

CRIMINAL RECORD AND VULNERABLE SECTOR CHECK

Background

All reasonable precautions must be taken to ensure the safety of students and to reassure parents of the safety and security of their children while in the care of the employees of the board. To this end, an offer of employment is conditional on the applicant providing a Criminal Record with Vulnerable Sector Check that is acceptable to the High Prairie School Division (HPSD).

Definitions

Criminal Record Check (also referred to as a Police Information Check) - means a statement of all convictions registered under any federal Act or regulation for which an official pardon granted under section 3 of the Criminal Record Act, has not been granted.

Police Information Check - means a document prepared by the police service identifying a criminal record resulting from a search of federal, provincial, or local indices.

Vulnerable Sector Check - means 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 record and/or a pardoned sexual offence conviction.

Procedures

1. Conditions of Employment

- 1.1. Employment with HPSD is conditional on a satisfactory Criminal Record Check, including Vulnerable Sector Check, dated within the immediate six (6) month period prior to commencement of work.
 - 1.2. Teachers on a continuous contract are required to submit a current Criminal Record Check, including Vulnerable Sector Check, every 5 years as per Bill 85 Education Statutes (Students First) Amendment Act, 2021.
2. All applications for employment, job postings and advertisements for positions with HPSD must state that all applicants not currently employed by HPSD will be required to obtain and provide an acceptable Criminal Record Check before employment is confirmed.
 3. Employment with HPSD is conditional upon receipt of an acceptable Criminal Record Check submitted before employment commences. This requirement includes substitute teachers, bus drivers, support staff, practicum students, volunteer lay Coaches, and volunteer supervisors. Any costs associated with obtaining a Criminal Record Check is the responsibility of the candidate.

4. Criminal Record Check Declaration

- 4.1. All applicants for employment with the HPSD must declare any criminal or intervention record.
- 4.2. If an applicant is being considered for employment and the Criminal Record Check discloses that a criminal record may exist, the applicant must be given the opportunity to report to Human Resources in writing, on the nature of the charge. If the candidate chooses not to submit the report, the candidate will no longer be considered for employment.
- 4.3. If there is a delay in obtaining a Criminal Record Check, the Superintendent may, after careful review and discussion with the applicant, permit the applicant to commence employment, reserving the right for HPSD to immediately conclude employment without notice or compensation in the event it is determined that a criminal record relevant to employment does exist.
- 4.4. Information obtained during the criminal record disclosure will only be reviewed by the Superintendent and Human Resources and will be held in the strictest confidence. Additionally, information obtained will not necessarily exclude the candidate from employment.

5. If an applicant has a criminal record, the Superintendent and Human Resources will review the applicant's suitability for employment based on the following factors:
 - 5.1. type of charge or offence;
 - 5.2. the age of the charge or offence;
 - 5.3. the type of work the applicant is being considered for;
 - 5.4. whether the criminal record impacts on the applicant's ability to perform those duties;
 - 5.5. whether the behavior associated with offence(s) if repeated, will pose a threat of physical or sexual abuse to children or others, and
 - 5.6. any other factor which the Superintendent determines to be relevant.
6. Once employed, all staff must advise the Employer immediately upon being charged with or convicted of an offence under the Criminal Code of Canada and/or the Controlled Drugs and Substances Act. Failure to do this could lead to disciplinary action.
 - 6.1. If it can clearly be assessed that the criminal charges do not create a concern with the employee's continued performance of their role, the Superintendent confirms this in writing to the employee and no further action is taken. Please note that in the event the employee is convicted of a charge which has previously been assessed not to create a concern based on the Impact Factors, the Superintendent will again apply the Impact Factors to assess whether a conviction creates a new or further concern.
 - 6.2. In those situations where it has been determined that the employee's criminal charges or conviction do create a concern with the employee's continued performance of their role within HPSD, HPSD will determine the consequences and may terminate employment in accordance with the Alberta Education Act and Alberta Labour Laws.
 - 6.3. Failure to report criminal charges to the Superintendent may lead to discipline or termination.
7. The information collected is in accordance with the Freedom of Information and Protection of Privacy Act (FOIP).

HPSD Forms

Form 400A – Declaration of Status

Form 400B – Combined Substitute Information Update & Declaration of Status

References

Education Act Sections: 33, 52, 53, 55, 68, 196, 197, 198, 199, 203, 204, 205, 222, 225

Bill 85 Education Statutes (Students First) Amendment Act, 2021

Freedom of Information and Protection of Privacy Act, Alberta Regulation 150/2022

Public Services Act, June 21, 2024