, Part 2 – History of Conduct, Part 3 – Consent for Criminal Record Search for a Sexual Offence for which a Pardon has been granted, Part 4 – Consent to Disclosure of Record and the appropriate Letter or Certificate of Conduct **and a vulnerable person's check** from the police. **A new Letter or Certificate of Conduct from the police must be filed every five years.** The local Association must record the names of individuals who have been provided with these forms, collect the forms in sealed envelopes marked Private and Confidential and forward to the Hockey Newfoundland and Labrador branch office to the attention of the Risk Management Screening Committee. The Committee will review the results and determine if applicants have not been approved for membership.

Note: All existing Coaches, Assistant Coaches, Managers, Trainers and Hockey Newfoundland and Labrador Board of Directors who have not completed all application forms must do so.

If the Criminal Record Check indicates that there may or may not be a criminal record in existence the applicant is required to go to the local police or the RCMP, provide fingerprints and have the documentation returned marked Private and Confidential to the Hockey Newfoundland and Labrador branch office to the attention of the Risk Management Screening Committee. There maybe a fee for this service. In addition applicants are asked to submit a written statement outlining the nature of the charges, the sentence and the date of the sentence. Failure to comply may result in suspension pending further investigation.

Procedures for completing the Criminal Record Check

1. Applicants must complete side one of the Criminal Record Check Form that is provided by the local Association and signed by an official within the local Association. The applicant must bring this form to the local Police Service or the Royal Canadian Mounted Police who ever is responsible for policing in their place of residence. The applicant must bring two pieces of identification one of which must be a picture ID such as a Drivers License. In some instances the form will be completed while the applicant waits or will be required to return to pick up the form within a 10-day period. The applicant must then forward the completed form in a sealed envelope marked Private and Confidential to the local Association President or designate. Normally, there is no charge for completing a Criminal Record Check form providing the applicant is identified as a volunteer by submitting the Criminal Record Check form.

2. The local Association must record the names of individuals who have been provided with these forms; collect the forms in sealed envelopes marked Private and Confidential and forward the Criminal Record Check Forms to the Hockey Newfoundland and Labrador branch office to the attention of the Risk Management Screening Committee. The Committee will review the results and determine if applicants have not been approved for membership.

3. Applicants who have not been approved for membership, the Chair, Risk Management for Hockey Newfoundland and Labrador will notify the applicant that he/she has not been approved as well as the local Association President, President of Hockey Newfoundland and Labrador and the Chair of Hockey Newfoundland and Labrador Minor Council. All specific information on the Criminal Record Check is strictly confidential.

Privacy Statement: Hockey Newfoundland and Labrador acknowledges that, in receipt of information gathered under Screening Program, it may not disclose such information to any other person or organization, or any person within an organization unrelated to the screening process, and disclosure to any other such person constitutes a breach of the Criminal Records Act. All information collected either electronic or hard copies will be secure in the branch office under password protection or lock and key.

Committee Structure: The Hockey Newfoundland and Labrador Risk Management Screening Committee will be made up of the Chair of Risk Management, one appointed board member and one other professional member (i.e. solicitor/social worker). The President Hockey Newfoundland and Labrador is an ex-officio.

The Screening Committee will be reviewing all cases when the applicant is listed in the Child Abuse Register and/or has been convicted of any criminal offences. All cases will be reviewed on an individual basis. Applicants who have committed certain offences will not be accepted for a direct service position with vulnerable clients. These offences may include but are not limited to: sexual assault, current prohibitions forbidding contact with children, indictable criminal offences for child abuse; any offence of a sexual nature involving children including pornography, violent offences involving a weapon; and criminal driving offences such as criminal negligence causing death. As indicated other cases will be reviewed on an individual basis.

Hockey Newfoundland and Labrador Recommends the following Ten Step Program to Screen Volunteers:

- | | |
|---|---|
| 1. Determine the Risk | Associations can control the risk of the programs by taking steps to minimize or eliminate the risk altogether. |
| 2. Write A Position Description | Careful position design and clear description determine the position's level of risk while sending the message that your Association is serious about screening its volunteers. |
| 3. Establish A Recruitment Process | Recruitment materials should indicate that your Association screens applicants. |
| 4. Use An Application Form | An application form should request permission to do Criminal Record Check or any other screening measure, and should only ask for information related to the requirements of the position being filled. |
| 5. Conduct Interviews | Interviews help ensure that you select people who meet requirements and fit in your Association. |
| 6. Follow Up on References | Do not assume that applicants will only give you names of people who will speak well of them. |
| 7. Request A Criminal Record and Child Abuse Register Check | Only one step in the ten step screening process. |
| 8. Orientate and Train | Orientation and training sessions offer an opportunity to observe volunteers in a social setting and to provide information on your policies and procedures. |
| 9. Supervise and Evaluate | The greater the risk in a position, the more frequent and intense the supervision and evaluation process should be. |

10. Follow-Up With Program
Participants

Regular contact with clients and family members can be a deterrent to someone who might otherwise do harm.

HOCKEY NEWFOUNDLAND & LABRADOR **SCREENING POLICY**

QUESTIONS & ANSWERS

What is HNL's Screening Policy?

HNL's new Screening Policy is the product of two (2) years of consultation with Hockey Canada, Hockey Nova Scotia and the implementation of National Protocol's under the Speak Out Policy introduced by Hockey Canada to protect our players. It has been developed in conjunction with the Risk Management Officers at the Federal Levels, our counterparts at the other Provincial (Branch) Levels and also with the offices of Child Protection Services and the Royal Newfoundland Constabulary. It is a **mandatory** procedure which will be implemented this season. *No volunteer* shall be permitted to participate in any activity of HNL, or a member association or group of HNL unless the membership application in the included form is completed by the individual. *The membership Application Form is to be considered as equally important as the registration card.* Individuals will not be permitted to participate in registered activities without the card, and effective this season, they will not be permitted to participate in activities unless the Association has the individual complete this form and transmit a copy of the same to HNL. There will be absolutely no exceptions to this Policy whatsoever. Until and unless this Application Form is completed to the satisfaction of the Association and/or HNL, the individual shall not be considered registered, and is ineligible to participate in activities.

Why the implementation of a formal policy?

In a lengthy review of the Screening Policies within the Association, it was discovered that the individual Hockey Associations were largely responsible for conducting the necessary background checks prior to accepting an application for membership. Because of the number of Minor Associations and the geography of the Province, very few Minor Associations were communicating with each other as to their practice and there was a wide discrepancy in the thoroughness of the Application process. While the individual Associations have been responsible for screening potential Applicants for decades, some minor Associations actually requested further guidance and uniformity from the HNL office.

What risks are addressed by the Policies?

The risks to be avoided are obvious. The physical and/or sexual abuse of players with HNL is absolutely unacceptable. The placement of individuals who pose a potential risk to the well being of children is also unacceptable. Certain deficiencies were observed in the manner in which risk was being investigated and assessed. Since the determination of the various civil actions concerning the sexual abuse of children at the hands of the clergy of various churches, the highest Court in Newfoundland & Labrador has set out the law with respect to the liability for the

protection of children. Non-profit companies, including Hockey Associations, ordinarily are exempt from automatic liability if one of their members commits an unlawful act. In most cases, the Court considers it bad public policy to potentially bankrupt charitable organizations for single acts of neglect by one of its members or volunteers. However, there are two (2) major exceptions to that rule. The first is a situation in which the Association is put on notice that there is probable ground to suspect that abuse may be ongoing. This would be the case for business corporations and charitable companies alike. The second instance (which particularly concerns Minor Hockey Associations), is a situation which would certainly apply to us. If the nature of the non-profit or charitable company is such that it *necessarily* places minors in a position of proximity with adults and places the adults in a position of trust with the children, it is presumed that the non-profit association **will** be liable. This includes our counterpart associations such as Girl Guides/Boy Scouts, Big Brothers/Sisters and any other type of activity dedicated to children. HNL and its member associations would fall squarely within that category of associations, and a single act of abuse would render the Associations liable, whether the Association was in the position to prevent it or not.

Who does the Screening Policy apply to?

Everyone. This applies to all volunteers within HNL, from the President of the Branch down to the volunteer bench staff on teams within the various Associations. **Any person who ultimately has to be certified as an HNL member through registration** is subject to this policy. While the Association remains primarily responsible for the implementation of the policy at the Registration level, HNL strongly encourages the Minor Associations to apply the policy to other members within the Association who are not necessarily HNL Registrants. This would include the various Executive Members of the Association who serve on the Associations Board of Directors, but which do not function in a hockey capacity requiring HNL Registration.

Does the Policy apply to existing members?

Yes. All members of HNL, even those of long standing must complete the Application Form to maintain registration. There are two (2) reasons for this. The first is the pure risk management consideration. The second is that, under the Federal Privacy Act (see related presentation), HNL and its member Associations are under an obligation to keep the personal information of its members current. This means that the forms will have to be completed every year, in order to make sure that the information is accurate at its source. There are no exceptions to this requirement. We are required as a matter of Federal Law as of January 1st, 2004, to solicit fresh applications from individuals on a regular, periodic basis.

What is required at the time of Application?

Any volunteer applying for HNL membership, such as a director or officer, would forward his or her application to HNL itself. In that case, the potential member must complete the application form and provide any of the documents (including a

Letter of Conduct) which are identified in that form. If the Applicant is applying to a team or other Association within the Branch, the Association will have the Applicant complete the usual Association forms *in addition to* the new HNL Application Form. HNL must be provided with a copy of the normal registration particulars, as well as the completed HNL Application Form in order to process a registration. HNL is under no obligation to register an individual unless these forms are received, even though a registration card has been provided. *Please also note* that there must also be a Privacy Act Consent located on the form (see related presentation). In the case of a direct Application to HNL, HNL will provide the Consent Form to the Applicant directly.

Who will see the information on my application?

A very select number of people will see the information on the Application Form. The Application Form contains sensitive details about the person's individual history, criminal record and the like. These files will be held in the strictest of confidence, as is required by the Federal Privacy Act. The Federal Privacy Act provides much greater protection to the Applicant because it imposes very strict confidentiality requirements not previously present. HNL will constitute a Screening Committee, headed by the Vice President of Hockey Operations, and two (2) other members. These three (3) individuals will form the screening committee, and are required, by law, to keep the information contained in Application Forms confidential unless it is of absolute necessity to disclose any of the contents to the President. Upon receipt, the other Officers and Directors of HNL will not be privy to this information at the outset. It is prohibited for any of the other Officers and Directors of HNL to be provided with this information.

Each Minor Association is strongly urged to form its own Screening Committee, including a Screening Officer, who will be subject to the same requirement of confidentiality. As indicated, primary responsibility for the screening of Applicants rests with the Associations when the Application is to an Association. The Association should follow a procedure similar to that of the Branch with respect to the screening aspect. The Screening Committee will decide whether or not to accept or reject an Application, depending on the contents, and whether or not any of the contents of the Application are actually relevant to the risk to be avoided. Applicants will not necessarily be refused membership if, for example, they have a criminal record for an unrelated type of offense.

Why is the Application structured as it appears?

Upon consultation with Child Protection Services and the Royal Newfoundland Constabulary, several blind spots were identified in the practice of simply asking for a Letter of Conduct. There are a number of weaknesses in accepting a simple questionnaire, accompanied by a Certificate of Conduct without asking additional questions. Under particular pieces of Federal Legislation, the Letter of Conduct will not turn up record of an offense if the individual received a discharge, or was pardoned for an offense. The current Application requires that the Applicant disclose these matters, notwithstanding that the Certificate of Conduct would not disclose

them. The individual is under no obligation to complete the Form; however, in refusing to complete the Form, HNL is automatically entitled to refuse the person's Application for membership. So is the member Association. No further justification for the refusal is, or will be, necessary.

What if my Association has an existing policy?

Certain Minor Associations have already formulated fairly detailed policies. If the Association's policy is equivalent or better to HNL's in terms of the detail requested, the Minor Association is free to use its own Form. However, HNL must be provided with a copy of the completed Form once the Minor Association has received the Form back from the Applicant. If HNL does not have a copy of that Form, the individual Applicant will be treated as unregistered until such time as HNL receives a copy of the Application Form. If, after having opportunity to review the HNL Form, the Minor Association is left in doubt as to whether or not its format is "equivalent or better" to the HNL format, the Association is urged to contact HNL by no later than August 1st, 2004. Otherwise, it will be presumed that the Minor Association is content to use the HNL format.

What are our other duties?

The Risk Management and Screening Policies are intended to be threshold tests for potential risk to our members, especially minors. This Policy has been formulated in consultation with Hockey Canada, but Hockey Canada leaves each Branch (and each Association within the Branch), to formulate its own policies.

However, there are certain ongoing duties required of the Branch and its member Associations when it is suspected that there may be abuse of minors notwithstanding that an Applicant has successfully completed her or her Application Form at the time of registration. The attention of the Associations is referred to the Provincial (HNL) Recognition and Prevention of Abuse Policy, and the Hockey Canada Recognition and Prevention of Abuse Policies, Harassment Policies and any other policy which the individual Association may have formulated pursuant to its own authority. Vigilance is also required of the Association, and the procedures for dealing with suspected abuse are set out in the policies listed above. There are also certain all-encompassing policies which are required under Provincial Legislation, pursuant to the Child, Youth and Family Services Act. This Act requires that potential instances of abuse constituting harm to a child are to be reported. Please contact your local Counsel or HNL Counsel for initial consultation in the case of urgency. HNL has had opportunity to discuss the requirements of the Federal Protocols with the National Risk Management, and Insurance Officers, and they are also capable of answering any inquiry.

