REFERENCE CHECKS
REVISED

For Education Meeting – January 2014 (Stakeholders Stage)

HUMAN RESOURCES: 300
Reference Checks Policy: HR 308
Adoption Date: August 12, 2002
Revised:

Scope

This policy applies to all employees recommended for employment with the Cape Breton-Victoria Regional School Board; volunteers who: a) are considered regular or long term; b) are responsible for individual students or groups of students without direct supervision of staff; c) chaperone students overnight; and others at the discretion of the principal. This policy also applies to pre-service teachers doing practicum placements.

Purpose

The purpose of this policy is to provide for reference checks for all employees and volunteers.

Policy Statement

The Cape Breton-Victoria Regional School Board recognizes its responsibility to ensure that students attending schools under its jurisdiction are protected by taking reasonable precautions to screen prospective (new) employees and volunteers who might pose a risk to students.

Cross Reference

Policy #HR 304 Hiring Policy
Policy #HR 311 – Sexual Misconduct Policy

Authorization

The policy has been authorized by the Board under motions number 2002-08-05.

Responsibility

It is the responsibility of the Director of Human Resources to ensure that this policy and administrative procedures are implemented.

Implementation

The Director of Human Resources or designate will implement the policy and administrative procedures.
Procedures

1. All applicants for employment with the Board will include with their application the name, address and telephone number of at least three (3) references, one of which may be a character reference.

2. Employees and prospective employees with the Board will be required to complete the Department of Community Services, Form XIII, Child Abuse Register - Request for Search, and provide the Board with a police reference/records check every five years.

3. Volunteers and prospective volunteers identified by this policy will be required to complete the Department of Community Services, Form XIII, Child Abuse Register - Request for Search, and provide the Board with a police reference/records check as a prerequisite for being a volunteer.

4. Annual Training for staff to explain the abuse prevention policies will be held and training will include recognizing inappropriate behavior.

5. Each employee and volunteer will provide a signed acknowledgement of sexual abuse prevention policies and an agreement to comply with them.

6. In an instance where an offer of employment or acceptance for volunteering has been given and the police reference check and/or Child Abuse Registry check document outstanding charges or prior convictions which indicate that the person could pose a risk to students, the offer of employment or acceptance for volunteering shall be withdrawn.

7. An offer of employment for a person who commences work prior to the completion and verification of the police reference check and/or Child Abuse Registry check, shall be conditional upon there being no outstanding charges or prior convictions which indicate that the person could pose a risk to students.

8. A condition of employment for persons hired following the adoption of this policy shall be to self declare any criminal conviction(s) to the Director of Human Resources that occur subsequent to their hiring.

9. Prospective employees will initiate the police reference/records check and shall provide the documentation to the Department of Human Resources of the Board. The Department of Human Resources of the Board may direct the applicant to initiate the check through a specific police station or agency. Any fee charged for this check shall be the responsibility of the applicant.

10. The Human Resources Department of the Board will initiate the process of the Child Abuse Registry check for all prospective employees recommended for appointment to positions with the Board. Any fee charged for this check shall be the responsibility of the applicant.

11. The Human Resources Department of the Board will be responsible for insuring that references are checked, prior to making an offer of employment, for all prospective employees recommended for appointment to positions with the Board.

12. a) Volunteers will initiate the police reference/records check and shall present the documentation to the principal(s) of the school(s) for which they wish to volunteer.
b) The Human Resources Department of the Board will initiate a process to identify staff and volunteers who have not had a police reference check and/or child Abuse Registry check done, and ensure that they are included for this reference check within a reasonable timeframe.

13. The principal(s) will initiate the process of the Child Abuse Registry check for all volunteers and prospective volunteers and will record and store all documents related to this process in a confidential manner.

14. The school board will establish procedures to share information among its schools on volunteers via a central database.

15. If there is any question regarding the status of a volunteer arising from the police reference/records check or the Child Abuse Registry check, the matter is to be referred to the Director of Human Resources. The Director of Human Resources will make a decision on the status of the volunteer and advise the principal(s).

16. Completed police reference checks and Child Abuse Registry checks for employees and prospective employees shall be secured in a confidential file by the Human Resources Department of the Board.

17. Prospective employees and volunteers found to have a criminal record for acts of child abuse or found to be on the Child Abuse Registry will be denied employment or being a volunteer. In all other cases, where there is a criminal record, the Director of Human Resources shall, while assessing the risk posed to students, employees and/or board property and equipment, review the circumstances surrounding the criminal record and consider the following factors when applicable:

   a) The specific duties and responsibilities of the position in question and the relevance of the criminal charge(s) or conviction(s) to that position;
   b) The length of time since the charge(s) and/or conviction(s);
   c) Rehabilitative or other efforts undertaken by the applicant; and
   d) Such other factors as are deemed appropriate under the circumstances.

18. Where areas of concern are identified, the final decision(s) concerning suitability of employment shall be made jointly by the Director of Human Resources and appropriate Board staff in consultation with legal counsel. Refusal by the prospective employee to provide information regarding any concerns when requested by the Director of Human Resources will be grounds for denial of employment.

19. To further ensure the safety of all students, the Board recognizes its obligation to report to the Department of Education any person who has been refused employment as a result of this policy. Prior to offering employment to a prospective employee, the Board will check with the Department of Education to ensure that the prospective employee has not been refused employment as a result of reference, police records or Child Abuse Registry checks.
Policy Review

This policy will be reviewed by the Director of Human Resources and/or designate within three years from this authorization date.

Distribution

Board Members and all Policy Manual Holders.