

Administrative Procedure 411

Human Resources

STAFF POLICE INFORMATION CHECK

PURPOSE

The purpose of this procedure is to ensure and maintain a welcoming, caring, respectful and safe learning and working environment.

DEFINITIONS

Criminal record

A statement of all convictions registered under any federal, provincial or local indices *Act* or regulation and for which an official pardon granted under section 3 of the *Criminal Record Act*, has not been granted.

Police Information Check (PIC)

A document prepared by the police service identifying a criminal conviction resulting from a search of federal, provincial or local indices. This includes a Vulnerable Sector Search Check.

Vulnerable Sector Check

A document containing the results of a criminal record search completed by the police service using the local database and the Canadian Police Information Centre (CPIC) system which identifies the existence of any criminal conviction and/or a pardoned sexual offence conviction.

The superintendent is responsible for the implementation of this administrative procedure.

PROCEDURES

1. Employment Information

- 1.1 All job postings and advertisements for positions with the charter board must state that employment is conditional upon receipt of a PIC.

2. Conditions of Employment

- 2.1 All persons who are offered employment with the charter board are advised in writing that employment is conditional upon receipt and evaluation of their PIC.
 - 2.1.1 All persons who are offered employment are required to obtain and provide an employee PIC that does not disclose a record of a criminal conviction.
 - 2.1.2 The PIC must have been completed within 6 months of commencement of employment.
 - 2.1.3 Employment may not commence without the receipt of the completed PIC or proof that the PIC has been submitted for processing.

- 2.2 This administrative procedure also applies to any person engaged as a contractor to the charter board.

3. Declaration

- 3.1 All current employees must disclose any record of a criminal conviction including the details of the offence since their original hire date.
- 3.2 All persons offered employment with the charter board must disclose any record of a criminal conviction.

- 3.3 All persons offered employment who provide a PIC disclosing a criminal conviction which has not been previously declared must be offered the opportunity to explain the discrepancy.
- 3.4 All disclosures of a criminal conviction must be forwarded to the superintendent for review.

4. Suitability for Employment

- 4.1 The superintendent will review the suitability for employment based on the following factors:
 - 4.1.1 type of offence;
 - 4.1.2 the age of the offence;
 - 4.1.3 the type of work that is being considered;
 - 4.1.4 whether the criminal conviction impacts the individual's ability to perform those duties;
 - 4.1.5 a threat of physical or sexual abuse to children or others; and
 - 4.1.6 any other factor which the superintendent determines to be relevant.
- 4.2 If it is determined that the individual is deemed unsuitable for employment, the employment contract will terminate immediately.

5. Frequency

- 5.1 Where an individual is employed by a board in a position that requires the individual to hold a certificate of qualification as a teacher, a leadership certificate, a superintendent leadership certificate or any employee of the board:
 - 5.1.1 the individual must provide a criminal record check and vulnerable sector check to the board every 5 years after the individual last provided a criminal record check and vulnerable sector check to the board; and
 - 5.1.2 the board must be satisfied that the results of those checks demonstrate that the individual continues to be suitable for employment in the position.
- 5.2 Where the board is of the opinion that it is not possible for an individual to provide a criminal record check or vulnerable sector check, the individual must provide evidence that is sufficient for the board to determine whether the individual is suitable for employment in the position.
- 5.3 An individual who is employed by the board effective September 1, 2022, and has not provided a criminal record check and vulnerable sector check to the board within 5 years before September 1, 2022, must provide a criminal record check and vulnerable sector check to board within 16 months after September 1, 2022.

Legal Reference: *Education Act*, section 229.1
Cross Reference: Charter Board Policy 13: Welcoming, Caring, Respectful and Safe Learning and Working Environments
AP-406 Suspension and Dismissal of Employees
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