

Background

Pembina Hills School Division recognizes that providing welcoming, caring, respectful and safe learning environments for our students is a prime responsibility. One factor to ensure this is to require Criminal Record Checks and Intervention Record Checks as part of a careful and consistent approach in our employment processes.

All offers of employment with the Division are conditional on the applicant providing a Criminal Record Check and an Intervention Record Check that are acceptable to the Division prior to starting employment/contract work.

Definitions

Criminal Record Check – a check for criminal activity in the three databases of the criminal justice system – the local police services record, the court system for any pending court cases, and the national system which accesses criminal activities across Canada.

Vulnerable Sector Check – a search of criminal databases to verify whether an individual has a criminal record, as well as any record suspensions, for crimes against the most vulnerable (i.e.) children, seniors, and those with disabilities.

Intervention Record Check – a review to determine whether an adult has an existing intervention record with Children and Youth Services which indicates that the person may have caused a child to be in need of intervention as defined by the *Child, Youth and Family Enhancement Act*.

Conviction – the final judgment on a verdict or a finding of guilty, or a plea of guilty. Conviction does not include a final judgment which has been reversed, set aside, or otherwise rendered invalid.

Procedures

1. A current (within one year) Criminal Record Check, including a vulnerable sector check, as well as an Intervention Record Check, is required from:
 - a. Employees being recommended for employment with Pembina Hills School Division,
 - b. Contractors being considered for offers of contract work with the Division ([AP 30-11 Contracts](#)), and
 - c. Any individuals wishing to act as a regular or ongoing volunteer. Refer to [AP 40-60 Volunteers in Schools](#).
2. All Criminal Record Checks must be obtained through a verified police service. Criminal Record Checks obtained via third-party vendors will not be accepted.
3. The applicant is responsible for any costs associated with obtaining the Criminal Record Check and the Intervention Record Check.

4. All job postings and advertisements for positions with the Division must state that applicants not currently employed by PHSD will be required to obtain and provide a Criminal Record Check and an Intervention Record Check before employment is confirmed.
5. Failure to cooperate in providing a Criminal Record Check and an Intervention Record Check, or submission of an inaccurate, false, manipulated, misleading or incomplete check will result in termination or withdrawal of any offer of employment or contract.
6. If desired, applicants may submit a statement of explanation along with their Criminal Record Check and Intervention Record Check outlining any significant circumstances they may wish to disclose.
7. Criminal Record Checks submitted which include conviction will be assessed by the Superintendent or designate, taking into consideration matters such as:
 - a. The nature and particulars of the criminal conviction;
 - b. The age of the individual when the events in question occurred;
 - c. Any extenuating circumstances as provided by the applicant;
 - d. The relationship of the conviction to the position for which the person is applying.
8. Results of the Criminal Record Check and Intervention Record Check are kept confidential. These records will be stored in the personnel file according to the procedures set out in AP 40-11 Personnel Records. Knowledge of the contents of these records will be limited to those Division employees who reasonably require the information.
9. After the initial submission of the Criminal Record Check and the Intervention Record Check, employees and contractors will not be required to complete the checks again, unless requested to do so by the Superintendent or designate or if there is a break in service exceeding six months of employment.
10. Any employee or contractor who has been charged or convicted with an offence during employment with the Division shall, within two working days, inform the Superintendent or designate of the charges.
11. Any employee or contractor who fails to disclose criminal charges within the timeframe noted in clause 10, or who submits inaccurate, false or misleading information is subject to disciplinary action, up to and including termination of employment or contract.
12. In situations where the Criminal Record Check or Intervention Record Check have been delayed beyond the control of the individual, the Superintendent or designate, may allow the completion of form F 4-06 Criminal Record Check Declaration or form F 4-07 Intervention Record Check Declaration, whichever applies. These forms will be provided by Human Resources if permitted.

Reference

[Education Act](#)
[Child, Youth and Family Enhancement Act](#)
[Freedom of Information and Protection of Privacy Act](#)

[Criminal Code](#)

[Criminal Records Act](#)

[AP 30-11 Contracts](#)

[AP 40-11 Personnel Records](#)

[AP 40-60 Volunteers in Schools](#)