

BOARD ADMINISTRATIVE PROCEDURE	
<small>Administrative Procedure</small> Criminal Record Checks/Police Reference Checks for Employment Candidates	<small>Administrative Procedure Number</small> 403
<small>Directional Policy</small> Recruitment, Talent Development, Leadership, and Succession Planning – DP 400	

TITLE OF ADMINISTRATIVE PROCEDURE:

Criminal Record Checks/Police Reference
Checks for Employment Candidates

DATE APPROVED:

April 20, 2021

PROJECTED REVIEW DATE:

2026

DIRECTIONAL POLICY ALIGNMENT:

Recruitment, Talent Development, Leadership, and Succession Planning

ALIGNMENT WITH MULTI-YEAR STRATEGIC PLAN:

The Criminal Records Check Administrative Procedure supports our Mission to educate students in a faith-filled, safe, inclusive Catholic learning community.

The Board is committed to providing a safe environment for all students and staff.



Strategic Priorities 2017-2020

Vision

Achieving Excellence in Catholic Education
LEARN • LEAD • SERVE

Mission

To educate students in faith-filled, safe, inclusive Catholic learning communities by nurturing the mind, body and spirit of all.

LEARN

Achieve excellence in instruction and assessment to enable all students to become reflective, self-directed, lifelong learners.

LEAD

Foster critical thinking, creativity, collaboration, and communication, to enable all students to realize their God-given potential.

SERVE

Inspire engagement and commitment to stewardship for creation to enable all students to become caring and responsible citizens.

ACTION REQUIRED

1. All offers of employment with the Board are conditional upon the applicant supplying an acceptable Criminal Record Check with Vulnerable Sector Screening. A Criminal Record Check is a document concerning an individual:
 - that was prepared by a police force or service from the national data on the Canadian Police Information Centre (CPIC) database within six (6) months before the date the Board collects the document; and
 - that contains information concerning the individual's Personal Criminal History information on criminal offences of which the individual has been convicted under the Criminal Records Act (Canada) and for which a pardon under Section 4.1 of the Criminal Records Act (Canada) has not been issued or granted to the individual.

2. Requests are processed through the Canadian Police Information Centre (CPIC) and the records of the identified police service. The completed criminal record check will indicate whether or not the applicant has a police record, *Criminal Code* (Canada) convictions, pardoned sexual offences, or charges pending, and will include basic information regarding any record and the type of convictions/charges.

The overriding concern with respect to consideration of a criminal conviction, relevant charges, or other information from the police or other agency or individual will be the Board's determination of whether, in all of the circumstances, the employee's employment represents a risk to the safety or well-being of any of the Board's students, staff, or property.

3. Completed and duly authorized criminal record checks are to be submitted by the candidate to the Board's Human Resource Services.
4. A candidate shall not commence employment until a current copy of his or her criminal record check has been provided to the Board. Only in an exceptional case will a person be permitted to commence employment with the Board before the Board has received the criminal record check. In such a case, the candidate will be required to provide a criminal offence declaration, but will be bound by the signed Police Reference Check Policy form. This form preserves the Board's power to revoke the offer of employment and dismiss the employee should the criminal offence declaration provided by the employee prove to be false or misleading in any respect.
5. Human Resource Services will examine the criminal record check to identify any areas of concern. Persons with a criminal record who are otherwise suitable for employment shall not be automatically disqualified. Any mitigating circumstances shall be assessed before a final decision with respect to suitability is finalized. The following factors shall be considered when appropriate:
 - (a) the specific duties and responsibilities of the position in question and the relevance of the police records, criminal charge(s), and/or conviction(s) to that position;
 - (b) the length of time since the police record was established and/or the conviction(s);
 - (c) rehabilitative or other efforts undertaken; and/or
 - (d) the risk posed to students, staff, and/or Board property.

Final decisions concerning suitability shall be made jointly by the Superintendent of Schools/Human Resource Services in consultation with the Director of Education.

6. Completed criminal record checks for candidates hired by the Board will be filed in the employee's personnel file.
7. The Board shall collect an offence declaration from the individual by September 1st of each year in which the individual is employed by the

Board after that date in accordance with Regulation 521/01, under the *Education Act*. Annual offence declarations shall be filed electronically and monitored by Human Resource Services.

RESPONSIBILITIES:

The Board of Trustees is responsible for:

- Ensuring alignment with the Recruitment, Talent Development, Leadership & Succession Planning Directional Policy
- Reviewing this Administrative Procedure as part of its regular policy and procedures review cycle.

The Director of Education is responsible for:

- Implementing and operationalizing this Administrative Procedure through the allocation of staff and resources;
- Ensuring compliance with this Administrative Procedure.

Superintendents of Schools and System Portfolios are responsible for:

- To support the implementation of and compliance with this administrative procedure
- To ensure awareness of, and compliance with this administrative procedure

Principals and Vice-Principals are responsible for:

- To ensure compliance with and administration of this administrative procedure.

Staff are responsible for:

- Submitting an offence declaration by September 1st of each year in which the individual is employed by the Board in accordance with Regulation 521/01, under the *Education Act*.

PROGRESS INDICATORS:

- Public confidence and trust is maintained and enhanced.
- Student and staff safety is maintained and enhanced.

DEFINITIONS:

CRIMINAL OFFENCE - A criminal offence is an offence under a specified statute enacted by the Government of Canada including, but not limited to: the *Criminal Code*

(Canada), *Controlled Drugs and Substances Act*, *Narcotic Control Act*, *Firearms Act* and *Immigration Act*.

CANDIDATES - For purposes of the Policy, "candidates" shall include, but not be limited to, persons seeking employment with the Board in any of the following capacities:

- permanent employee
- occasional teacher
- temporary employee replacing a non-teaching function
- person placed on a short-list from which permanent employees are selected

OFFENCE DECLARATION - An offence declaration is a written declaration signed by an individual listing all of the individual's convictions for criminal offences, including, but not limited to, offences under the *Criminal Code (Canada)*, *Controlled Drugs and Substances Act*, *Narcotic Control Act*, *Firearms Act*, and/or *Immigration Act* up to the date of the declaration:

- that are not included in the last criminal record check collected by the Board on or after April 1, 2003;
- for which a pardon under section 4.1 of the *Criminal Records Act (Canada)* has not been issued or granted.

REFERENCES:

[Education Act - Regulation 521/01 Collection of Personal Information](#)

[Criminal Code of Canada](#)

[Municipal Freedom of Information and Protection of Privacy Act](#)

[Criminal Records Act \(Canada\)](#)

[Employee Charged with a Criminal Offence or Under Investigation by a Third Party AP 501](#)