

STUDENTS WITH STATUS UNDER THE YOUTH CRIMINAL JUSTICE ACT (YOUNG OFFENDERS)

Background

The Division is responsible to provide a safe and caring environment for all students and staff. Administration must balance the need for staff to receive information while protecting the young person's right to confidentiality and privacy.

All information about a student with status under the *Youth Criminal Justice Act* must be considered with the strictest level of confidence. There are legal and professional consequences for inappropriate disclosure of information as per the *Freedom of Information and Protection of Privacy Act* (FOIP).

Definitions

Young Offender: is a person between 12 and 17 years of age who has been charged under the *Youth Criminal Justice Act* or has former status under the Act.

Alberta Solicitor General Personnel: includes youth workers, probation officers, group home staff, social workers, caseworkers, intervention workers, police, or other persons contracted by Alberta Justice to provide services to young persons with status under the Act.

Procedures

1. The Principal shall communicate with Alberta Justice personnel about students who are under the supervision of the *Youth Criminal Justice Act* in accordance with the provisions outlined in the Information Sharing Protocol for Young Persons with Status under the *Youth Criminal Justice Act*.
2. Initial disclosure of information shall be directed to the Principal, who shall ensure that further disclosure is on a "need to know" basis.
3. The Information Sharing Protocol authorizes the sharing of identity and relevant information related to young offenders for the following reasons:
 - a. preparation of a court report;
 - b. compliance with a youth court order;
 - c. safety of staff, students, or other persons; and
 - d. facilitation of rehabilitation of the young person.
4. The Principal shall provide information to youth workers relative to:
 - a. student attendance;
 - b. student programs/course selections/achievement; and
 - c. where appropriate, the nature of discipline referrals and

interventions.

5. Youth workers shall be requested to provide information to the Principal relative to:
 - a. the nature of the disposition order e.g., open custody, probation, temporary release, and the young offender's compliance with the Order
 - b. the type of violent and/or other offences
 - c. indications of violent tendencies or patterns of behaviour;
 - d. an identifiable groups of persons who could be at risk from the young offender.
6. The Principal shall arrange for management of records about a student with status under the *Youth Criminal Justice Act* that is separate from the student record.
7. The Principal shall inform the youth worker when a young person with status transfers to another school.
8. The youth worker is responsible for advising the designated school about the young person's status. It is a breach of confidentiality, under the *FOIP Act*, for any staff member to share information with the receiving school, either within or outside the jurisdiction.
9. In circumstances where there is a difference of opinion between the youth worker and the Principal, the matter shall be referred immediately to the Young Offender Branch and the appropriate Associate Superintendent of Supports for Students.

References

[Education Act](#) Section 3, 4, 7, 8, 9, 11, 14, 16, 17, 20, 31, 33, 52, 53, 56, 196, 197, 222

[Student Record Regulation 97/2019](#)

[Youth Justice Act](#)

[Youth Criminal Justice Act](#) Section 125

[Information Sharing Protocol, Young Persons with Status under the Youth Criminal Justice Act](#)

[Youth Criminal Justice Protocol](#)

Freedom of Information and Protection of Privacy Act (FOIP)

Information Sharing Protocol, Young Persons with Status under the *Youth Criminal Justice Act*

The Need to Know, A Guide for Timely and Ongoing Information Sharing Between School Officials and Justice System Personnel (The Canadian School Boards Association, 2003)

Adopted from EIPS: April 2020