

Criminal Record Checks and First Nations Schools

Prepared by
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What should you know about criminal record checks?

It is imperative that all First Nations schools ensure that individuals who work with children directly, or who have unsupervised access to children, have successfully completed a criminal record check.

Normally, written offers of employment for anyone who will be involved with children should include a criminal record check as a condition of employment.

This pamphlet outlines the steps to be taken to address this issue. The information is separated for First Nations schools that have Independent school status and those that do not, as the requirements and procedures are different in each of those cases.

Anyone requiring further information is encouraged to seek legal advice. The information included in this Handbook is NOT presented as, or intended to serve as, legal advice. First Nations are encouraged to seek independent legal advice as required regarding their particular employment circumstances.



Information for First Nations Schools That Have Independent School Status

Background

For First Nations schools that are subject to the British Columbia *Independent School Act*:

- Employees are subject to the *Criminal Records Review Act* (CRRRA).
- The CRRRA *requires* that individuals who work with children directly, or have unsupervised access to children, undergo a CRRRA (criminal records) Check. This includes:
 - teachers
 - custodians
 - administrative support
 - non-teaching staff
 - principals
- When an individual is offered employment that involves working with children, the individual must provide a criminal record check authorization to the employer. Offers of employment should be conditional upon the employer receiving a satisfactory criminal record check.
- Employees must undergo a criminal record check at least once every 5 years.
- During a CRRRA Check, the Criminal Records Review Program will carry out a check for offences most relevant to those working with children. Relevant offenses include most violent and sexual offenses, as well as some drug offenses.

Process for Employee Record Checks – Independent Schools

Online

Each school must enroll in the online criminal record check service, eCRC (Form CRR020 found here: <http://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/crime-prevention/criminal-record-check/crr020-enrol.pdf>.)

The Criminal Records Review Program will confirm enrolment of your school in writing and provide a unique link to direct your employees to the online service.

Employees will access the unique link and will have to pay a \$28 processing fee, which may be paid by credit card within the online service when submitting a request for a criminal record check.

Employees then may request to share their results between one or more organizations registered with the Criminal Records Review Program.

Process for Employee Record Checks – Independent Schools continued ...

Paper

If the online service electronic identity verification fails for any reason, if the employee has no computer or Internet access, or if the criminal record check or sharing request cannot be completed online, the organization must re-confirm the ID of the applicant in person (see ID verification requirements below) and submit the paper consent form (Form CRR010) by fax or mail to the Criminal Record Review Program: <http://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/crime-prevention/criminal-record-check/crr010-employer-consent.pdf>.

Employees can bring the completed consent form along with one piece of primary identification and one piece of secondary identification as well as their \$28 fee to the employer, who must submit the employee's request for a CRRRA check to the government on their behalf.

Primary identification includes:

- B.C. Driver's License or learner's license (must have your photo)
- BCID
- BC Services Card (must have photo)
- Canadian birth certificate
- Passport
- Canadian Citizenship Card
- Permanent Resident Card
- Canadian Record of Landing/Canadian
- Immigration Identification Record

Secondary identification includes:

- School ID card (student card)
- Bank card (only if applicant's name is on card)
- Credit card (only if applicant's name is on card)
- Foreign birth certificate (a baptismal certificate is not acceptable)
- Canadian or U.S. Driver's License
- Naturalization certificate
- Canadian Forces identification
- Police identification
- Foreign Affairs Canada or consular identification
- Vehicle registration (only if applicant's signature is shown)
- Picture employee ID card
- Canadian Firearms License (PAL)
- Social Insurance Card (new style without signature strip not acceptable)
- BC Care Card
- BC Services Card (with or without photo)
- Native Status Card
- Parole Certificate ID
- Correctional Service Conditional Release Card

In order to pay the \$28 fee, the employee will have to fill out the Application for Pre-Authorized Credit Card Usage Form: <http://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/crime-prevention/criminal-record-check/crr012-creditcard.pdf>. I

If the employee does not have a credit card, they will need to provide a money order or certified cheque. Regular cheques or cash cannot be sent.

After verifying the employee's identification using one piece of primary and one piece of secondary ID, the school should make a copy of the completed consent form for its file and then mail or fax the original form to the Criminal Records Review Program along with the payment form, money order or certified cheque.

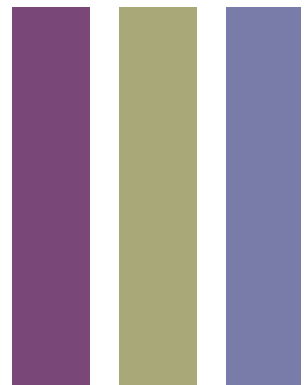
Fingerprinting

Initial results of the CRRRA check may indicate the existence of a criminal record or outstanding charge for a relevant offence. Verification of the employee's identity or the results may be required, for example, if a combination of their name, gender or birth date is the same or similar to a known offender's name, gender or birth date.

If fingerprint verification of the employee's identity or results is required, the Criminal Records Review Program will mail the employee an information package telling them fingerprints are required and describing what to do and where to go to submit their fingerprints (usually a local police detachment, whether RCMP or municipal police).

The police will charge individuals a fee for submitting fingerprints.

Verification of identity or confirmation of results usually will take 4-8 additional weeks to complete following the date of fingerprints submission.



Information for First Nations Schools That Do Not Have Independent Status

Background

For First Nations Schools that are not subject to provincial regulation, there are two kinds of record checks.

- A “Criminal Record Check” verifies whether an individual has a criminal record and provides the applicant information that can be legally disclosed.
- A “Vulnerable Sector Check” is an enhanced criminal record check that provides information about whether a person has a criminal record and any pardons for sexual offences, and also searches local police records.

Criminal Record Checks and Vulnerable Sector Checks are not required for employees of First Nations Schools that are not subject to provincial regulation.

However, it is *highly advisable* for employees to have a Criminal Record Check, and for employees working closely with children to have a Vulnerable Sector Check.

Good practice would be for employees to undergo a Criminal Record Check at least once every 5 years.

Procedures for Getting a Police Information Check (Criminal Record Check or a Vulnerable Sector Check)

Criminal Record Check

To obtain a Criminal Record Check, employees should be directed to a local police station to fill out an application.

The employee will need to specify their job title and name of the school. They will also need to provide their full name, date of birth, sex, mailing address, phone number, and applicable fees.

Fingerprinting – Criminal Record Check

Fingerprints may have to be submitted as part of the process once a query based on name and date of birth is conducted. If fingerprints are required, they can be taken at a local police station or with an accredited company such as the Canadian Corps of Commissionaires (ph. 1-877-322-6777).

Vulnerable Sector Check

Only a police service of local jurisdiction can conduct and issue the results of a Vulnerable Sector Check. This could be RCMP or municipal police. Schools requesting a Vulnerable Sector Check must refer applicants to the police service of local jurisdiction where the individual **resides**. Different police services will have different procedures so it is best to call ahead.

The employee will have to bring two pieces of government issued ID, one with a photo, when they go for a Vulnerable Sector Check. If there is not proof of current address on at least one piece of identification, the employee will have to bring a utility bill or something to indicate their most recent address.

When the employee goes for a Vulnerable Sector Check, they will also be required to provide a letter from the employer. That letter:

- Must be on original organization letterhead
- Must include an original signature
- Must state the organization is requesting that a Vulnerable Sector Check be done (i.e. “we request a Vulnerable Sector Check be done for [insert name] as they will or may be working with children under the age of 18 in the position of [insert type of position being applied for]”).
- Must include a description of how the position deals with vulnerable persons.

The police service will complete a Vulnerable Sector Check based on the name and date of birth of the applicant.

The check will include:

- criminal convictions, outstanding criminal charges and warrants, and other judicial orders
- non-convictions and files where the employee was a suspect in a substantiated offence

Fees will vary depending on the local police service but there is a minimum \$25 base fee.

Once the Vulnerable Sector Check is completed, the police services completing the Vulnerable Sector Check will send the results to the employee or to the requesting employer.

The police service will complete a Vulnerable Sector Check based on the name and date of birth of the applicant.

Process for Employee Record Checks – Non-Independent First Nations Schools continued ...

Fingerprinting – Vulnerable Sector Check

If the Vulnerable Sector search is inconclusive, a fingerprint-based search will be required. The employee will have to visit the nearest police service to have their fingerprints taken electronically. If the police service is not equipped to take electronic fingerprints, employees will be referred to accredited private fingerprinting companies or other partners to take fingerprints on their behalf. There will be an additional fee for fingerprinting services.

Results can take up to 4 weeks where there is no fingerprint match. If there is a match to a fingerprint record in the RCMP database, or if the employee's fingerprints need to be processed manually for any reason, the processing time could be up to 120 days or longer.

Note for Non-Independent First Nations Schools

Please note that any school interested in accessing Reciprocal Tuition from the Province of BC must meet the following requirement:

- The school's teachers and staff have undergone a criminal record check if they:
 - work with children directly; and/or
 - have, or potentially have, unsupervised access to children.

More information about Reciprocal Tuition is available in the *Reciprocal Tuition Handbook for Non-Independent First Nations Schools*. 2016 Edition. Available at www.fnesc.ca.

A Final Consideration for All First Nations Schools

First Nations schools and their School Governing Agencies are also encouraged to consider whether criminal record checks should be requested for volunteers who will have unsupervised access to children.

Concluding Comments

FNESC and the FNSA strongly recommend that all First Nations schools ensure that employee record checks have been effectively addressed. This is a key aspect of schools' efforts to promote safe environments for all students and to promote confidence for parents and the community. FNESC and the FNSA would be pleased to provide additional support if requested.

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