



<b>Policy Number:</b> SE4.074	<b>Policy Section:</b> Supports and Services	<b>Effective:</b> April 27, 2011 <b>Amended:</b> May 16, 2022
<b>Title:</b> Criminal Record Check Policy: Service Delivery		<b>Executive Sponsors:</b> Vice President, Regional Operations Vice President, Strategic Initiatives

## 1. PURPOSE

Summary:

This policy explains Community Living British Columbia (CLBC) and service provider responsibilities for criminal record reviews under the law.

The purpose is to keep individuals eligible for CLBC- safe.

The reviews are for specific offences (crimes) related to work with vulnerable people.

The policy explains:

- Who has to have a criminal record check
- When and how often reviews are needed
- What to do if someone has a criminal charge or conviction

Driver's abstracts (records) are also required under the policy to make sure that individuals are transported safely.

This policy outlines expectations for contracted service providers who work with individuals Community Living BC (CLBC) supports to complete criminal record checks. The policy supports CLBC contracted service providers to comply with the provincial *Criminal Records Review Act* and establishes requirements for a Police Information Check with Vulnerable Sector screening for persons who are not eligible for a criminal record check under the *Criminal Records Review Act*. It also establishes additional requirements including driver's abstract reviews.

This policy applies to **all** CLBC's contracting partners delivering supports and services to individuals and relates to and complements criminal record check requirements set in the *Service Terms and Conditions* of all service provider agreements with CLBC. It is an important formal safeguard that forms part of CLBC's comprehensive approach to safeguards.

### Policy Framework

The *Criminal Record Check Policy: Service Delivery* should be reviewed together with the *Criminal Record Checks for Service Delivery: Staff Procedures and Practice Guide* or the *Service Provider Fact Sheets (Your Responsibilities - Criminal Record Check Policy: Service Delivery)* and applied together as one set of standardized requirements to protect the health, safety, well-being, and rights of individuals CLBC supports.

## 2. DEFINITIONS

**Criminal Record Check:** A criminal record check refers to the legislative requirement set out in the *Criminal Records Review Act* which involves a search of police records against a list of “specified or relevant offences”. This list is set out in Schedules (1 and 3) to the *Criminal Records Review Act* 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, Police Records Information Management Environment (the province’s local police database) and the BC Corrections database only returning records related to these listed offences. Checks are also informed by a search of law enforcement databases, in collaboration with the Royal Canadian Mounted Police’s Criminal Records Review Unit, which returns all information related to the Act’s listed offences, including non-conviction information (e.g. outstanding charges, convictions, criminal investigations as well as incidents that did not result in a charge or conviction) that the RCMP unit assesses as indicative of a likely public safety risk when working with vulnerable adults.

**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 upon the request of the person.

**Individual:** A person 19 years of age or older who is eligible for CLBC services, as described in the *Eligibility Policy*.

**Individualized Funding:** Self-directed payment options as described in the *Individualized Funding Policy*.

**Service Provider:** For the purpose of this policy, a service provider is defined as a person or organization under contract with CLBC, including their employees, contractors, and sub-contractors, to deliver supports and services to individuals and/or families. This term is also utilized in situations where a contract has not yet been issued such as during an approval or procurement process.

**Shared Living:** A situation where an individual shares a home with someone contracted to provide ongoing support, and the home is the primary residence of both of them. Shared living includes home sharing and live-in support.

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**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 CLBC supports.)

**Vulnerable Sector Check:** As part of the criminal record check process, the Ministry of Public Safety and Solicitor General's Criminal Records Review Program conducts a Vulnerable Sector check that screens applicants who plan to work with or volunteer with vulnerable persons. It is a federally mandated standard set by the national Royal Canadian Mounted Police. The process determines whether an applicant has applied for and received a record suspension (formerly known as pardons) for a sexual offence. This check can only be completed in Canada and reveals suspended conviction for sexual offences for persons residing in Canada. A Vulnerable Sector check can also be completed at local police agencies as part of Police Information Check process for persons who are not eligible for criminal record checks under the *Criminal Records Review Act*.

**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

#### Legislative Authority

**3.1** CLBC must comply with the *Criminal Records Review Act* which mandates anyone who works with vulnerable adults directly, or who has, or may potentially have unsupervised access to vulnerable adults complete a criminal record check at least once every five years through the Ministry of Public Safety and Solicitor General's (PSSG) Criminal Records Review Program. The reviews are a legislative requirement under the *Criminal Records Review Act* to help protect vulnerable adults, which includes the individuals CLBC supports, from financial, physical, or sexual abuse.

**3.2** Criminal record checks are required for:

- a. Service providers, themselves, where they work with vulnerable adults directly, and all service providers who contract directly with CLBC (e.g., directly contracted home sharing providers and direct funding agents)
- b. Respite care providers and other sub-contractors for all service providers, including, agency coordinated home sharing services and Person Centred Societies
- c. Respite care providers and sub-contractors funded under Individualized Funding Agreements (through Host Agency and Direct Funding Agreements)

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- d. Volunteers, students, trainees, practicum placements, or others working directly with individuals under the supervision of a service provider

### **CLBC's Requirements**

**3.3** To protect the health, safety, well-being, and rights of individuals, CLBC requires that any service provider who works directly with or who has or may potentially have unsupervised access to individuals CLBC supports, must be cleared for such work based on a vulnerable sector criminal record check through PSSG's Criminal Records Review Program.

**3.4** Any service provider that the Criminal Records Review Program determines poses a risk to vulnerable adults cannot work with CLBC individuals.

#### *Services or Programs Governed by other Authorities*

**3.5** For programs or services governed by other authorities (i.e., Community Care Facility Licensing, health authorities or other accreditation bodies) that require a completed criminal record check prior to working with a CLBC-eligible individual, CLBC contracted service providers:

- a. Must complete a criminal record check **before** starting work and are **not** allowed to work with or have unsupervised access to individuals CLBC supports **until the** Criminal Records Review Program determines that they do not pose a risk.
- b. Who report any new criminal charges or convictions for a specified or relevant offense set in the *Criminal Records Review Act* must stop working while the Criminal Records Review Program adjudicates their re-check based on the new criminal charge or conviction.

#### *Services or Programs Not Governed by other Authorities*

**3.6** With the exception of programs or services governed by other authorities (see 3.5), in order to support recruiting, hiring and retaining community support workers and other staff while also ensuring the health and safety of the individuals CLBC serves, service providers have the discretion to allow new hires (e.g., employees or contractors) who have submitted their criminal record check to the Criminal Records Review Program to work while their application is processed.

**3.7** Services or programs that allow new hires to work while their application is in process must ensure that they work under the direct supervision of an existing staff member with a completed criminal record check until PSSG determines whether they pose a public safety risk to vulnerable adults.

**3.8** CLBC requires service providers to have an internal policy(s) and procedures in place to ensure CLBC individuals are not left unsupervised at any time should they allow new hires to work while their criminal record check is processed.

**3.9** If a relevant or specified offence or conviction is found in the initial criminal record check process or the person reports a new relevant or specified offense or conviction while working

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with CLBC individuals, it is at the service provider's discretion to allow the person to continue working while PSSG adjudicates the offence, or a re-check is completed.

### **Frequency of Re-Checks**

**3.10** CLBC requires that any service provider, regardless of their governance structure, who works directly with or who has or may potentially have unsupervised access to individuals CLBC supports complete a criminal record check:

- a. At least once every five years, or
- b. if a new relevant or specified offense or conviction set it in the *Criminal Records Review Act* is reported before that five-year mark has arrived.

**3.11** CLBC requires that service providers promptly report any new criminal charges or convictions and arrange for a re-check.

### **CLBC's Requirements for Persons Not Eligible for Criminal Record Checks under the Criminal Records Review Act**

**3.12** CLBC requires that *other adults who live in the home* of a shared living service provider, defined as any person aged 18 and over living in the home of a home sharing provider, live-in support provider or a respite provider, are required to complete a Police Information Check with Vulnerable Sector screening through their local police department. This includes, for example, spouses and adult children, who are over age 18 living in the home and who are not indicated in the contract with CLBC.

**3.13** CLBC requires that *other adults who live in the home* promptly report any new criminal charges or convictions and arrange for a re-check. During this time, the *other adults who live in the home* are not allowed to have unsupervised access to the individual until their criminal record check is adjudicated and is determined not to pose a risk to the individual.

### **Criminal Record Check Requirements for Persons from Outside of B.C. and Canada**

**3.14** CLBC requires that both service providers and *other adults (aged 18 and over) living in the home* provide a criminal record check or police certificate from their home country or province/territory in addition to completing a criminal record check in B.C. They must provide a verified criminal record check from any jurisdiction in which they previously resided in for more than six months since age 18.

In the event that a person is unable to obtain a criminal record check from their home country, a service provider may waive this requirement if a criminal record check or police certificate was a requirement of their visa or immigration status.

### **When Service Providers Cannot Work with CLBC Individuals**

**3.15** CLBC does **not** allow service providers to work with or have unsupervised access to individuals:

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- a) If a service provider refuses to consent to a criminal record check or a re-check, or
- b) Where a relevant or specified offence is found, and the service provider is determined to pose a 'risk' to vulnerable adults based on the results of either the criminal record check through PSSG's Criminal Records Review Program or the Police Information Check with Vulnerable Sector screening.

### **Driver's Abstracts**

**3.16** CLBC requires any service provider, whose responsibilities include transporting individuals, to submit a personal driver's abstract for review prior to starting work and at least every five years thereafter. The driver's abstract must indicate a clean record or indicate that their driving record does not contain serious enough offenses to pose risk to an individual's safety.

Any service provider responsible for transporting individuals CLBC supports must promptly report any new driving offenses (e.g., traffic violations, roadside driving suspensions) and submit a new personal driver's abstract to the service provider (for example, the CLBC contract holder) or, in the case of directly contracted home sharing providers, to CLBC.

### **Transferability of Criminal Record Checks Completed through the Ministry of Public Safety and Solicitor General's Criminal Record Check Program**

**3.17** In circumstances where a new service provider can demonstrate continuous employment with vulnerable adults (for example, moving from one agency to another agency serving vulnerable adults) CLBC will accept criminal record checks only if the person has been cleared to work with vulnerable adults within the last five years, by a previous employer.

**3.18** In situations where a new service provider does not have continuous employment with vulnerable adults (e.g., their previous or current employment is in another sector that does not serve vulnerable adults but has had jobs working with vulnerable adults in the last five years), CLBC requires a new check completed through the PSSG's Criminal Records Check Program that clears the person to work with vulnerable adults even if they have an existing, valid criminal record check.

### **Transferability of Police Information Checks with Vulnerable Sector Screening**

**3.19** CLBC requires *other adults who live in the home* complete a Police Information Check with Vulnerable Sector screening before moving into the same home as an individual in a CLBC-funded shared living or respite provider and at least every five years thereafter.

**3.20** In the event that *other adults who live in the home* move out of the home for three months or longer, CLBC requires a new Police Information Check with Vulnerable Sector screening completed prior to moving back into the home.

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## **When Criminal Records are not Required**

### **3.21 Criminal record checks are not required for:**

- a. Friends, family members, or advocates acting on the individual's behalf, unless they are also providing support or services, and
- b. Individuals accessing CLBC-funded supports who live together in the same residence (e.g., two individuals CLBC supports living in a shared living arrangement).

## **Service Provider Responsibilities**

CLBC-contracted service providers – including Direct Funding Agents, Agency Coordinated Home Sharing services, Person Centred Societies, Directly Contracted Home Sharing Providers – with employees, sub-contractors, students, volunteers, or trainees are responsible for the following:

**3.22** Advising prospective employees or sub-contractors about CLBC's requirement for criminal record checks under the *Criminal Records Review Act* (and the requirement, where applicable, for Police Information Checks with Vulnerable Sector screening) that will cover the relevant or specified offences for working with vulnerable adults.

### **3.23 Determining whether new hires (e.g., employees or contractors)**

- Have completed a criminal record check through PSSG's Criminal Records Reviews Program in the last five years and meets the criteria outlined in 3.17 and 3.18 of this policy, or
- Have completed a Police Information Check with Vulnerable Sector screening.

**3.24** Advising and ensuring that new hires or *other adults who live in the home* that are coming from outside of B.C. and Canada provide verifiable criminal record checks or police certificates from each of the countries or provinces/territories they have resided in since age 18 in addition to completing a criminal record check in B.C.

**3.25** Requesting prospective employees or sub-contractors about the driver's license abstract requirement, if applicable.

**3.26** Arranging for and ensuring criminal record checks and driver's license abstracts are completed where required, for themselves, as part of the employment and approval process for all prospective employees and contractors and any others for whom the policy requirements apply.

**3.27** For services or programs that are not governed by other authorities, determining whether to allow:

- New hires to work with direct supervision once their criminal record check is submitted, or

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- Existing hires to work with direct supervision while their criminal record check is re-checked following reports of a relevant or specified offence.

**3.28** For services and programs not governed by other authorities (e.g., health authorities), developing internal policy(s) and procedures to ensure, that when allowing new hires to work while their criminal record check is processed, are not left unsupervised at any time.

**3.29** Acting on the results of the criminal record checks as required by the *Criminal Records Review Act* (as outlined in policy statement 3.1), the *Terms and Conditions* of their contracts, and this policy.

**3.30** For services or programs that are governed by other authorities and governing bodies (see section 3.5a and 3.5b) terminating contracts immediately if a finding of ‘risk’ on an existing service provider (for example, a respite provider in a shared living arrangement) when there are reports of a new relevant or specified offence or conviction and arranges for a re-check.

**3.31** Documenting and maintaining records of each criminal record check and driver’s license abstract review, if applicable, for five years.

**3.32** Ensuring that records of compliance with the *Criminal Records Review Act* and this policy are available to CLBC on request.

**3.33** Ensuring mandatory re-checks (as required under the *Criminal Records Review Act* and this policy) are completed every five years and when a new charge or conviction related to a specified or relevant offense set out in the *Criminal Records Review Act* is reported.

## **4. REFERENCES**

### **Guidance for Staff and Families**

Criminal Record Check and Driver’s Abstract Checklist

Criminal Record Check Policy: Employees

Criminal Record Checks for Service Delivery: Staff Procedures and Practice Guide

Criminal Record Check Account Eligibility Letter Template

Cultural Safety Policy

[Direct Funding Policy](#)

Direct Funding Procedures Guide for Facilitators and Analysts

[Family Respite Policy](#)

[Questions & Answers - Criminal Record Check Policy - Service Delivery](#)

[Guide to Individualized Funding](#)

[Host Agency Funding Policy](#)

IF Checklist (Simplified and Standard)

IF Renewal Checklists (Simplified and Standard)

[Individualized Funding Policy](#)

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[Managing the Money – Direct Funding Simplified Guide](#)  
[Managing the Money - Direct Funding Standard Guide](#)  
[Service Terms and Conditions](#)  
[Standards for Home Sharing](#)  
[Standards for Home Sharing Policy](#)  
[Standards for the Coordination of Home Sharing](#)  
[Standards for the Coordination of Home Sharing Policy](#)

## **BC Government**

[\*Criminal Records Review Act\*](#)

Consent to a Criminal Record Check form instructions:

<https://www2.gov.bc.ca/gov/content/safety/crime-prevention/criminal-record-check/forms-submission-instructions>

To request a driver's abstract from ICBC:

<http://www.icbc.com/driver-licensing/getting-licensed/Pages/Your-driving-record.aspx>

Information about the CRRRA, including results and reconsideration

<https://www2.gov.bc.ca/gov/content/safety/crime-prevention/criminal-record-check/results-and-reconsiderations>

## **Guidance for Service Providers**

[Criminal Record Checks and Working with People CLBC Serves Brochure](#)

[Your Responsibilities: Criminal Record Check Policy: Service Delivery \(Service Provider Fact Sheets\)](#)

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