

Policy Number: SE4.072	Policy Section: Supports and Services	Effective: April 27, 2011
Title: Criminal Record Check Policy: Service Delivery		Executive Sponsor: Directors, Regional Operations

1. PURPOSE

This policy supports CLBC's compliance with the provincial *Criminal Records Review Act* (CRRA) as it applies to service providers who work with individuals supported by CLBC. It also establishes additional requirements including driver's abstract reviews.

The policy provides direction to staff and describes the expectations for service providers. It is a formal safeguard that forms part of CLBC's comprehensive approach to safeguards.

2. DEFINITIONS

Criminal Record Check: A legally-mandated process set out in the *Criminal Records Review Act* (CRRA). It involves a search of police records against a list of "**specified or relevant offences**". This list is set out in Schedules to the CRRA and is designed to capture offenses related to physical, sexual or financial abuse of vulnerable adults. Criminal record checks are run through the Canadian Police Information Centre (CPIC) and only return records related to these listed offences.

Driver's Abstract: A document that outlines a person's driving record, detailing when their original license was issued and any driving offences from the last five years. It is issued by the Insurance Corporation of BC (ICBC) upon the request of the person.

Vulnerable Adult (as defined in the *Criminal Records Review Act*): An individual 19 years or older who receives health services, other than acute care, from a hospital, facility, unit, society, service holder or registrant referred to in the CRRA's definition of "employer". (This includes all individuals supported by CLBC.)

Working with Vulnerable Adults (as defined in the *Criminal Records Review Act*): Working with vulnerable adults directly, or having or potentially having unsupervised access to vulnerable adults in the ordinary course of employment, in the practice of an occupation, or during the course of an "education program".

3. POLICY

CLBC complies with the *Criminal Records Review Act (CRRA)* that sets out mandatory requirements for criminal record checks on persons working with vulnerable adults, which includes all individuals supported by CLBC, in order to help protect those vulnerable adults from financial, physical or sexual abuse.

Criminal record checks are reviewed by assigned staff in the Ministry of Public Safety and Solicitor General (MPSSG), who communicate the result, in writing, to the applicant and to the identified organization (e.g. service provider or CLBC). MPSSG sends notice to the organization to advise them that the applicant is cleared to work if no record is found.

If a criminal record is found, the assigned staff in the MPSSG adjudicates it and determines whether the applicant poses 'risk' or 'no risk' to vulnerable adults. If MPSSG determines that a person poses 'no risk', the organization and the applicant are informed in writing of the decision, which means the person is authorized to work. When an applicant is deemed to pose 'risk', the MPSSG communicates the result, in writing, to the applicant and to the identified organization without the particulars of any criminal record. The organization must ensure that anyone who the MPSSG deems to be a 'risk' is not in a position where they work with, or have unsupervised access to vulnerable adults.

As the health, safety and well being of individuals supported by CLBC is paramount, CLBC has the following requirements which meet and exceed the requirements of the CRRA:

- Any person working with or having or potentially having unsupervised access to individuals supported by CLBC is required to complete the criminal record check process, **before** starting work with an individual and at least every five years thereafter.
- Any person working with individuals supported by CLBC promptly reports any new criminal charges or convictions for a relevant or specified offense set out in the CRRA and arranges for a re-check.
- A person who refuses to consent to a criminal record check, or who is deemed to pose 'risk' by MPSSG based on a criminal record check, **is not permitted to work with vulnerable adults supported by CLBC.**
- Any person, whose duties may include transporting individuals supported by CLBC, is required to submit a personal driver's abstract for review prior to starting work and at least every five years thereafter. The person's driver's abstract must indicate a clean record or indicate that their driving record does not contain serious enough offenses to pose risk.
- Any person, who may be transporting individuals supported by CLBC, promptly reports any new driving offenses and submits a new personal driver's abstract.

- CLBC funded service providers are responsible for ensuring criminal record checks and driver's abstracts are completed where required, for themselves, for all affected employees, and for any others to whom the policy requirements apply.
- CLBC funded service providers are also responsible for documenting each criminal record check and driver's abstract review and for acting on the results as required by the CRRA, the *Terms and Conditions* of their contracts, and this policy.

These requirements apply to:

- regular, back-up, relief employees, respite care providers and sub-contractors of **all** service providers including microboards
- regular, back-up, relief employees, respite care providers and sub-contractors funded under Individualized Funding Agreements through Host Agencies or Direct Funding Agreements
- volunteers, students, trainees, practicum placements or others working under the supervision of a service provider
- service providers, themselves, where they work with vulnerable adults directly, including service providers who contract directly with CLBC (e.g. directly contracted home sharing provider)
- any person aged 18 and over living on the same premises as an individual in a CLBC funded Shared Living arrangement, including persons aged 18 and over living on the premises where respite/relief is provided

These requirements do not apply to:

- friends, family members, or advocates acting on behalf of an individual served by CLBC, unless they are also providing CLBC funded support or services
- individuals receiving CLBC funded supports who live together in the same residence

4. PROCEDURES

Analyst Responsibilities

4.1 Analysts have the following responsibilities with all service providers:

- a. Inform all service providers and prospective service providers (including agents for direct funding agreements) about this policy and refer them to information about the CRRA process and to the *Terms and Conditions* of their contracts (See links under References).
- b. Provide service providers and prospective service providers with relevant information that may assist them in developing their internal policy and procedures related to criminal record checks and driver's abstract reviews.

- c. Monitor service providers' compliance with the policy, standards and the *Terms and Conditions* of their contracts, as required in relation to expectations for accredited, unaccredited and directly contracted home sharing, respite, and community inclusion providers.
- d. Respond to any concerns that come to their attention and follow up on any non-compliance in consultation with their manager, including terminating contracts if required.

4.2 Analysts have the following additional responsibilities when documenting and reviewing criminal record checks results for service providers who contract directly with CLBC (e.g. directly contracted home sharing, respite, and community inclusion providers):

- a. Ensure that each person, who is required by this policy, completes the criminal record check process with the MPSSG, Personal Security Screening Office, as part of the approval process, before contracting with the prospective service provider.
- b. Fulfill the "Organization Responsibilities for Criminal Record Checks" required by the MPSSG including:
 - i. Inform directly contracted service providers (the applicant) of the requirements of the Criminal Record Review Act and explain that the criminal record checks they will be authorizing cover the relevant and specified offences for working with vulnerable adults.
 - ii. Ensure each applicant completes and signs *the Consent to a Criminal Record Check* form and inform them that they need to indicate Schedule Type A and select 'vulnerable adults'.
 - iii. Complete the "Organization Information Section" of the *Consent to a Criminal Record Check* form - PART 2, Section B.
 - iv. Verify applicant identity in person by asking for two pieces of identification before the applicant proceeds with the criminal record check. Note: One piece of ID must be government issued (driver license preferred) and display applicant's name, date of birth, signature and photo.
 - v. Retain the applicant's original signed consent form for five years to meet auditing requirements.
 - vi. Ensure mandatory re-checks are completed every five years.
 - vii. Determine whether an applicant has had a break in service and requires a new criminal record check to be completed.
- c. Fulfill the "Organization Responsibilities for Criminal Record Checks" for any person aged 18 and over living on the same premises as an individual in a CLBC directly contracted home sharing arrangement.
- d. Advise service providers and prospective service providers that they are responsible for ensuring any fees for criminal records checks are paid.

- e. Ensure that re-checks are completed every five years and when a new charge or conviction related to a specified or relevant offense set out in the CRRA is reported.
- f. Review and act on the results of criminal record checks as communicated by MPSSG.
- g. Do not contract with any prospective service providers with a finding of 'risk'.
- h. Immediately inform the manager of any finding of 'risk'.
- i. Maintain records of all criminal record checks completed and the results for 5 years.
- j. Ensure that service providers understand their responsibility for meeting the requirement of this policy as required (e.g. when they arrange for respite or relief staff to work with vulnerable adults).
- k. Immediately terminate contracts if there is a finding of 'risk' on an existing service provider.

4.21 Analysts have the following additional responsibilities when documenting and reviewing driver's abstracts for service providers who contract directly with CLBC (e.g. directly contracted home sharing, respite, and community inclusion providers):

- a. Request and review driver's abstracts as required.
- b. Make a recommendation to the manager as to whether any part of the personal driver's abstract renders the person unsuitable to transport vulnerable adults supported by CLBC. If the driving abstract does not indicate a clean record, the analyst should consider if the driving record contains serious enough offences to pose risk.
- c. Maintain records of driver's abstract results for 5 years.

Service Provider Responsibilities

4.3 Service Providers with employees, sub-contractors, students, volunteers or trainees are responsible to:

- a. Comply with the *Criminal Records Review Act (CRRA)* that sets out mandatory requirements for criminal record checks on persons working with vulnerable adults.
- b. Fulfill the "Organization Responsibilities for Criminal Record Checks" required by the MPSSG.
- c. Advise prospective employees or subcontractors about who will be responsible for paying any fees.
- d. Arrange for, review and act on driver's abstracts as required by this policy.
- e. Maintain records of all criminal record check results and all driver's abstract results.
- f. Provide records of compliance with the CRRA and this policy to CLBC on request.
- g. Immediately terminate employment, volunteer work, practicum or subcontracts if there is a finding of 'risk'.

Quality Service Manager Responsibilities

4.4 Managers have the following responsibilities:

- a. Make the determination of suitability resulting from a driver's abstract review in circumstances where the analyst receives the driver's abstract and it is not clean. The manager must consider whether the offenses contained in the driving record are serious enough to render the person unsuitable to transport individuals supported by CLBC (see Practice section).
- b. Ensure procedures are in place so that the required actions are taken to obtain criminal record checks every 5 years and to act on any determinations of 'risk' for directly contracted home sharing, respite and community inclusion providers.
- c. Ensure procedures are in place for monitoring service provider compliance and for taking action as needed.

5. DOCUMENTATION

5.1 Analysts document actions taken to monitor and or respond to concerns as outlined in Section 4.1 above, including terminating contracts if required.

5.2 Analysts document the results of criminal record checks, re-checks and driver's abstract reviews, along with any follow-up actions, when the analyst is completing these processes for directly contracted service providers, as outlined in Section 4.2 and Section 4.21 above.

6. PRACTICE

6.1 Analysts are encouraged to make special efforts to explain these policy requirements to service providers who may be unfamiliar with them and have limited organizational infrastructure. For instance analysts may:

- assist service providers to find the consent form on the website
- assist them with completion of the consent form, ensuring that they indicate that CLBC should receive a copy of the results if they contract directly with CLBC
- ensure they are aware that anyone aged 18 and over living in the same home as an individual served through Shared Living is subject to the CRRA requirements, as well as those persons who provide respite / relief
- remind them that they need to report any new charges or convictions related to offenses listed in the CRRA right away and that re-checks are required every five years
- explain that if there is a finding of 'risk', MPSSG has reconsideration and appeal processes they can access if they disagree with the finding

- direct them to the ICBC website to request a personal driver's abstract, if the role involves transporting individuals.

6.2 Analysts should keep in mind that service providers may need more information or explanation if the CRRA requirements are new to them. This is true, especially where service providers are friends or family of the individual being supported.

6.3 Where a personal driver's abstract shows one or more driving offenses, CLBC and CLBC contracted service providers have some discretion as to whether the offense is serious enough to render the person unsuitable to transport individuals supported by CLBC. This is a matter for exercising judgment.

7. REFERENCES

Information about the CRRA, including reconsideration and appeals process:

<http://www.pssg.gov.bc.ca/criminal-records-review/index.htm>

Consent to a Criminal Record Check form:

<http://www.pssg.gov.bc.ca/criminal-records-review/shreddocs/consent-form.pdf>

To request a driver's abstract from ICBC:

<http://www.icbc.com/driver-licensing/driving-record>