

NLSchools refers to all public K-12 English schools and school related facilities under the jurisdiction of the Department of Education, Education Operations Branch and all employees working therein, and all employees providing services and supports to such schools, including those who work in the areas of school facilities, student transportation, program implementation, student services, and procurement.

Policy Name

Criminal Record Check/Vulnerable Sector Check

Policy Statement

The Department of Education requires all new employees within NLSchools, post-secondary students, and private contractors including their employees who may be in situations to be alone with students as part of their employment, to provide satisfactory Criminal Record Checks from the [RNC](#), the [RCMP](#) or other local police authority prior to the commencement of any duties. A Vulnerable Sector Check must also be secured for persons who are in a position of authority or trust toward a child or vulnerable person. Volunteers are required to provide satisfactory Criminal Record Checks in accordance with the [Volunteers in Schools](#) Policy.

Background

NLSchools has a responsibility to provide a safe and secure working and learning environment. All reasonable precautions will be taken to determine whether individuals pose a threat to students, employees, or NLSchools operations, particularly those who have direct and regular contact with students and/or are in positions deemed safety-sensitive or with heightened risk. Individuals are required to complete a Criminal Records Check, Vulnerable Sector Check and/or Criminal Offence Declaration as appropriate, as part of NLSchools screening measures.

Scope

This policy applies to:

- All successful candidates recommended for employment in, or in support of, schools and school related facilities NLSchools;
- All existing employees who may be in situations to be alone with students as part of their employment.

- Private contractors and their employees:
 - Who are successful bidders for contractual services, and whose employees may be in the position to work alone with students to fulfill their contractual obligation;
 - Who provide student transportation services;
- All volunteers providing services deemed medium or high risk, as outlined in the Volunteers in Schools Policy;
- All post-secondary students completing work terms;
- Individuals completing government-sponsored employment or training; and
- Any other individual providing service to students/schools (e.g., photography services).

Definitions

Criminal Record Check

A document prepared by a police force or service through a search of the local police records, court records, and the national repository of criminal records maintained by the Royal Newfoundland Constabulary, Royal Canadian Mounted Police, or other local police authority. A criminal record check provides information concerning an individual's criminal record (for which they have not been pardoned), findings of guilt and/or possible other criminal history.

Note

An applicant who resides in a Royal Canadian Mounted Police (RCMP) jurisdiction must first make an application at the Provincial Court in their area for a record of conviction. The applicant must take this certified record of conviction back to the RCMP to request a criminal record check.

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 Record Check

A criminal record check indicating no criminal record or criminal finding of guilt or other criminal history, including a charge, for an offence that:

1. Is related to the employment of the person
2. 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.

Vulnerable Sector Check

A police information check to see if a person has a record of suspension (i.e., pardon) for sexual offences.

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 Record Check or Criminal Offence Declaration to the Education Operations Branch, Human Resource Division and up to and including the date of the declaration.

Policy Directives

1. A Criminal Record Check (and Vulnerable Sector Check if appropriate) will be completed by the [RNC](#), [RCMP](#) or other local police authority where the applicant resides/resided. The Criminal Record Check must record the Government of Newfoundland and Labrador, NLSchools as the requesting organization (or Contractor, for the purpose of providing a service to NLSchools).
2. Documentation that lists an agency other than the Government of Newfoundland and Labrador, NLSchools (or Contractor, for the purposes of providing a service to NLSchools) will not be accepted.
3. Criminal record checks provided by third party companies will not be accepted.
4. The Criminal Record Check shall be provided to the Department of Education, Education Operations Branch, Human Resources Division prior to the beginning of employment or provision of service. Where a copy is provided the original must be provided within 30 days. In extenuating circumstances, submission of the original may be submitted later than 30 days with the approval of the Senior Management Official (Human Resources).
5. The applicant is responsible for all costs associated with securing a Criminal Record Check or Vulnerable Sector Check including fingerprinting.

6. The presence of a criminal record or conviction or other criminal history does not automatically disqualify an individual from a position or continuing employment within NLSchools. Each situation will be assessed by the appropriate staff to decide to what extent the individual would pose a risk to students, employees, or the operations of NLSchools and if that assessment reasonably disqualifies that individual for employment or placement with public school system .
7. An evaluation of a Criminal Record Check shall consider, but not be limited to, the following factors:
 - The nature of the offence(s) and the number of convictions;
 - Sentence(s) received;
 - The length of time since the most recent conviction;
 - Any rehabilitative efforts made by the applicant;
 - Any submissions made by the applicant;
 - The specific duties and responsibilities associated with the position and the relevance of the particular criminal conviction or history to the position; or
 - Any other factors deemed relevant by NLSchools.
8. An applicant who submits a Criminal Record Check that identifies a conviction(s) in another jurisdiction is required to provide written documentation from the courts, in that jurisdiction, providing details of the charges prior to being considered for employment with NLSchools.
9. NLSchools reserves the right to withdraw any offer of employment to an applicant when it is determined that the appropriate Criminal Record Check/Vulnerable Sector Check/Criminal Offence Declaration information is not in order.
10. The Senior Management Official (Human Resources) or designate, shall be responsible for ensuring that satisfactory Criminal Record Checks and/or Criminal Offence Declarations, and where applicable, Vulnerable Sector Checks are received for all employees as well as all students completing work terms with NLSchools.
11. 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. The Senior

Management Official (School Systems) shall determine if a criminal charge or conviction is a reasonable disqualification for volunteer placement. For further information, refer to the Volunteers in Schools policy.

12. The school administrator will ensure that the appropriate Criminal Record Check and/or Vulnerable Sector Check is on file at the appropriate office prior to any awarding of contracts to conduct business in a school where the employees of that business will interact with students.
13. Permanent employees transferring to a new position are required to have a Criminal Offence Declaration on file for the current school year.
14. Substitute/temporary/casual employees or employees on approved leave of absence who finish in a school year employed with NLSchools, and return to employment the subsequent school year, are required to submit a Criminal Offence Declaration.
15. Any employee who severs employment is required to resubmit a new Criminal Record Check, and/or Vulnerable Sector Check for those positions requiring same.
16. Notwithstanding these requirements, an employee working in NLSchools, subject to a criminal investigation, charged with, or convicted of a criminal offence, shall self-report the offence to the Education Operations Branch, Human Resources Division, immediately. Failure to do so will result in disciplinary action or termination of employment or contract/ service.
17. The submission of falsified Criminal Record Checks and/or Vulnerable Sector Checks and/or Criminal Offence Declarations is subject to disciplinary action including termination of employment and/or termination of contract/service.
18. All information gathered as part of the collection of Criminal Record Checks, Vulnerable Sector Checks, and Criminal Offence Declarations shall be treated as confidential and access is restricted to the Education Operations Branch, Human Resources Division, and, where deemed necessary, the employee's supervisor/manager.