

EDMONTON PUBLIC SCHOOLS

February 10, 2009

TO: Board of Trustees

FROM: Trustee D. Fleming, Planning and Policy Committee
Trustee G. Gibeault, Chair Planning and Policy Committee
Trustee K. Shipka, Planning and Policy Committee

SUBJECT: Board Policy Review - GBCD.BP Mandatory Records Checks for Employees

ORIGINATOR: B. Tams, Assistant Superintendent

RESOURCE
STAFF: David Fraser, Veda Lastiwka, Ellen Ogilvy

RECOMMENDATION

1. That revised Board Policy GBCD.BP Mandatory Records Checks for Employees (APPENDIX I) be introduced.
2. That revised Board Policy GBCD.BP Mandatory Records Checks for Employees be considered for the first time.
3. That revised Board Policy GBCD.BP Mandatory Records Checks for Employees be considered for the second time.

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Background

Since September 1, 2004, employees, at the time of hire and again when offered permanent employment, have been required to submit police records checks. As well, all employees who work directly or regularly interact with pre-school or school-aged children have been required to submit an Alberta Children's Services Intervention Record Check (IRC).

During this time, no applicant has been refused employment on the basis of information disclosed on an IRC. When the District does receive information from Children's Services about prospective employees, often those individuals have sought support for their family at their own initiative.

If the proposed revision to GBCD.BP is approved, Alberta Children's Services Intervention Record Checks will no longer be required as a component of mandatory records checks for employees. Upon approval of revised GBCD.BP, proposed revised GBCD.AR (APPENDIX II) will be recommended to the Superintendent of Schools for approval.

Proposed revisions to the administrative regulation include use of the generic term “criminal records check” instead of “Police Information Check” which is specific to Edmonton Police Service. This change will allow for implementing alternative procedures for accessing records checks from those currently in place. For example, most records checks could be accessed on-line rather than the current practice of requiring applicants to manually complete an application form and then visit a police station.

Rationale

The information available to the District through IRCs does not contribute to sound decision making regarding the suitability of prospective employees. The process is time consuming and requires significant resources without adding value to our recruitment-related decision making.

Alberta Children’s Services recently added the following disclaimer to their Intervention Record Check form.

Alberta Children’s Services Ministry cannot ensure that the information on this form is reliable for screening an applicant for employment. The Ministry assumes no liability arising from using this information. Anyone using the information does so at their own risk and should consider all the information provided on the back of this form.

Information extracted from the back of the IRC application form is attached (APPENDIX III).

Stakeholder Input

There were 60 respondents to the web survey regarding this policy, including 8 parents, 2 community members, 12 administrators, and 38 staff members. In response to specific questions asked on the survey, 88% indicated there were no aspects of the policy requiring clarification, 91% indicated nothing needed to be added, and 98% indicated nothing should be deleted from the policy.

There were two comments from parents and no comments from community members. Individual respondent comments included: a concern that discrimination might occur based on police checks, a question about what the District is looking for in these checks, a question about whether records checks would be required for staff already employed, and a question about who pays for a security check. One individual indicated that there should be a statement regarding the criteria used to determine suitability of an individual for District employment.

ES:bjs

- APPENDIX I: Proposed Revised GBCD.BP, Mandatory Records Checks for Employees
- APPENDIX II: Proposed Revised GBCD.AR, Mandatory Records Checks for Employees
- APPENDIX III: Extract from Alberta Children’s Services Intervention Record Check Application Form

Edmonton Public Schools Board Policies and Regulations

CODE: GBCD.BP
TOPIC: Mandatory Records
Checks for Employees

EFFECTIVE DATE: 25-01-2005
ISSUE DATE: 26-01-2005
REVIEW DATE: 01-2010

The board recognizes that the safety of the District's students and staff is paramount.

Under the Board's general delegation of authority to the Superintendent of Schools, the Superintendent will establish procedures, ~~to be effective September 1, 2004, for securing at the time of hire, police a criminal records checks from~~ **for all employees every person offered employment with the District.** ~~and intervention records checks from all custodial, support, and teaching staff and all other employees who work directly or regularly interact with pre-school or school-aged children.~~

At the discretion of the Superintendent, or designate, where information contained in a ~~police criminal records check certificate or Alberta Children's Services Intervention Record Check suggests conduct that~~ brings into question the suitability of **the person** ~~the individual~~ to work for a school district, **an offer of** employment may be **rescinded or employment may be** terminated.

Reference(s):
[GBCD.AR](#) - Mandatory Records Checks for Employees

Edmonton Public Schools Board Policies and Regulations

CODE: GBCD.AR
TOPIC: Proposed Revised
Mandatory Records Checks for
Employees

EFFECTIVE DATE: 30-06-2006
ISSUE DATE: 16-10-2008
REVIEW DATE: 06-2011

A. GENERAL

This Regulation does not apply to an Edmonton Public Schools student under 18 years of age.

B. DEFINITIONS

1. In this Regulation:
 - a. "Director" means the Director of Personnel Recruitment and Staffing;
 - b. "employee" means a person hired on or after the effective date of this administrative regulation;
 - c. "prospective employee" means a person offered employment on or after the effective date of this administrative regulation.

C. REQUIREMENT TO PROVIDE CHECK

1. Each employee and prospective employee shall, within a time period specified by the Director, provide a current criminal records check which includes information relevant to working with the vulnerable sector.
2. The requirements of section C.1 shall apply to temporary employees on the occasion of being offered permanent employment.

D. REQUIREMENT TO PROVIDE CHECK

1. The nature and date of any charges or convictions revealed through a criminal records check will be considered by the Director relative to the current date and the individual's responsibilities as an employee.
2. Any costs associated with securing the required criminal records check will be the responsibility of the district.

E. FAILURE TO PROVIDE OR UNSATISFACTORY CHECK

1. If an employee fails to provide a criminal records check within the time specified, or if the contents are considered by the Director to be incompatible with employment with the district, the employee's contract of employment shall be terminated.
2. If a prospective employee fails to provide a criminal records check within the time specified, or if the contents are considered by the Director to be incompatible with employment with the district, the prospective employee's offer of employment shall be rescinded.

F. COLLECTION, USE, AND STORAGE OF INFORMATION

1. The collection and use of personal information related to mandatory records checks will be for the stated purpose of determining the suitability of an individual to work for the school district and will be in accordance with the requirements of the [*Freedom of Information and Protection of Privacy Act*](#) of Alberta.
2. All police records check documents and related information will be securely stored within Personnel Services.

Reference(s):

[GBCD.BP](#) - Mandatory Records Checks for Employees

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

**PARTIAL EXTRACT FROM
ALBERTA CHILDREN'S SERVICES
INTERVENTION RECORD CHECK APPLICATION FORM**

What should organizations know about checks?

If your organization is considering requiring prospective employees or volunteers to obtain an intervention record check:

- You must realize that the records are not intended for screening purposes and might not provide information very useful for that purpose. For instance:
 - Under the *Child, Youth and Family Enhancement Act*, a child might need intervention services for reasons other than abuse. So a person might place a child in need of intervention without abusing the child.
 - The record might indicate that a person with the same name and unknown birth date might have placed a child in need of intervention. Therefore, it is not possible to tell whether the applicant is the person in the record.
 - The staff member who reads the record might infer that the person might have placed a child in need of intervention when the writer of the record did not intend to imply that.
 - Intervention Services might have received several complaints about the person but never found any evidence that a child needed intervention. Therefore, the callers had serious concerns but Intervention Services found nothing to indicate on the record that the person might have placed a child in need of intervention.
 - The person might have placed a child in need of intervention but the record has been destroyed because Intervention Services did not provide services to the child.
 - Intervention Services has records for Alberta only so the records do not provide information if the person placed a child in need of intervention in another province or country.
 - The person might have been a victim of circumstances and had little choice at the time other than to place the child in need of intervention.

Your organization needs to recognize that the record focuses on the child's need and the services provided. So information on the record about other people might not clearly describe how they were involved.