



## **Administrative Procedure 5030**

### ***Criminal Record Check and Child Abuse Registry Check***

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**Board Governance Policy Cross Reference:** [1](#), [12](#), [13](#)

**Administrative Procedures Cross Reference:**

**Form Cross Reference:**

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**Legal/Regulatory Reference:**

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**Date Adopted:** June 1997

**Amended:** December 2017

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The Brandon School Division requires that all individuals working for the Division undergo a background check as a condition of employment. This background check requires:

- that, as part of the application process, applicants declare whether they have a criminal record or have been listed on the Child Abuse Registry;
- that candidates recommended for employment and/or employed by the Division provide a Criminal Record Check and a Child Abuse Registry Check;
- a review of any incidents identified from these checks by a Division representative.

The existence of such a record will not automatically exclude an individual from consideration to work in the Division. However, where a criminal record is evident or when the individual has been listed on the Child Abuse Registry, the individual will be required to meet with the appropriate Senior Administrator and/or the Director of Human Resources to present, review and discuss the matter(s) of record. Information obtained through the Criminal Record Check and the Child Abuse Registry Check will be considered in view of the requirements of the job for which the applicant is being considered.

While it is impossible for the Division to provide an exhaustive list of offenses that would preclude employment, there are certain types of criminal behaviour such as sexual or physical assault, which would generally exclude persons from being placed in a position of authority and/or trust with students and others. Additionally, there are other types of wrongful behaviours that may reasonably preclude individuals from working in the Division where there is a bona-fide relationship between the criminal charge/conviction and the requirements of the job.

In the event the criminal record identifies convictions that indicate the individual may pose a threat to the safety of children or others, the Division reserves the right to deny or terminate the employment of such individuals.

The Division will make every effort to ensure all information necessary to make a decision is investigated. The Division shall apply the provisions of this administrative procedure to individuals who receive monetary compensation for their work in the Division. The Division may apply the provisions of this administrative procedure to individuals working in a voluntary capacity in the Division at the discretion of the Superintendent/CEO or designate.

All staff offered employment, be it on a permanent, term or substitute/relief/casual basis, will be required to provide Criminal Record and Child Abuse Registry Checks at the time of employment and as a condition of employment.

The requirement for an individual who is re-employed by the Division to provide Criminal Record and Child Abuse Registry Checks at the time of re-employment will be at the discretion of the Superintendent/CEO or designate. As a general practice:

- an individual re-employed by the Division, who has not previously provided the aforementioned checks to the Division, will be required to provide the checks as a condition of employment.
- an individual who is re-employed on a term, substitute/relief/casual basis from one year to another, when there is not a break in employment, may not be required to provide the checks on an annual basis. For the purpose of this process, the Division will not view the regular school breaks as a break in employment. However, the employment letter of offer will continue to state disclosure of this information, at the discretion of the Division and at any time while the individual is in the employ of the Division, as a condition of employment.
- an individual who is re-employed by the Division within 4 months of any previous employment with the Division when the individual has provided the aforementioned checks, will generally not be required to provide the checks again.
- an individual who is re-employed when a break in employment in excess of 4 months occurs, may be required to provide the checks.

An individual working on a Work Experience Practicum in the Division or in another arrangement, such as a volunteer coaching situation, where the individual is not compensated directly by the Division, but where they work with students on an individual or group basis and is not under continual direct supervision of a classroom teacher, School Leader or other staff member will be required to provide a Criminal Record and Child Abuse Registry Check prior to commencing their work.

Parent and other volunteers in schools who generally work under continual direct supervision of a classroom teacher and who work/volunteer for more than 10 hours per school year will be required to complete a Criminal Record and Child Abuse Registry Declaration. At the discretion of the Superintendent/CEO or designate, the Division may require a Criminal Record and Child Abuse Registry Check be completed.