

## BULLETIN

# Criminal Record Checks in Assisted Living

### Introduction

Recent changes to the BC [Criminal Records Review Act](#) require employees working with vulnerable adults to authorize a criminal record check for their employers.

Under the *Criminal Records Review Act*, assisted living residents are considered to be *vulnerable adults* and registrants are considered to be *employers*. Someone is considered to be working with vulnerable adults if the person works with assisted living residents directly or has or could have unsupervised access to assisted living residents in the ordinary course of their employment. For the application of the CRRP to practicum students, see <http://www.pssg.gov.bc.ca/criminal-records-review/who-qualifies/index.htm#students>.

The purpose of the change is to help protect vulnerable adults in BC, including assisted living residents, from physical, sexual or financial abuse. It expands on the existing Criminal Records Review Program (CRRP) of the Ministry of Public Safety and Solicitor General that protects children from physical and sexual abuse. The CRRP will conduct the record checks.

This Bulletin explains how the change affects assisted living registrants.

### Time line

The change takes effect June 30, 2011. By this date, all registrants must have submitted authorization for a criminal record check for each of their employees who works with assisted living residents as described above. The compliance date for practicum students is January 1, 2012.

### How does the CRRP conduct criminal record checks?

The CRRP will review the records of employees who work with vulnerable adults against the list of offences developed for children *and* a list developed especially for those who work with vulnerable adults. When a criminal record is identified the CRRP will obtain information about the offence. Occasionally, the CRRP will request a written submission from the employee. An adjudicator will analyze the information and prepare a recommendation to the Deputy Registrar of the CRRP about whether the employee poses a risk to vulnerable adults. The Deputy Registrar will communicate a written decision to the registrant and employee. If the Deputy Registrar makes a determination of risk, unless that determination is overturned, the registrant must ensure that the employee does not work with vulnerable adults.

## Payment

There is a \$20.00 non-refundable processing fee for each criminal record check. The registrant must submit payment with the employee's completed and signed Consent Form.

## What are the registrant's responsibilities?

1. Inform affected employees about the need to authorize a criminal record check.
2. Have the employees complete and sign the Consent to a Criminal Record Check Form <http://www.pssg.gov.bc.ca/criminal-records-review/apply/index.htm>.
3. Verify the employee's identity in person by asking for two pieces of identification. One piece of ID must be government-issued and display the employee's name, date of birth, signature and photo.
4. Submit the Consent Form and processing fee to the CRRP.
5. To meet the CRRP's auditing requirements, retain the employee's original signed Consent Form for five years.
6. Conduct a re-check every five years by tracking when each employee is due for a re-check and submitting the employee's Consent Form to the CRRP by the five year anniversary date.
7. Should the registrant become aware that an employee has been charged with or convicted of a specified offence after a criminal record check has been conducted, the registrant must ensure the employee authorizes a new Consent to a Criminal Record Check Form, and submit this with the processing fee.

## What are the employee's responsibilities?

The employee must complete and sign a Consent to a Criminal Record Check Form. The employee must either submit the \$20 processing fee themselves or verify the registrant will pay. An employee charged with or convicted of a specified offence after a criminal record check must promptly report the charge or conviction to the employer.

## How do registrants submit the authorizations for criminal record checks?

The CRRP is encouraging the use of Criminal Record Checks Online, which expedites secure transmission of Consent Forms and payment of fees over the Internet. Or, registrants may submit the Consent Forms and Processing Fees by mail or fax. For more information about the options, see <http://www.pssg.gov.bc.ca/criminal-records-review/apply/index.htm>. Registrants must submit the authorizations to the CRRP, not to a local police detachment.

## What will the OALR change?

Currently, the Application Form to register an assisted living residence under the *Community Care and Assisted Living Act* asks applicants whether they perform and/or require their contractors to perform personal background checks on staff, contracted resources and volunteers. Such checks are one aspect of meeting Outcome 3.1.1 in the Health and Safety Standards on effective and appropriate management.

To date, the Office of the Assisted Living Registrar has expected applicants for registration of assisted living residences and registrants to conduct some form of personal background check on their employees, contractors, and volunteers, *but not necessarily a criminal record check*. Effective June 30, 2011, the OALR will accept only criminal record checks for applicable employees and contractors. For volunteers, registrants must conduct a personal background check or it is recommended that registrants get the volunteer's authorization to do a police or RCMP criminal record check. Registrants must obtain confirmation from contractors that they have obtained authorizations for criminal record checks for their employees, and that contractors either conduct personal background checks on their volunteers, or obtain authorizations for police or RCMP criminal record checks from their volunteers.

**More information**

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