

CRIMINAL RECORD CHECKS

Background

The Board of Education believes that students should be provided with a safe and secure environment in which to learn and will avoid employing or engaging persons who have a history of criminal activity of a nature that could threaten the safety of students.

The district acknowledges and accepts its responsibility to ensure that criminal record checks are conducted on all employees who work with children. In fulfilling its responsibilities, the district is guided by the Criminal Records Review Act, (the “Act”) which came into force on January 1, 1996 and which is amended from time to time.

The “Act” applies to persons working with children in organizations that are licensed by, registered with, or receiving operating funds from the province including:

- teachers and new applicants to the Teacher Regulation Branch,
- non-teaching school district employees who work with children,
- post-secondary and secondary students doing practicums and work experience placements in child care facilities,
- government employees “working with” students under 19 years old as part of the government Work Experience Program (GWEP).

The district requires all volunteers potentially having unsupervised access to children to authorize the local RCMP office to conduct a criminal record check through the Campbell River Volunteer Centre. The result of this criminal record check must be satisfactory to the district.

Procedures

1. The Criminal Records Review Act (the “Act”) defines “working with children” to mean working with children directly or having or potentially having unsupervised access to children in the ordinary course of employment, in the practice of an occupation, during the course of an education program, or while providing services as a volunteer.
2. In accordance with the Act, the district requires all new employees to provide the district with a signed consent to a criminal record check form. The K-12 sector employees are subject to a Vulnerable Sector Check by the RCMP. This check verifies your identity based on birthdate and gender match with a pardoned sex offender. If identified as a match, you will be required to submit to fingerprinting to verify your identity.
3. All employees will be required to undergo a re-check every five (5) years.
4. **Members of the Teacher Regulation Branch:**

The Teacher Regulation Branch is responsible for obtaining completed and signed Consent to a Criminal Record Check forms from all new applicants for certification.

5. **All Other Staff (excluding teachers and other registered professionals)**

The district will obtain completed and signed Consent to a Criminal Record Check forms from all other successful applicants for positions classified within the Act's definition of "works with children" (including those individuals who have previously had a criminal record check).

- 5.1 The secretary-treasurer's office, in conjunction with the human resources department, will be responsible for monitoring the administration of the Act.
- 5.2 Completion of consents for criminal record checks and disclosure forms are conditions of employment.
- 5.3 New employees from outside Canada or that received their certification from outside of Canada, may be requested to provide a criminal record check from their home country in addition to completing a criminal record check in British Columbia.
- 5.4 Criminal record checks are subject to a prescribed fee, which will be remitted by new employees and others required to undergo a criminal record check in accordance with this policy.
- 5.5 If an employee is selected under the Vulnerable Sector Check for further identification, the employee is required to cover the cost of fingerprinting.

6. **Post-Secondary and Secondary Students Doing Practicums and Work Experience:**

Post-secondary and secondary students doing practicums and work experience placements working with vulnerable people as part of a practicum must undergo a criminal record check.

7. **Government Employees As Part Of The Government Work Experience Program:**

Government employees "working with" students under 19 years old as part of the Government Work Experience Program must undergo a criminal record check.

8. **Consultants And Contracted Workers:**

Under the Act, contracted individuals working in the school are required to consent to the criminal record search process. The specific contract situation will be considered in determining whether the contractor is required to undergo a criminal record check.

9. **Student Teachers:**

Student teachers will be required to consent to a criminal record check.

10. **Volunteers:**

- 10.1 Adult volunteers who are expected to be alone with students, without the near company of other adults, will be required to undertake a criminal record check carried out by the local RCMP office through the Campbell River Volunteer Centre and must be registered with the Volunteer Centre.
- 10.2 It is the responsibility of the administration of the school to initiate a criminal record check for volunteers and clear the individual for volunteer work based on the results of the check.
- 10.3 If the record gives information the administration considers detrimental to the volunteer's presence in the school, the administrator will arrange a meeting with the applicant. Clarification and further action will be determined at that time.

- 10.4 If an individual has not been cleared for volunteer work, they may request a meeting with the superintendent of schools or designate.
- 10.5 The superintendent of schools or designate will adjudicate questions about whether or not a volunteer should be required to have a criminal record check.

11. New Convictions or Outstanding Charges:

- 11.1 If an employee who works with children is charged with or convicted of a relevant offence subsequent to a criminal record check, the employee must promptly report the charge or conviction to the board and provide to the board a Consent form for a further criminal record check.
- 11.2 When the board becomes aware that an employee who works with children has an outstanding charge for, or has been convicted of, a relevant offence, the board must require the employee to provide a consent form for a further criminal record check.
- 11.3. If an employee is also a registered member of a professional organization, the board must take reasonable steps to notify the registered member's governing body that the board is taking action under (Section 5 of this operational procedure).

Reference: Sections 20, 22, 65, 85 School Act
Criminal Records Review Act
Criminal Code of Canada