

410: CRIMINAL RECORD REVIEW (P)

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POLICY

Under the Criminal Records Review Act, anyone who works with children directly, or having or potentially having unsupervised access to children in the ordinary course of employment or in the practice or an occupation, or registered students in a post-secondary institution who will work with children must submit to a criminal record check.

The Board delegates to Senior Administration responsibility for ensuring that all present and future employees are in compliance with the requirements of the Criminal Records Review Act.

REGULATIONS

1.0 MANDATE

- 1.1 All new employees will be advised that a Criminal Records Review will be performed in accordance with the B.C. Criminal Records Review Act.
- 1.2 All current employees will be required to undergo a re-check every five years. Criminal Records Review Authorization Form must be submitted to the School District or the governing body as outlined in the Act.
- 1.3 Successful applicants who do not provide a signed Criminal Records Review Authorization Form or fail to inform the District or the governing body of new convictions or outstanding charges will not be hired.
- 1.4 Current employees who refuse to provide a signed Criminal Records Review Authorization Form commit an offense under the Act. Where such an offence occurs, the District and the governing body as applicable will be required to take action under the Criminal Records Review Act.

2.0 RECORDS

- 2.1 The Board will maintain and keep all information confidential in the employee's personnel file.

3.0 PROCEDURE

- 3.1 The School District will be responsible for requesting that every current employee and successful applicant who are not members of a governing body provide a signed Criminal Records Review Authorization Form.
- 3.2 Employees who are members of governing bodies must submit a signed Criminal Records Review Authorization Form to the governing body. The School District or the governing body as applicable will submit copies of the completed Authorization Form to the criminal Records Review Agency.
- 3.3 The Criminal Records Review Agency runs a check against Provincial Corrections data and forwards the names and birth dates to the RCMP. The RCMP will process the information through the Canadian Police information Centre (CPIC)
- 3.4 If a check does not reveal a record or does not reveal a relevant record the Criminal Records Review Agency will inform the District or governing body that no relevant record exists.
- 3.5 If the check reveals that a relevant offence may exist, the employee will be asked to provide fingerprints to their local police so that the RCMP in Ottawa can confirm the person's identity. These fingerprints will be returned to the individual by the Adjudicator.
- 3.6 The Criminal Records Review Agency receives the criminal record which resulted from the fingerprint verification as well the fingerprints from Identification Services, RCMP, Ottawa.
- 3.7 If the fingerprints do not match those on the record, the School District or the governing body will be informed that no record exists.
- 3.8 If the individual's identity is confirmed, the Criminal Records Review Agency will inform the District or the governing body and the individual that a relevant record exists and that the information has been forwarded to a neutral third party Adjudicator.
- 3.9 The Adjudicator examines the criminal record and any other relevant information and determines whether the individual presents a risk to children.
- 3.10 The Adjudicator advises the individual, the District or the governing body and the Criminal Records Review Agency that the individual is a "risk" or is "no risk" to children.

- 3.11 If the individual is a “risk” then the District must ensure that the employee is removed from or is never placed in a position where they work with children as defined in the Act.
- 3.12 Appealing an employment decision may follow the District’s regular appeal procedures, or the employee may choose to challenge the decision through the courts. The Act does not preclude an individual from accessing grievance or other appeal processes available. This appeal process is focused on the District’s or governing body’s action taken because of the determination of risk. It is not an appeal of the determination of risk.
- 3.13 The individual has the right to appeal the decision of the adjudicator through an appeal process set up under the Act. Notification of intent to appeal must be submitted to the Criminal Records Review Agency within 14 days of receipt of the Adjudicator’s decision.
- 3.14 The Criminal Records Review Agency will forward the appeal to a three-member Appeal Panel appointed by the Attorney General.

4.0 FORM

The Form used to authorize a criminal records review under the Criminal Records Review Act is obtained from the local RCMP detachment.