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**HORIZON SCHOOL DIVISION****POLICY HANDBOOK**

<b>Policy Code:</b>	GAB
<b>Policy Title:</b>	Police Information Checks
<b>Cross Reference:</b>	GFA
<b>Legal Reference:</b>	
<b>Adoption Date:</b>	January 19, 2016
<b>Amendment or Re-affirmation Date:</b>	March 28, 2022

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**POLICY**

THE BOARD OF TRUSTEES OF HORIZON SCHOOL DIVISION REQUIRES ALL NEW EMPLOYEES TO PROVIDE POLICE INFORMATION CHECKS AND REQUIRES ALL TEACHERS TO PROVIDE UPDATED POLICE INFORMATION CHECKS EVERY 5 YEARS. THE BOARD OF TRUSTEES ALSO REQUIRES ADEQUATE SUPERVISION FOR VISITORS AND OTHER GUESTS AS PART OF ITS OBLIGATION TO ENSURE THE SAFETY AND WELL-BEING OF STUDENTS, STAFF, VOLUNTEERS AND GUESTS/VISITORS.

**DEFINITIONS**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. This may include a Criminal Record Check which also includes a Vulnerable Sector Check.

Criminal Record Check:

A check for criminal activity in the three databases of the criminal justice system – the local police services record for any non-conviction, locally held police records that represent a risk to public safety, the court system for any pending court cases, and the national system which accesses criminal activities across Canada.

Vulnerable Sector Check:

This process, completed by the police where you live, verifies whether an individual has any record suspensions (formally pardons) for sexual offences and local police records for information relevant to crimes against those most vulnerable (e.g., children, seniors, and those with disabilities).

Child Intervention Check:

A child intervention record check, or child welfare check, is a review to determine whether an adult has an existing intervention record with Human 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*.

Volunteer:

A volunteer supports a classroom, school, or system-wide program under the ultimate responsibility and supervision of the principal at the school level. A volunteer is an optional support and agrees to undertake a designated task compliant with current legislative requirements. This includes presenters whose function it is to provide information or in-service to students on a school related topic on an ongoing basis as well as host families for international students. Policy GFA specifically addresses Volunteers.

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### Visitor:

An individual, including a one-time presenter, whose function is to provide information or in-service to students on school related topics, granted permission by the school principal or designate to be on school property.

## **GUIDELINES**

1. Employment and volunteering with the Horizon School Division is conditional on a satisfactory Child Intervention Check and Police Information Check (criminal record and vulnerable sector check).
  - 1.1. The Child Intervention Check, Criminal Record and Vulnerable Sector Checks **MUST** be acceptable to Horizon School Division, in order for Horizon School Division to honor the employment offer or offer to volunteer.
2. Child Intervention Check, Criminal Record and Vulnerable Sector Checks are valid if completed within one year prior to the date a successful candidate receives an employment offer or a volunteer commences with Horizon School Division.
  - 2.1. Criminal record and vulnerable sector checks for University practicum students are valid for three years (while the student is enrolled within a University Education Faculty).
    - 2.1.1. Once the school has seen that the document is authentic, should the practicum student require an original copy for other purposes a copy may be made, with a note that the original was originally provided, and then returned to the student. The school should keep the copy on file at the school similar to volunteer checks.
3. All potential new employees in a position of authority or trust relative to children or vulnerable persons must submit a Police Information Check that includes both a Criminal Record Check, and Vulnerable Sector Check as part of the hiring process.
  - 3.1. School based staff, volunteer coaches, the Superintendent, Associate Superintendents, Directors, Family School Liaison Staff, Behavioral Consultants, Speech Language Pathologists, and other division office staff that interact directly with students, must also submit a Child Intervention Check as part of the hiring process.
  - 3.2. Employees who have not submitted a Child Intervention Check , Criminal Record and Vulnerable Sector Check after the reaffirmation date of this policy will be required to submit a Criminal Record and Vulnerable Sector Check by August 1, 2022.
  - 3.3. Original copies of Child Intervention Check, Criminal Record and Vulnerable Sector Checks must be provided.
  - 3.4. Should the record indicate that the individual has resided in the current community less than a specified period of time, as determined by police, further police checks will be required from communities the prospective employee has lived.

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- 3.5. Failure to comply with this policy could lead to disciplinary action, up to and including termination.
- 3.6. Potential employees are responsible for the cost of providing Child Intervention Check, Criminal Record and Vulnerable Sector Checks.
4. The Board shall not employ, or continue to employ, persons who have caused a child to be in need of intervention. Upon notice of such a record, further information may be requested from the employee to determine whether the level of risk is acceptable as determined by the Superintendent or designate.
5. The Board shall not employ, or continue to employ, persons who have a record that indicates unacceptable levels of risk as determined by the Superintendent or designate.
6. All employees are required to immediately notify the HR department when there is a change in record or potential change or charge stemming from the Criminal Code of Canada, the Controlled Drugs and Substances Act, Child and Family Enhancement Act, or similar legislation of any jurisdiction.
  - 6.1. The HR department shall forward the information to the Superintendent or designate for review and further action. The Superintendent or designate will consider the factors in examining the results of the Criminal Record and Vulnerable Sector Checks and will communicate the impact on the employment contract, if any, to the employee.
7. All Horizon School Division volunteers, as part of a classroom school or system-wide program, are required to submit a criminal record and vulnerable sector check if they will be unsupervised or spending one-on-one time with a student.
  - 7.1. All volunteers are required to immediately notify the principal or designate when there is a change in record or potential change or charge stemming from the Criminal Code of Canada, the Controlled Drugs and Substances Act, Child and Family Enhancement Act, or similar legislation of any jurisdiction.
  - 7.2. If the contents of the volunteer's Police Information Check is considered to be incompatible with volunteering with the division, as determined by the school principal, the volunteer shall not be allowed to volunteer.
  - 7.3. Principals may request any volunteer to submit a criminal record and vulnerable sector check
8. When an individual presents proof of requesting a Police Information Check but are awaiting the results, the individual may on a case by case basis be approved to commence portions of their duties while awaiting the results.
  - 8.1. In such cases, HR requires a signed self-declaration and Superintendent approval.
  - 8.2. Police Information Check results that differ from the self-declaration are grounds for termination.

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9. A visitor, including presenters are not subject to a criminal record and vulnerable sector check, unless required by the principal or designate.
10. All information is retained confidentially, and complies with the FOIP Act.
11. This policy does not apply to students under the age of 18 years.

## **REGULATIONS**

### **Child Intervention Check, Criminal Record Check and Vulnerable Sector Check**

1. All successful employment applicants must obtain and provide an original copy of the results of any Child Intervention Check, and/or Police Information Checks (Criminal Record and Vulnerable Sector check) as a condition of employment; employment will not commence until this has occurred.
  - 1.1. Once the HR Department has seen that the document is authentic and recorded it as such, should the employee require an original copy for other purposes a copy may be made and the original returned to the employee.
2. Where an individual is employed by a board in a position that requires the individual to hold a certificate of qualification as a teacher, a leadership certificate or a superintendent leadership certificate, the individual must provide a criminal record check and vulnerable sector check to the board every 5 years after the individual last provided a criminal record check and vulnerable sector check to the board, and the board must be satisfied that the results of those checks demonstrate that the individual continues to be suitable for employment in the position.
3. All applicants for employment with the Horizon School Division must declare any record or potential change or charge stemming from the Criminal Code of Canada, the Controlled Drugs and Substances Act, Child and Family Enhancement Act, or similar legislation of any jurisdiction at the time of application.
4. The Superintendent or designate will review all applicant's suitability for employment based on the following factors:
  - 4.1. type of charge or offence;
  - 4.2. the age of the charge or offence;
  - 4.3. the type of work the applicant is being considered for;
  - 4.4. whether the criminal record impacts on the applicant's ability to perform those duties;
  - 4.5. whether the behavior associated with the offence(s) if repeated, will pose a threat of physical, emotional, or sexual abuse to children or others; and

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- 4.6. whether the applicant’s declaration aligns with the results from the criminal record and/or vulnerable sector check.
- 4.7. any other factor which the Superintendent, or designate determines to be relevant.
- 5. If it is determined that the successful applicant is deemed unsuitable for employment due to the content of their criminal record and/or vulnerable sector check or the applicants placement of a child in need of intervention, the conditions for employment have not been met and the offer of employment will be withdrawn.
- 6. HR will enter information pertaining to the results of the Child Intervention Check, Criminal Record and Vulnerable Sector Checks in employee’s personnel file.

**Child Intervention Check, Criminal Record Check and Vulnerable Sector Check Updates**

- 7. All employees and volunteers must sign a Self-Declaration (see Attachment A) annually, to update Child Intervention Check, Criminal Record and Vulnerable Sector Check information
  - 7.1. HR will track and follow-up with employees regarding annual declarations regarding child intervention check, criminal record and vulnerable sector information.
  - 7.2. Schools will track and follow-up with volunteers regarding annual declarations regarding child intervention check criminal record and vulnerable sector information.
  - 7.3. Failure to provide the annual declaration updating Child Intervention Check, Criminal Record and Vulnerable Sector information may result in termination of employment with Horizon School Division.

**Attachment A:  
Self-Declaration: What is Screening and Why is it Important?**

Horizon School Division's screening practices help define the relationship between people and the division and increase both the quality and safety of programs and services in our schools and communities. Screening takes into account the skills, experience, and qualifications that are required for an assignment and puts in place an ongoing process that reduces the risk and liability for both people and the jurisdiction.



Screening practices play a critical role for the division in fulfilling our moral, legal, and ethical responsibilities to all those we interact with, including students, parents, employees, and volunteers. This obligation is even greater when they are working with vulnerable people, including children, youth, and people with disabilities. School divisions have a unique set of considerations, influenced by our mandate, the population we serve, and the nature of our activities. Each position within the jurisdiction has a unique set of requirements, risks, and benefits. The Horizon School Division has established screening practices which include Police Checks, Vulnerable Sector Checks, and Self Disclosure that address the range of roles and circumstances within the jurisdiction and fulfill the Jurisdiction's Duty of Care, the obligation to take reasonable measure to care for and to protect its students, employees, and volunteers to an appropriate level or standard. The jurisdiction fulfills its legal, ethical, and moral duty of care towards students through careful screening of the people who provide services.

An organization's duty of care goes beyond its responsibility to protect students. The term encompasses an organization's obligation to all those involved with their organization, including paid employees and volunteers, whether or not they themselves are vulnerable. In the context of screening the Jurisdiction also has a Standard of Care. Screening practices for instance are specific to a role, position, or assignment and not to the individual applicant. The standard of care refers to the degree or level of service, attention, care, and protection that one owes another according to the law (e.g. Human Rights, Information and Privacy). In general, *Information Access and Protection of Privacy (IAPP)* legislation is about balancing the privacy expectations of individuals against the reasonable and lawful interest of a third party. It focuses on the need to ensure the fair use of personal information.

In the context of self-declaration, the privacy of individuals needs to be balanced against the legitimate need for an organization to collect, use and disclose personal information for reasonable screening-related purposes.

The very nature of screening employees and volunteers for positions of trust involves the collection, use, disclosure, and retention of a lot of sensitive personal information.

**Eligibility for Vulnerable Sector (VS) checks**

The *Criminal Records Act* requires that a VS check be performed for "a paid or volunteer position" only when that "position is one of authority or trust relative to those children or vulnerable persons." A child means a person under the age of 18. Vulnerable persons are defined as:

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"a person who, because of his or her age, a disability, or other circumstances, whether temporary or permanent:

- a) is in a position of dependency on others; or
- b) is otherwise at a greater risk than the general population of being harmed by a person of trust or authority towards them."

Because of the requirement that a person be in a position of "authority or trust," positions with casual or occasional contact with children or other vulnerable persons would not normally require VS checks unless the position could lead the organization's clients to have trust in the individual.

### **Position of Trust (Authority)**

A position of trust or authority is created when an individual's relationship with someone else has any of the following characteristics:

- Decision-making power
- Unsupervised access
- Closeness inherent in the relationship
- Personal nature of the activity itself

A Criminal Records Check and a Vulnerable Sector check is designed to protect vulnerable Canadians from dangerous offenders by uncovering the existence of a criminal record and/or a pardoned sexual offence conviction and is recommended as part of an overall employment or volunteer screening process. The results of the check can help to determine whether an individual is suitable to work in positions where they will be in close contact with vulnerable people.

Horizon expects all new employees to provide a criminal record and vulnerable sector check that is no more than one year old. The only exception are Professional Practicum Students from Alberta Post-Secondary Institutions such as the University of Lethbridge and the Lethbridge College who are expected to provide one Criminal Records Check and a Vulnerable Sector check upon entering their program. Given that Criminal Records and Vulnerable Sector checks are outdated the day after they are created, the Horizon School Division expects all employees and volunteers to immediately inform the jurisdiction of any changes in the status of such checks. Furthermore, the jurisdiction expects all employees and volunteers to provide self-disclosures every year.

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**Horizon School Division**

**CONFIDENTIAL SELF-DECLARATION**

**of a CRIMINAL RECORD and/or VULNERABLE SECTOR CHECK**

*(Please refer to the information sheet that accompanies this self-declaration)*

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone (H): \_\_\_\_\_ Phone (C): \_\_\_\_\_ E-mail: \_\_\_\_\_

I am: \_\_\_\_\_ a Teacher \_\_\_\_\_ Support Staff \_\_\_\_\_ Volunteer

Please check [x] off the following statements that apply:

NOTE: in Canada, any statute includes, but is not limited to the Criminal Code and the Controlled Drugs and Substance Act

	<b>YES</b>	<b>NO</b>
I have had an adult conviction (found guilty of any statute, whether in Canada or in any other country).	<input type="checkbox"/>	<input type="checkbox"/>
If yes: Where? _____ When: _____		
Nature of offense(s): _____		

Was the conviction an indictable offence?	<input type="checkbox"/>	<input type="checkbox"/>
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The nature of any sentence (including time spent in prison, probation, community service, etc.) and whether the requirements of the sentence have been fulfilled: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have outstanding charges (currently under investigation or charged with any offense under any statute, whether in Canada or in another country).	<input type="checkbox"/>	<input type="checkbox"/>
If yes: Where? _____ When: _____		
Nature of offense(s): _____		

The nature of any sentence (including time spent in prison, probation, community service, etc.) and whether the requirements of the sentence have been fulfilled: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I am registered on the Vulnerable Sector Check or have been notified of the intent to be registered	<input type="checkbox"/>	<input type="checkbox"/>
If yes: Where? _____ When: _____		
Nature of offense(s): _____		

The nature of any sentence (including time spent in prison, probation, community service, etc.) and whether the requirements of the sentence have been fulfilled: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IF YOU INDICATED YOU ARE A TEACHER, PLEASE ALSO COMPLETE THE FOLLOWING FOUR QUESTIONS:**

	<b>YES</b>	<b>NO</b>
Have you ever agreed to a settlement or resignation to avoid any proceedings or disciplinary action with respect to your professional conduct, competence, or capacity to teach?	<input type="checkbox"/>	<input type="checkbox"/>
If yes: Where? _____ When: _____		
Nature of offense(s): _____		

The nature of any sentence (including time spent in prison, probation, community service, etc.) and whether you are still fulfilling the requirements of your sentence: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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	<b>YES</b>	<b>NO</b>	
Has your credential, certificate, or license to teach, whether in Canada or another country, ever been under investigation or is currently under investigation?	[ ]	[ ]	
If yes: Where? _____ When: _____			
Nature of offense(s): _____			

\_\_\_\_\_

The nature of any sentence (including time spent in prison, probation, community service, etc.) and whether you are still fulfilling the requirements of your sentence: \_\_\_\_\_

\_\_\_\_\_

Has your credential, certificate, or license to teach, whether in Canada or another country, ever been denied, suspended, or cancelled?	[ ]	[ ]	
If yes: Where? _____ When: _____			
Nature of offense(s): _____			

\_\_\_\_\_

The nature of any sentence (including time spent in prison, probation, community service, etc.) and whether you are still fulfilling the requirements of your sentence: \_\_\_\_\_

\_\_\_\_\_

Have you ever voluntarily or involuntarily surrendered your credential, certificate, permit, or license to teach in another jurisdiction?	[ ]	[ ]	
If yes: Where? _____ When: _____			
Nature of offense(s): _____			

\_\_\_\_\_

The nature of any sentence (including time spent in prison, probation, community service, etc.) and whether you are still fulfilling the requirements of your sentence: \_\_\_\_\_

\_\_\_\_\_

I certify that the information provided on this form is TRUE and COMPLETE and that NO relevant information has been withheld. I declare that all documentation that may be submitted by me has not been changed or altered in any way.

I understand that any false or misleading information in this self-declaration or willful omission, or submission of altered, tampered, or forged documentation may result in rejection of my application or withdraw of any offer of employment, volunteering, or, where I have already commenced employment or volunteering with the division, termination of my employment or volunteering.

I further understand that the Horizon School Division reserves the right to reject my application or withdraw any offer of employment or volunteering made or, where I have already commenced employment or volunteering with the division, terminate my employment or volunteering if I fail to submit this self-declaration form within a two month period or provide any information in this self-declaration which, in the reasonable opinion of the division, renders me unsuitable for employment or volunteering in the position I wish to be or am employed or volunteer in.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The presence of a record of charges or conviction does not necessarily exclude you from employment or volunteering with the Horizon School Division. Each case will be reviewed on an individual basis, to determine its relevance to the requirements of the teaching profession, support, or volunteer position.

Persons with a yes to any of the questions on page 1 are required to provide additional information and submit an original criminal record check.

If you are a volunteer complete and return this form to your principal or designate.

If you are an employee, complete and return this form to:

Human Resources  
Horizon School Division  
6302 56 street, Taber, AB T1G 1Z9  
Horizon School Division  
CONFIDENTIAL