



Section 18
Criminal Record Checks



Section 18

Criminal Record Checks

This section looks at the requirements for criminal record checks and related information.

18

55(1)

Every operator shall

- (a) require from every
 - (i) successful applicant for employment, and
 - (ii) casual or temporary staff person or volunteer, a signed authorization granting the Director access to information about that person's criminal record and permitting the Director to convey that information to the operator; and
- (b) submit the authorization to the Director.

55(2)

Where information obtained by the Director under subsection (1) shows that the person has been convicted of an offence respecting a child, the Director shall

- (a) inform the operator of the offence; and
- (b) consult with the operator as to whether the person should be hired as a staff person or permitted to work as a volunteer for the child day care facility.

Regulation 55(1) and (2)

Criminal Record Check for All Staff and Volunteers Before Starting Work in a Facility

Why

- To protect children
- To consider whether a person with a criminal record that involved a child is appropriate to work in a child care centre

What it means

- *Before* a staff person can start work, the operator must ensure that the staff person obtains a criminal record check from the RCMP. The prospective staff person should give the criminal record check to the operator.
- It is recommended that the staff person obtains a vulnerable sector search from the RCMP before starting work.
- It is recommended that *before* a staff person starts work the operator ensures that the staff person gives them a statement regarding any outstanding criminal charges, and the details.
- The operator must give a copy of the criminal record check to the Director. (In most cases the Regional Early Childhood Officer will inspect the documents on behalf of the Director.)
- It is recommended that the operator ensures that every five years each staff person obtains an updated criminal record check, including a vulnerable sector search, from the RCMP.
- If a prospective staff person has been convicted of an offence ('has a record') or has any outstanding charges that involve a child the Director has the authority to suspend the operator's license *if*:
 - the Director believes that employing the person poses a danger to the health, safety or well-being of any child attending the facility, *and*
 - the operator hires the person.

How

- Make sure that the qualifications section of all job descriptions includes the following requirements:
 - a criminal record check, recommended to update every five years
- It is recommended that qualification section of all job descriptions include the following:
 - a vulnerable sector search before starting work
 - a statement regarding any outstanding criminal charges, along with details of those charges, before starting work (if applicable)
- Do not allow any staff person to start work until they have provided you with:
 - a criminal record check,
 - a recommended vulnerable sector search, from the RCMP, and
 - a recommended statement saying whether or not they have any outstanding criminal charges, and if so, the details.
- If a criminal record check or statement of outstanding criminal charges shows any offence that included a child, contact the Regional Early Childhood Officer right away.
- Allow the Regional Early Childhood Officer to inspect the criminal record and outstanding charges documents on behalf of the Director.
- Do not allow any staff person to start work if you have *any* information that leads you to believe that the person has any outstanding charges or has been found guilty of an offence that involves a child. Talk to the Regional Early Childhood Officer who will communicate your concerns to the Director.
- If the Director believes that hiring the person would endanger the health, safety or well-being of any child attending the facility, they will recommend that you do not hire the person
- If you hire a person against the recommendation from the Director, the child care facility's license may be affected.
- Keep a copy of the criminal record check and statement of outstanding criminal charges in the employee's personnel file.

