

BC Criminal Records Review Act

The following bulletin describes our proposal for a Criminal Records Check (CRC) module that will be accessed via our web portal.

Requirements

According to amendments made to the Criminal Records Review Act “anyone who works with children directly, or having, or potentially having unsupervised access to children in the ordinary course of employment or in the practice of an occupation must submit to a criminal record check”. *This includes registered students who work with children.*

Under the Act, both individuals and employers have a duty to ensure criminal record checks are done.

All individuals are required to undergo a criminal record recheck every five years. School districts are required to submit criminal record checks for all individuals with criminal record check clearances older than five years. Should a school district become aware that an individual has been charged or convicted of a relevant offence, that school district must ensure a new criminal record check is submitted.

School districts must obtain signed consent forms from individuals working with children or who have unsupervised access to children. The school district then submits the consent forms to the Criminal Records Review Program (CRRP). CRRP requires that the school district retains the original, signed consent form for a period of five years.

CRRP offers an electronic submission option that will allow a school district to submit their employees for a criminal records check in bulk. The CRRP will return clearance results (also in bulk) to school districts electronically with the date the clearance was issued. In addition, CRRP provide reports to assist school districts using this option in establishing, organizing and tracking criminal record check anniversary dates and statuses.

In order to help school districts adhere to this legislative requirement a Criminal Records Check module will be incorporated into SRB’s web portal. In brief terms the functionality of this module will be:

- Run the Employee Load process to initially populate the CRC Module and subsequently add new employees automatically using a Web Service. The initial Employee Load process will pick up the Criminal Record Date from the Hire File if it exists.
- Generate an electronic file containing the personal details of all employees whose last criminal records check were done five or more years ago. This file is then submitted to CRRP.
- *Optional:* Generate an electronic file of all “new” employees to submit to CRRP.
- Process the return file generated by CRRP and update those employees contained in the return file with the clearance date.
- Create a report and electronic notification to the HR Manager detailing employees who failed to receive a clearance date.

BC Criminal Records Review Act

Electronic CRC File Submission

1. The client uses the new software to generate a CRC extraction file. The file will be in the layout as described in Appendix A - Generic Upload Field Specifications (GUFS) - of the Memorandum of Understanding #2 document. The file should be named in the following format:

upload_YYYY-MM-DD.txt, where **YYYY**, **MM**, and **DD** represent the year, month, and day when the file was created.

2. The file is then emailed to CRRP, with lorraine.3.martin@gov.bc.ca being the main recipient and teresa.mcgregor@gov.bc.ca being the CC recipient.
3. CRRP will acknowledge the receipt of the file and verify the supplied data to ensure its completeness.

Complete applicant data will generate a service and will proceed through criminal record check process.

Incomplete applicant data will generate a service; however it will remain at an incomplete status until corrections are received from client. An "Upload Results Report" will be emailed to the client indicating an applicant(s) missing fields. The client is then expected to write corrections on the report and fax the updated report to CRRP. In order to avoid delays the client should ensure that corrections are returned to CRRP in a timely manner. When corrections are received, the applicant data is updated and will then proceed through the criminal record check process.

4. CRRP will ensure that all applicant's criminal record checks are checked through the provincial (Cornet) and federal databases (CPIC) to review any outstanding charges, stay of proceedings, recognizances under Section 810, 810.1 and 810.2 of the Criminal Code of Canada, conditional discharges, charges diverted to alternate measures and convictions of the 62 relevant offences as identified in The *Criminal Records Review Act*. Relevant offences also include a relevant offence in a jurisdiction outside of Canada. In addition, the federal *Criminal Records Act* allows access to pardoned sexual offences.
5. CRRP will return clearance results to organizations electronically with the date the clearance was issued. This will be done weekly and depending on the day of submission, clearance results may be returned the following week. The client will be required to provide a primary and alternate email address for the electronic clearance return.
6. If no relevant offence is found for an applicant, they will appear in the electronic return file with the date the clearance was issued.

BC Criminal Records Review Act

7. However if a relevant offence exists for an applicant, that applicant will NOT appear in the return file. The applicant will be referred to the Adjudicator for review. Written correspondence is sent to the applicant and organization explaining the adjudication process.

Once the adjudicator's review is complete and determined to be "no risk", written correspondence is sent to the applicant and organization.

If an applicant is determined to be a "at risk" written correspondence is sent to the applicant and organization indicating the applicant represents a risk to children, pursuant to Section 4 of the *Criminal Records Review Act* .

The following items must be completed prior to sending electronic files:

1. An Electronic Submission Agreement (see Appendix 1 of the Memorandum of Understanding #2 document).
2. A successfully completed test submission.
3. An agreed payment process (most often a drawdown account), where the client agrees to one of the following options:
 - i. To set up a draw-down account, to monitor the balance of the account, and replenish the account when needed.
 - ii. To provide CRRP with a credit card authorization form for each submission.
 - iii. To provide CRRP with a cheque or money order for each submission.

The client will be charged a \$20 processing fee per electronic criminal record check. Payment should be submitted with the electronic file emailed to CRRP. CRRP will provide a monthly account statement.

References

1. http://www.bced.gov.bc.ca/edinfo/topics/memorandum_criminal_records07.pdf
2. Memorandum of Understanding #2 document as supplied by CRRP.