

## Criminal Record Check and Intervention Record Check

AP 40-45

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The purpose of this administrative procedure is to ensure and maintain a safe and secure working and learning environment.

An offer of employment or offer of contract is conditional on the applicant providing a Criminal Record Check and Intervention Record Check that is acceptable to the Division prior to starting employment/contract work.

### **Procedures:**

Employees/contractors shall bear the cost of the Criminal Record Check and Intervention Record Check.

Under normal circumstances a Criminal Record Check and Intervention Record Check shall be in place before an employee or contractor commences employment.

The Criminal Record Check and Intervention Record Check must be dated within the immediate twelve-month (12) period prior to commencement of work. The original Checks must be presented. Photocopies, faxes, or scanned copies will only be accepted if the copy has been verified to be a true original by the administrator or school office staff. The photocopy must be signed and dated by the administrator or school office staff as proof of verification.

All job postings and advertisements for positions with Pembina Hills Public Schools (PHPS) must state that all applicants not currently employed by PHPS will be required to obtain and provide a Criminal Record Check and Intervention Record Check before employment is confirmed.

The Superintendent or designate is allowed some degree of latitude in assessing a Criminal Record Check but convictions involving violence will disqualify an applicant. Further, other convictions not involving violence will still be carefully reviewed and an applicant may still be disqualified at the sole discretion of the Superintendent or designate.

Employees agree to comply with requests by administration for the completion of such criminal record checks and intervention record checks as may be required during the term of employment with the Division. The employee further acknowledges that at the date of hiring, that the employee has not been charged under the Criminal Code of Canada, or similar legislation of any jurisdiction, for a matter for which a pardon has not been granted.

The Employee or contractor agrees to advise the Division immediately upon being charged or convicted with an offence during employment under the Criminal Code of Canada, or similar legislation of any jurisdiction.

The Employee or contractor agrees to advise the Division immediately of any emergent intervention record check entries.

Records resulting from reporting of a criminal charge or child welfare investigations as required by this Administrative Procedure are considered confidential and sensitive. These records will be stored in secure areas and knowledge of their contents will be limited to Division employees and/or representatives who reasonably require such knowledge in the circumstances.

The Employee or contractor acknowledges that a failure to notify administration, as to the laying of criminal charges or the conviction of criminal charges forthwith, or any emergent intervention record entries could lead to disciplinary action, up to and including termination of employment.

If it is determined that the applicant is deemed unsuitable for employment, the applicant will not be offered that position.

In the event an employee or contractor is delayed due to circumstances outside their control in obtaining a Criminal Record Check, the Superintendent or designate in an urgent situation may allow an employee or contractor to complete Form 4-6A – Employee – Application, Criminal Record Check Declaration or Form 4-6B – Contractor – Application, Criminal Record Check Declaration to begin employment prior to receiving a satisfactory Criminal Record Check. Conditions of Form 4-6A or 4-6B must be met.

In an event an employee or contractor is delayed due to circumstances outside their control in obtaining an Intervention Record Check, the Superintendent or designate in an urgent situation may allow an employee or contractor to complete Form 4-07 Intervention Record Check Notice of Request to begin employment prior to receiving a satisfactory Intervention Record Check. Conditions for Form 4-07 must be met.

## **Reference**

[School Act, Section 20, 60, 61, 113](#)

[Child, Youth and Family Enhancement Act](#)

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

[Controlled Drugs and Substances Act](#)

[Criminal Code](#)

[Criminal Records Act](#)

[Form 4-06-A – Employee – Application - Criminal Record Check Declaration](#)

[Form 4-06-B – Contractor – Application – Criminal Record Check Declaration](#)

[Form 4-07 – Notification - Intervention Record Check Has Been Requested](#)