

Ministry of Education

Saskatchewan – Québec Student Exchange Program Criminal Records Check Policy and Procedures

Authority: This policy was developed pursuant to the following statutes:

- ***The Education Act, 1995*** – Pursuant to section 3(1), the Minister of Education is responsible for all matters relating to elementary and secondary education. This responsibility endows the minister with the authority to issue this policy statement.
- ***The Ministry of Education Regulations, 2007*** – section 3(c) states the objects and purposes of the Ministry of Education are to coordinate, develop, implement, promote and enforce policies and programs of the Government of Saskatchewan related to kindergarten, elementary, middle and secondary education.
- ***The Freedom of Information and Protection of Privacy Act*** – section 25 precludes government institutions from collecting personal information except for a purpose that relates to an existing or proposed program of the government institution. Section 28 prohibits the use of personal information except for the purpose for which it was collected. Section 29 authorizes a government institution’s disclosure of personal information under conditions that are outlined in that Section, including the purpose for which the information was obtained.
- ***The Archives and Public Records Management Act*** – section 24(1) directs all government institutions to prepare records schedules for the management of public records that are in their custody or control.

Definitions:

“Criminal Records Check Review Team” is a term that describes an inter-ministry team of Education and Justice officials that is comprised of the Provincial Coordinator of the Saskatchewan – Québec Student Exchange Program, the Director, Programs Branch with advice from Crown Counsel, Legal Services Division, Ministry of Justice, when needed and any other member of government deemed appropriate by the Director of Programs.

“Host Family Residents” – for the purpose of this policy and procedures document, “residents of host families” are all individuals who are members of host families as well as all individuals over the age of 17 years who temporarily or permanently reside in the homes of families that apply to the Saskatchewan – Québec Student Exchange Program to host students.

“Resident” – for the purpose of this policy and procedures document, “resident” includes any person living in a household (e.g., eating, sleeping and working in that place). A person may “reside” in a place even if they are not physically present there from time to time. The term “resident” excludes casual visitors.

“Satisfactory Criminal Records Check” is defined as a current and original Criminal Records Check (CRC) that was obtained less than three months prior to application submission that indicates either:

- no criminal record/charges exist; or,
- a CRC that indicates the existence of a criminal record and/or charges that have been assessed and determined by the CRC Review Team not to impose a risk to students participating in the program.

“The Program” refers to the Saskatchewan – Québec Student Exchange Program.

“Unsatisfactory Criminal Records Check” is characterized by charges and/or convictions outlined in CRCs that the CRC review team deem to indicate a potential risk to students participating in the program.

Intent:

The primary intent of this policy is to support the safety of students participating in the Saskatchewan – Québec Student Exchange Program by requiring satisfactory CRCs for host family residents. This document is also intended to establish a consistent approach for making decisions for determining whether CRCs are “satisfactory” or “unsatisfactory” and to establish standards for the appropriate management of CRCs in terms of their collection, use, disclosure, storage and disposal.

Policies and Procedures:

Note: policy statements are in bold font and they are followed by procedures.

1.0 Requirements for Applicants

1.1 **To participate in the program, each resident of the host family must submit a satisfactory CRC. An unsatisfactory CRC for any resident of the host family may render the student and their family ineligible to participate in the program.**

Procedures

- 1.1.1 Each host family resident is required to submit a CRC with a vulnerable sector check and a CRC Disclosure Form to the Program Coordinator at the time when the host family applies to participate in the program.
 - 1.1.2 All CRCs must be received by the Provincial Coordinator and Director, Programs Branch prior to February 15th of each year.
 - 1.1.3 If all host family residents do not supply a satisfactory CRC by February 15th, the student application will be deemed incomplete and the student will be ineligible to participate in the program.
 - 1.1.4 If the composition of host family residents changes at any time after application is made to the program, host family residents who had not submitted a CRC previously will be required to do so as soon as reasonably possible.
 - 1.1.5 Individuals over the age of 17 years who plan to reside with the Saskatchewan host family while the Québec student will be present and who have not provided a CRC shall submit CRCs prior to the host family resident moving into the household.
 - 1.1.6 In the event families wish to continue with the student exchange regardless of an unsatisfactory CRC, the legal parents/guardians of the impacted student must complete a Continuation of Exchange Form to consent or refuse to proceed with the student exchange.
- 1.2 **If any host family residents are charged or convicted of (a) crime(s) after they have submitted the CRC and before the end of their participation in the program, they must report the criminal charge(s) or conviction(s) to the Provincial Coordinator or designate and the Director, Programs Branch, as soon as reasonably possible.**

Procedures

- 1.2.1 Charges and/or convictions that occur after the submission of the CRC or while host family residents are participating in the program, will be assessed by the CRC Review Team, who will determine whether individuals with the charge(s)/conviction(s) appear to pose a risk to the safety of students participating in the program.
 - 1.2.2 Failure to report charges or convictions to the Provincial Coordinator will result in a cancellation of the student exchange for the Saskatchewan student and their family.
- 1.3 **When residents of host families have been charged with, and/or convicted of, offences during the student exchange, the charges and/or convictions will be reviewed as soon as possible by the CRC Review Team to determine whether there is a risk to students participating in the program.**

Procedures

- 1.3.1 Convictions and/or charges will be assessed according to the factors identified in 2.1.2.
- 1.3.2 The Provincial Coordinator will notify the applicant of the decision as soon as possible.
- 1.3.3 When charges and/or convictions result in cancellation of student exchanges, the Provincial Coordinator will work with the Québec counterpart agency and all relevant families in Saskatchewan and Québec to expedite the return of students to their homes.

2.0 Assessing Program Applicant CRCs with Charges and/or Convictions

2.1 **The guiding principle for assessing CRCs shall be the safety of students applying to, and/or participating in, the program.**

Procedures

- 2.1.1 If convictions or charges are indicated in the CRC, the CRC Review Team will convene to assess the relevance of charges and/or convictions prior to the student exchange.
- 2.1.2 The CRC Review Team will assess the following factors to determine whether individuals with charges and/or convictions are suitable to participate in the program:
 - The nature of the offence and its relevance to the care and safety of students applying to participate in the program;
 - Serious consideration shall be given to any convictions or charges involving violent physical aggression, drugs and/or alcohol, or offences of a sexual nature;
 - When the offence occurred, the number of convictions, the amount of time between offences and recurrences, and penalties; and,
 - Steps the applicant has taken to rehabilitate or prevent recurrence.
- 2.1.3 A criminal history that includes the following charges or convictions must be reviewed and signed by the Executive Director (Programs) and the Deputy Minister's Office:
 - Any criminal charge or conviction regarding a sexual assault;
 - Any criminal charge or conviction regarding verbal or physical assault or abuse;
 - Any homicide charge or conviction;
 - Any manslaughter charge or conviction;
 - Any drug and/or related charge or conviction;
 - Any criminal charge or conviction involving weapons; and,
 - Charges and convictions involving children and youth, including child pornography.

2.2 **The Ministry of Education may request more information from the individual or from school staff (with the individual's consent) regarding charges and/or convictions that are indicated in CRCs.**

Procedures

- 2.2.1 The CRC Review Team and Crown Counsel will decide whether to accept the record and proceed with the application or deny the application.
- 2.2.2 As per the Disclosure of CRC results Form, the Ministry of Education will contact the individual by telephone to request more information regarding charges and/or convictions that are indicated in CRCs.
- 2.2.3 Documentation of the rationale will be included on the completed Criminal Convictions Review and Risk Evaluation Form, which is signed by the Director, Programs Branch.

3.0 The Use of Criminal Records Checks

- 3.1 **CRCs shall only be used for the purpose of determining the suitability of host family residents to participate in the program.**

Procedures

- 3.1.1 The Provincial Coordinator will ensure CRCs are submitted by all host family residents at the time of application to the program. In accordance with the *Saskatchewan – Québec Student Exchange: Participant’s Handbook Student and Family Edition*.
- 3.1.2 The Provincial Coordinator will review the CRCs to determine whether they are satisfactory.
- 3.1.3 In the absence of the Provincial Coordinator, a person designated by the Director of the Programs Branch will collect and review the required CRCs and applications from host families.
- 3.1.4 If the CRC contains no charges or convictions, the Coordinator will deem the CRC as satisfactory.
- 3.1.5 If the CRCs contain any charges and/or convictions, the Coordinator shall refer the CRC to the CRC Review Team for assessment.

4.0 Disclosure of CRC Information

- 4.1 **The Provincial Coordinator may disclose information on CRCs only to the CRC Review Team or their designates, the Québec counterpart agency, and Saskatchewan parents or legal guardians that participate in the program as per the individual’s consent provided in the CRC disclosure letter.**

Procedures

- 4.1.1 Results are disclosed to Québec counterpart agency via encrypted email correspondence and Québec families are notified of unsatisfactory CRC results by the Québec counterpart agency.

Note: The Ministry of Education is not aware that the Québec counterpart agency has a similar CRC Disclosure Form that ensures the confidentiality of CRC results for the Québec student's family. The Québec counterpart agency does not have this requirement. Saskatchewan has asked the counterpart agency to implement a similar practice, however it is unknown if Québec will comply.

- 4.1.2 Unsatisfactory CRC results shall be disclosed to the Québec counterpart agency including: (1) charges or convictions; and (2) dates of charges or convictions.
- 4.1.3 Results of CRCs, including the dates of any charges or convictions will be disclosed to Saskatchewan parents/legal guardians via encrypted email correspondence.

4.2 **Disclosure of CRC information shall only be made for the purpose of determining whether CRCs are satisfactory or unsatisfactory for the program.**

Procedures

- 4.2.1 Disclosure of CRC information shall be made via encrypted email correspondence to the Québec counterpart agency.

5.0 Storage and Disposal of CRCs

5.1 **CRCs will be stored and disposed of according to legislative requirements outlined in the Authority section of this policy and procedures document.**

Procedures

- 5.1.1 CRCs will be stored in a locked cabinet in the Ministry of Education.
- 5.1.2 CRCs will be sealed or otherwise made inaccessible during the period of retention, unless the result of a CRC becomes relevant to an investigation of any claims or allegations made by individuals participating in the program.
- 5.1.3 CRCs will be retained according to the ARMS records schedule of the Programs Branch.
- 5.1.4 CRCs will be destroyed according to the records schedule of the Programs Branch.
- 5.1.5 Access to CRC records while they are in storage shall be limited to the Provincial Coordinator and the Director of Programs.