

POLICY

<p>Policy Title: Community Living disABILITY Services – Criminal Record Check, Child Abuse Registry Check and Adult Abuse Registry Check Policy for Day Services and Transportation Services</p>	<p>Date Approved: June 6, 2018</p>
<p>Branch/Division: Adult Disability Services Community Service Delivery</p>	<p>Applicable to: Community Living disABILITY Services</p>
<p>Responsible Authority: Department of Families</p>	<p>Next Review TBD</p>
<p>Policy Owner: Executive Director, Adult Disability Services</p>	<p>Date Reviewed:</p> <p>Date Revised: January 2019</p>

1.0 Policy Statement

All persons who provide day services supports and/or transportation services to participants funded by Community Living disABILITY Services (CLDS) are required to obtain a satisfactory Criminal Record Check (CRC) and clear Child Abuse Registry (CAR) and Adult Abuse Registry (AAR) checks.

2.0 Background

This policy applies to all persons who provide day services supports and/or transportation services to participants funded by CLDS under a Service Purchase Agreement, Transportation Services Agreement or contract.

A CRC, including a Vulnerable Sector Search and a check of local police files and the Canadian Police Information Centre (CPIC) National Repository Files, is required for all persons who provide day services supports and/or transportation.

Effective January 15, 2013, with the implementation of the Adult Abuse Registry, any new persons hired to provide day services supports and/or transportation services must have a satisfactory CRC and clear CAR and AAR checks prior to the date of hire.

Independent transportation carriers will be required to obtain an AAR check upon renewal of their contract or Transportation Services Agreement.

3.0 Purpose

To provide direction to Employing Authorities funded by CLDS regarding CRCs, CAR checks and AAR checks for persons who provide day services supports and/or transportation services.

4.0 Definitions

“Adult Abuse Registry Check” means a record about a person from the Adult Abuse Registry obtained under The Adult Abuse Registry Act.

“Applicant” means all persons who provide or apply to provide care, supervision, counselling, training, maintenance or support to participants in day services funded by CLDS and to persons who do or apply to provide transportation to participants in day services.

“Approved staff person” means a staff person approved to perform monitoring and oversight responsibilities by the Employing Authority and meets all other criteria described in this policy.

“Child Abuse Registry Check” means a record about a person from the Child Abuse Registry obtained under The Child and Family Services Act.

“Community Living disABILITY Services” means the program administered by the Department of Families that funds service providers to deliver day services supports and/or transportation services to individuals eligible for the program.

“Criminal Record Check” means a record that includes a Vulnerable Sector Search, obtained from a law enforcement agency about a person stating whether or not the person has any conviction or has any outstanding charge awaiting court disposition under any federal or provincial enactment.

“Employing Authority” means the service provider that has entered into a Service Purchase Agreement or transportation services contract with the Province of Manitoba to provide day and/or transportation services.

“Participant” means a person who receives day services supports and/or transportation services funded by CLDS.

5.0 Policy

All persons who provide day services supports and/or transportation services to participants funded by CLDS are required to obtain a satisfactory CRC and clear CAR and AAR checks. Procedures must be consistent with departmental standards, as described in Standards and Procedures.

6.0 Core Supporting Standards, Procedures and Guidelines

6.1 Standards

1. Age of Record Checks

Record checks (CRC, CAR and AAR) may not be more than three months old at the date of the application or point of hire to provide day and/or transportation services.

2. Review of Record Checks

The Employing Authority is responsible for reviewing, examining and maintaining the CRC, CAR and AAR checks on personnel files and making these record checks available to CLDS, upon request.

3. Determining Suitability

The Employing Authority is responsible for determining the suitability of applicants.

Child Abuse Registry Checks

Registration on the Child Abuse Registry, regardless of criminal record history or lack thereof, will result in disqualification. The Employing Authority must notify the applicant in writing.

Adult Abuse Registry Checks

Registration on the Adult Abuse Registry, regardless of criminal record history or lack thereof, will result in disqualification. The Employing Authority must notify the applicant in writing.

Criminal Record Checks

Where the results of a CRC indicate the possible existence of a criminal record or a potential hit on a Vulnerable Sector Search, the applicant will be required to provide fingerprinting for verification. See Appendix E for locations to request information on this process.

Where the results are deemed serious enough to be a potential risk to the safety and/or well-being of participants, the Employing Authority shall exercise good judgment in determining the suitability of the applicant.

The Employing Authority must ensure that the applicant does not pose a risk to participants and is competent and able to provide the required services. This would include establishing whether or not a pending or resolved criminal charge or conviction has a direct relationship to the responsibilities involved in providing day and/or transportation services and whether or not it would justify a reasonable disqualification.

In situations where the Employing Authority determines that the existence of a criminal record is reasonable disqualification, notification shall be made to the applicant in writing.

Main areas of criminal charges or convictions to be concerned with are:

- sexual, physical and financial abuse
- assault
- family violence and stalking
- drug trafficking
- fraud
- a chronic pattern of criminal activity

Determining whether a charge or conviction has a direct relationship to the responsibilities involved in providing day and/or transportation services will depend on the circumstances of the individual case.

Points to consider may include:

- whether the behaviour that is the subject of the charge or conviction, if repeated, poses a threat to participants' health, safety or well-being
- the circumstances of the charge and the particulars of the offense involved (e.g., the age of the individual when the charge or conviction occurred; if there were relevant, extenuating circumstances)
- the amount of time that has passed between the charge or conviction and the employment decisions
- what the individual has done since the charge or conviction and whether they show any tendency to repeat the behaviour
- whether the individual has shown a firm capacity for rehabilitation
- whether a pardon has been granted
- whether all conditions have been met in relation to an offence that has been conditionally discharged
- results of a risk assessment by the service provider

6.2 Procedures

Update of Record Checks

A new CRC, CAR and AAR check is required if a person providing day and/or transportation services wishes to work for another Employing Authority and the existing record checks are more than three months old.

In situations where a person changes roles while still working for the same Employing Authority (e.g., a change from providing day services to transportation services), the person is not required to submit a new CRC, CAR or AAR check. A person may work for the same Employing Authority at different locations without requiring a new CRC, CAR or AAR check.

New CRC, CAR and AAR checks may be requested if the Employing Authority or CLDS receives information that causes either to believe that a person may pose a risk to participants or be unable to carry out their responsibilities.

If a person who provides day services supports and/or transportation services is charged or convicted of a crime, they must notify their Employing Authority. For Day Services, an Incident Report must be completed as per the Incident Reporting Policy. For Transportation Services, the Employing Authority must notify the Regional Program Manager/Centralized Services and Resources.

Delays in Obtaining Record Checks

Reasonable steps must be taken to obtain record checks. If there is a significant delay in obtaining record checks, the Employing Authority may employ a person for up to six months while their check is being processed, provided the Employing Authority ensures:

- For delays in Criminal Record Checks:
 - the applicant has provided a satisfactory Declaration of Criminal Record* (Appendix A), clear CAR and AAR checks and provides an original receipt for the CRC application prior to commencing work
 - the applicant has been informed that they may not manage participants' funds and they can work only under direct monitoring and oversight by an approved staff person. An approved staff person is a staff person approved to perform monitoring and oversight responsibilities who has a satisfactory CRC, a clear CAR check and if employed after January 15, 2013, has obtained a clear AAR check
 - the applicant has received a list of approved staff persons from the Employing Authority
 - records in accordance with Appendix B are kept to ensure that the applicant always works under direct monitoring
- For delays in Adult Abuse Registry and/or Child Abuse Registry Checks:
 - the applicant has provided a satisfactory Declaration of Adult Abuse Registry and/or Child Abuse Registry Records* (Appendix C), a satisfactory CRC and provided original receipt(s) for the AAR and/or CAR application(s) prior to commencing work
 - the applicant has been informed that they may not manage participants' funds and they can work only under direct monitoring and oversight by an approved staff person. An approved staff person is a staff person approved to perform monitoring and oversight responsibilities who has a satisfactory CRC, clear CAR check and if employed after January 15, 2013, has obtained a clear AAR check
 - the applicant has received a list of approved staff persons from the Employing Authority
 - records in accordance with Appendix D are kept to ensure that the applicant always works under direct monitoring

If a satisfactory CRC and a clear AAR check and/or a clear CAR check has not been provided at the end of the six month period, the Employing Authority may consider the circumstances around the delay and make a decision about whether to extend the arrangement for an additional three months, ensuring that records are maintained detailing the reasons for an

extension. Centralized Services and Resources/Program Manager must be consulted before any extensions past the initial six months are granted.

Appendices B and D provide details of records that must be maintained on the applicant's personnel file and made available upon request by CLDS.

*The Declaration of Criminal Record does not take the place of a satisfactory CRC. The Declaration of Adult Abuse Registry and Child Abuse Registry Records does not take the place of a clear AAR check and a clear CAR check.

This process does not affect any right of the Employing Authority to terminate an applicant's employment at any time in the event that they receive information that their employment may place participants at risk.

Where to Request Record Checks

See Appendix E for information on where to request CRC, CAR and AAR checks.

6.3 Guidelines

N/A

7.0 Policy Documents

N/A

8.0 Resource Documents

N/A