

## **CRIMINAL RECORDS CHECKS**

### **Background**

As a measure to enhance the safety of students and staff, all employees shall be required to supply information from a criminal records check prior to commencing employment.

### **Procedures**

1. All prospective employees and volunteers require a letter from Prairie South Schools to complete a Volunteer/ Criminal Record and Vulnerable Sector check prior to commencing employment or volunteer services.
2. An original, current (within six months) criminal records check, including a vulnerable sector check, is required from:
  - 2.1 Any successful applicant being recommended for employment with Prairie South School Division.
  - 2.2 All post-secondary students who are completing practicum or internship placements in a Prairie South School.
  - 2.3 Volunteers involved in any activities involving direct, unsupervised contact with students are to be required to submit to a police criminal records check, the results of which must be acceptable to the Central Administrative Council.
  - 2.4 Once a person has submitted their criminal record check and has been approved as an unsupervised volunteer, s/he will be informed that they will be accountable to the reporting procedures outlined in Administrative Procedure 407.
  - 2.5 In-school administration may choose to reimburse the volunteer for the cost of the criminal record check.
  - 2.6 Should a school need a volunteer immediately, in-school administration may choose to have the volunteer complete the Declaration Respecting Criminal Record form located at Human Resources. The declaration form allows the volunteer to participate until their criminal record check is submitted, which must be received within two (2) weeks of submission of the declaration.
  - 2.7 Police service may refuse to provide a Vulnerable Sector check for positions where the employee or volunteer does not have regular or unsupervised contact with students. These situations will be reviewed on a case by case basis by Human Resources. All school-based staff and bus drivers are required to provide the Vulnerable Sector Check.

3. The criminal records check as it pertains to recommendations for suitability of employment, or voluntarism includes:
  - 3.1 All criminal convictions, held by the Criminal Records Information Management Services. Conviction means the final judgment on a verdict or a finding of guilty, or a plea of guilty. Conviction does not include a final judgment which has been reversed, set aside, or otherwise rendered invalid.
  - 3.2 A search of the automated criminal records retrieval system maintained by the Royal Canadian Mounted Police to determine if the applicant has been convicted of, and has been granted a pardon for, any of the offences that are listed in the schedule to the *Criminal Records Act* and the *Youth Criminal Justice Act*, and ministerial directives.
4. Failure to cooperate in providing a criminal records check, or submission of an inaccurate, false, misleading, or incomplete criminal records check, constitutes grounds for termination of employment, refusal to offer employment, or withdrawal of any offer of employment, or voluntarism.
5. Applicants may attach a statement of explanation to the criminal records check submitted outlining relevant circumstances.
6. Criminal records checks submitted, which include conviction will be assessed by the Director of Education and the Central Administrative Council, taking into consideration matters such as:
  - 6.1 The nature and particulars of the criminal conviction;
  - 6.2 The age of the individual when the events in question occurred;
  - 6.3 Any extenuating circumstances as provided by the applicant;
  - 6.4 The time that has elapsed between the conviction and the employment application, and the activities of the individual during that interim period;
  - 6.5 The rehabilitative measures undertaken by the individual since the conviction and the commitment the individual has to rehabilitation and to refraining from criminal activities; and
  - 6.6 The relationship of the conviction to the position for which the person is applying.
7. Any appeal of the decision of the Director of Education and the Central Administrative Council is to be made in writing to the Director of Education within 15 days of the notification of the termination of employment or voluntarism, the refusal to offer employment, or the withdrawal of any offer of employment.
8. Results of the criminal records check are to be kept in the employee's personnel file.
9. The applicant is responsible for any costs associated with the obtaining of the criminal records check.
10. Any employee who receives a pardon, or who is successful in having a criminal conviction record expunged, may submit a new criminal records check. In such cases, the previously submitted criminal records check is to be removed from the personnel file upon request.

11. The following question and statement are to be included on all application forms utilized for the recruitment of staff:

Have you ever been convicted of an offence or do you currently have any charges pending under *The Criminal Code of Canada*, *The Narcotics Control Act*, *The Controlled Drug and Substances Act*, 1996 or *The Food and Drugs Act*, 1985 or have any records held by the Criminal Records Information Management Services?

Conviction means the final judgment on a verdict or a finding of guilty, or a plea of guilty. Conviction does not include a final judgment which has been reversed, set aside, or otherwise rendered invalid.

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please indicate the nature of the offence(s), the date(s), and place(s) of the sentence(s) imposed (if applicable).

I will provide the results of a criminal records check, (including a vulnerable sector check).

Signature: \_\_\_\_\_

12. In situations where the applicant has submitted the original criminal records search form completed by the local city police or the RCMP, which indicates that a request for a criminal records search by fingerprints has been made, and that the applicant has provided satisfactory explanation of the need for the fingerprint verification. If the automated criminal records check system identifies that a person requires a fingerprint examination to determine if a criminal record exists a Declaration Respecting Criminal Record form may be completed. Completion of this sworn statement is sufficient to allow the person to commence work for up to six months while the parties await the results.

13. In situations where the applicant is requesting casual employment or volunteer placement, the results of the criminal records search are to be submitted before any placement.

Reference: Education Act Sections 85, 87  
Sections 45 School Division Administration Regulations  
Controlled Drug and Substance Act  
Criminal Code of Canada  
Criminal Records Act  
Food & Drugs Act  
Narcotics Control Act  
Criminal Records Regulations

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