



DIVISION: HUMAN RESOURCES

Policy #: HR-806

POLICY NAME
CRIMINAL RECORD CHECK

POLICY STATEMENT

The Newfoundland and Labrador English School District (NLESD) requires all new employees, post-secondary students and employees of private contractors (who have contact with students as part of their employment) to provide satisfactory Criminal Record Checks prior to the commencement of any duties. A Criminal Record Check must include a Vulnerable Sector Screen. The District also requires volunteers to provide satisfactory Criminal Record Checks in accordance with the [NLESD Volunteer Policy](#).

BACKGROUND

The NLESD has a responsibility to provide a safe and secure working and learning environment. All reasonable precautions shall be taken to determine whether individuals pose a threat to students, employees or district operations, particularly those who have direct and regular contact with students and/or are in positions deemed to be safety-sensitive or with heightened risk. Individuals are required to complete a Criminal Record Check or Criminal Offence Declaration, as part of the District's screening measures.

SCOPE

This policy applies to all successful candidates recommended for employment with the Newfoundland and Labrador English School District. It also applies to employees of private contractors who are successful bidders for NLESD contractual services, and whose employees must enter schools to fulfill their contractual obligation, or who provide transportation services; all volunteers providing services deemed medium or high risk, as outlined in the NLESD Volunteer Policy; all post-secondary students completing work terms; and, individuals completing government-sponsored employment or training.

APPROVED: November 22, 2014

EFFECTIVE: December 1, 2014

AMENDED: _____

DEFINITIONS

CRIMINAL REFERENCE CHECK

A document prepared by a police force or service through a search of the national repository of criminal records maintained by the Royal Canadian Mounted Police, and possible local police records. A criminal record check provides information concerning an individual's personal criminal history and will indicate whether an individual has a criminal record for which they have not been pardoned.

POSITION OF TRUST

A position in which the employee has responsibility for students, financial control, or influence over staff, students and/or others.

SATISFACTORY CRIMINAL REFERENCE CHECK

A certificate of conduct indicating no past conviction or charge for an offence that:

- Is related to the employment of the person
- Would pose a risk in an educational environment to students or staff.

VULNERABLE SECTOR

"Persons who, because of age, a disability, or other circumstances, whether temporary or permanent, (a) are in a position of dependence on others; or (b) are otherwise at a greater risk than the general population of being harmed by persons in a position or authority or trust relative to them". (Sec. 6.3 (1), *Criminal Records Act*)

VULNERABLE SECTOR SCREEN

A document prepared by a police force that indicates whether the applicant has a criminal record (adult or youth), any outstanding charges, findings of not guilty by reason of mental disorder, any judicial orders which are currently in effect, charges/pending charges under the *Children and Youth Care and Protection Act*, and other information the police feels necessary related to charges with a not guilty verdict and/or incidents of concern where no charges were laid.

CRIMINAL OFFENCE DECLARATION

A written declaration by an individual listing all of the individual's charges and convictions for criminal offences under the *Criminal Code of Canada* and provincial legislation, since last submitting a Criminal Reference Check or Criminal Offence Declaration to the District, and up to and including the date of the declaration.

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POLICY DIRECTIVES

1. A Criminal Record Check must have been completed by police within the six months prior to the date of submission of the Criminal Record Check to the District.
2. The Assistant Director of Education (Human Resources), or his/her designate, shall be responsible for ensuring that satisfactory Criminal Record Checks and/or Criminal Offence Declarations are received by the District for employees, post-secondary students and others as required.
3. Supervisors/managers and school administrators must ensure that Criminal Record Checks and/or Criminal Offence Declarations are received as required for individuals volunteering with their divisions or schools.
4. The Manager of Contracted Bus Services shall be responsible for ensuring that confirmation of Criminal Record Checks or Criminal Offence Declarations is submitted as required to the District by contracted service providers.
5. Where there are issues of concern, the manager/school administrator shall discuss the matter with the regional Human Resources Division.
6. The Human Resources staff, in consultation with the Assistant Director of Education (Human Resources), shall determine if a criminal charge or conviction is a reasonable disqualification for employment or placement with NLESD.
7. The relevant Assistant Director of Education (Programs) shall determine if a criminal charge or conviction is a reasonable disqualification for volunteer placement with NLESD.

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