

Parole Board of Canada

Record Suspension Application
Processing Fee
Remission Policy

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Table of Contents

INTRODUCTION / CONTEXT	4
EFFECTIVE DATE	4
BACKGROUND.....	4
OBJECTIVES	4
POLICY STATEMENT.....	4
APPLICATION AND SCOPE	5
AUTHORITIES	6
APPROVAL	6
MONITORING AND REPORTING.....	6
ROLES AND RESPONSIBILITIES	7
INQUIRIES	9
REMISSION WORK FLOW	9

Introduction / Context

Effective Date

This policy is effective as of April 1, 2021.

Background

The *Service Fees Act* (SFA), enacted in June 2017, aims at strengthening the transparency and accountability of service fees management. A key element of the SFA is the introduction of remissions.

A remission is the refund, credit, waiver or any kind of reimbursement to a fee-payer for a fee or portion of a fee paid in respect of a service for which the department determines the service standard was not met.

Objectives

This policy provides direction to the Clemency and Record Suspension Division of the Parole Board of Canada (PBC) and clarifies its roles and responsibilities with respect to monitoring service standards for record suspension applications and providing remission of a percentage of the application fee when these standards are not met. For the purpose of this policy, any use of the term record suspension also includes pardons.

The objective of this policy is to provide a fair and consistent approach in the management of remissions in accordance with Treasury Board (TB) policies and directives. In addition, guidance is provided to PBC officials regarding:

1. The authority under which a remission may be granted; and
2. Establishing an effective and rigorous procedure to document and process remission requests.

Policy Statement

This policy is based on the requirements as set out within the SFA (Section 7), as well as the intent of the [TB Directive on Charging and Special Financial Authorities \(Subsection 4.2.4\)](#) which requires that organizations establish a remission policy and procedures for granting remissions to fee-payers.

Subsection 7(1) of the SFA stipulates that if the responsible authority with respect to a fee considers that the service standard in relation to the fee has not been met in a fiscal year, the authority must remit, before July 1st, of the following fiscal year, the portion of the fee that the

responsible authority considers appropriate to any affected person who paid the fee. Furthermore, subsection 7(2) of the SFA also states that the consideration of whether the service standard in relation to a fee has not been met and what is the appropriate portion of a fee to be remitted, as well as the remission, must be made in accordance with Treasury Board policies or directives.

Application and Scope

Service Standard

Under the *Criminal Records Act*, the PBC may order, refuse to order or revoke record suspensions (formerly pardons) for convictions under federal Acts or regulations of Canada. The PBC’s Clemency and Record Suspension Division has established the following service standards:

- Individuals seeking a record suspension for an offence(s) tried summarily are to be processed ***within 6 months*** of the application being accepted;
- Individuals seeking a record suspension for an offence(s) tried by indictment are to be processed ***within 12 months*** of the application being accepted;
- Individuals with a record suspension application being proposed for refusal ***may require up to 24 months*** to be processed after the application was accepted.

Remission

In the unlikely event that service standards are not met, the PBC has developed the following guidelines to ensure that the appropriate remission is returned to the fee-payer. All record suspension applications are tracked to ensure that each application is processed and completed prior to its relevant service standard.

By utilizing the total number of days as listed below, the PBC will be able to identify the correct amount to refund when not adhering to the above service standards.

Days over the established standard	Percentage (%) of remission
1 to 30	10%
31 to 90	20%
91 to 150	30%
More than 151	50%

The PBC will be refunding a percentage (see table above) of the service fee when service standards are not met. When a remission is required, the PBC will refund individuals via direct deposit.

In order to receive a refund, individuals will be contacted by the PBC and will be required to provide information such as personal information, mailing address and banking information. If individuals are unwilling to provide the above noted information, the PBC will issue a cheque and mail the refund to the address provided during the record suspension application process.

Authorities

The following Acts and directives provide additional guidance to affected government departments related to remissions:

- The *Service Fees Act* (Section 7); and
- The Treasury Board Directive on Charging and Special Financial Authorities (Subsection 4.2.4).

Approval

The Director, Clemency and Record Suspension, on recommendation from the Pardon and Record Suspension System (PARSS) Administrator, will recommend that the remission be granted to the fee-payer in the form of a refund under the authority of the SFA and as outlined in this policy.

In the absence of the Director, Clemency and Record Suspension, the Executive Director General may also recommend that the remission be granted.

Monitoring and Reporting

All granted remissions will be reported and made public within the Parole Board of Canada's Annual Report on Fees.

Monitoring for potential breaches of service standards will be completed throughout the year by utilising data extracted from the PARSS. Once a breach is identified and analyzed, the Clemency and Record Suspension Division will action the remission, as required.

For any application requiring a remission, the PBC will process the appropriate remission in a timely manner once an outcome has been determined for the application. The PBC will process all such remissions before July 1st of the following fiscal year.

The PBC will make reasonable attempts to issue remissions to eligible individuals. However, should the PBC not be able to issue a remission, the PBC will:

- Keep a record of the attempts; and
- Return the funds to the appropriate cost centre (i.e., the cost centre used to fund remissions).

Roles and Responsibilities

Impact on a fee-payer if service standards are not met

A record suspension allows people who were convicted of a criminal offence, but have completed their sentence and demonstrated that they are law-abiding citizens for a prescribed number of years, to have their criminal record kept separate and apart from other criminal records.

A record suspension supports the successful reintegration of an individual into society. It is a formal attempt to remove the stigma of a criminal record for people convicted of an offence under an Act of Parliament.

During consultations, common barriers identified by individuals applying for a record suspension included:

- High application fee;
- Lengthy processing times; and
- Legislated wait times can prevent individuals from securing employment/enrolment in education programs.

In addition to the legislated waiting periods, gathering all of the required information to submit a complete application to the PBC can also be time consuming.

Impacts of an applicant not obtaining a record suspension within the established service standard could include: further preventing travel, continued restriction of educational opportunities, prolonged impacts on social and emotional status as well as a possible loss of confidence in the criminal justice system. This remission policy takes into account the impact that a service standard breach may have on an applicant. There could be a greater impact on applicants the longer an applicant has to wait beyond established services.

Circumstances beyond the PBC's control which could affect service standards

There may be circumstances beyond the department's control that may affect its ability to meet established service standards. Examples could include:

- System disruption (Information Technology (IT) services, network, electronic databases) resulting in delays in processing applications;
- Legislative amendments and the impact of these on PBC policy and procedures;
- Court decisions resulting in changes to policy and procedures; and
- Labour disruption, unforeseen office closure, pandemics, or any other extended exceptional circumstances causing disruptions out of the PBC's control.

The PBC will not remit funds in cases where circumstances beyond the PBC's control, such as those noted above, affect service standards.

The PBC will not remit funds in cases where the fee-payer delays the process such as:

- The fee-payer provided the PBC with additional information following the acceptance of their application, which resulted in the timeframe or service standard being changed/modified (i.e., indictable file with a service standard of 12 months changed/modified to a summary file with a 6 month service standard following new information submitted by the fee-payer). In these cases, the fee-payer will be informed by the Clemency and Record Suspension Division of any amendments to the service standard.
- The Clemency and Record Suspension Division is always prudent when dealing with pending charges. If a fee-payer is charged with a new offence, the Clemency and Record Suspension Division waits as long as it can within the respective service standard for a possible outcome on this/these new charge(s). If these pending charges are not finalized, the processing of an application continues; however, service standards could be impacted in rare cases.

In situations where the fee-payer is responsible for affecting established service standards, a remission will not be granted unless the Clemency and Record Suspension Division also played a role in the service standard not being met. In all cases, the PBC reserves the right to evaluate if a remission is warranted.

In the event that a service standard is breached and it is determined that the PBC will grant a remission to a fee-payer, no interest will be paid out to the fee-payer in addition to the remission amount regardless of when the remission is processed.

Inquiries

For interpretation, clarification or questions regarding the PBC's Clemency and Record Suspension Division's remission policy, please email suspension@pbc-clcc.gc.ca or contact the Parole Board of Canada, Clemency and Record Suspension Division directly.

Remission Work Flow

