

Policy Title:	Residential Care Licensing - Record Check and First Aid Requirements for Shift-Staffed Homes	Date Approved:	May 9, 2024
Branch:	Disability Policy	Applicable to:	Residential Care Licensing
Division:	Policy, Programs and Legislation	Next Review Date:	May 9, 2026
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Policy Owner:	Executive Director, Disability Policy	Date Revised:	

1.0 Policy Statement

Staff providing residential care to individuals residing in shift-staffed homes are required to obtain a satisfactory Criminal Record Check (CRC), including a Vulnerable Sector Search, a clear Adult Abuse Registry (AAR) Check and possess a valid First Aid certificate.

2.0 Background

The [Residential Care Facilities Licensing Regulation](#), also known as Manitoba Regulation 484/88R, under the [Social Services Administration Act](#), mandates the licensing of residential care facilities for adults living with an intellectual disability or a mental disorder.

The regulation provides for the Minister to set other standards and conditions as may be required for the approving and licensing of residential care facilities.

Section 5(c) requires that all personnel connected with the operations of the facility are of good character and medically, physically and emotionally fit to provide the required care. Where necessary, a medical examination or character references may be required.

Section 5(d) requires that the facility meets such other standards and conditions as may be required by the Minister.

Section 18(1)(c) requires the operator of a facility to keep such personnel records as may be required with respect to the operation of the facility and to make them available for inspection on request by Residential Care Licensing.

3.0 Purpose

This policy provides direction on CRCs, AAR checks, and First Aid requirements for staff providing residential care in shift-staffed homes.

4.0 Definitions

“Adult Abuse Registry Check (AAR check)” is a record obtained from the Adult Abuse Registrar under [The Adult Abuse Registry Act](#) stating whether or not the person is listed in the Registry for abusing or neglecting a specified adult.

“Applicant” is a person seeking to provide residential care to individuals residing in a residential care facility who have an intellectual disability or a mental disorder.

“Criminal Record Check (CRC)” is a record, obtained from a law enforcement agency about a person stating whether or not the person has received any criminal convictions or has any pending charges awaiting court disposition under any federal enactment. A CRC includes a query of active criminal files in the RCMP National Repository of Criminal Records and may include a check of local police files and the Canadian Police Information Centre (CPIC) National Repository Files.

“First Aid Certificate” is a certificate obtained after the successful completion of a Basic First Aid training course or any higher level First Aid training course from a training provider who has been approved by Manitoba Workplace Safety and Health (Department of Labour and Immigration). Note: Basic First Aid was formerly recognized as First Aider 1 and is also known as Emergency Level First Aid.

“Host Family Home” is a residential care facility where a maximum of four individuals who are unrelated to the service provider, live with the service provider in the service provider’s primary residence. Host family homes can be operated privately or supported by an agency.

“Individual” is an individual who resides in a residential care facility and receives residential care.

“Record Check” refers to an Adult Abuse Registry (AAR) check and/or a Criminal Record Check (CRC) including a Vulnerable Sector Search.

“Residential Care” is accommodation, care and supervision provided in a residential care facility to an individual who is unable to live independently due to an intellectual disability or a mental health disorder.

“Residential Care Facility” is a place of residence that has been approved by Residential Care Licensing (RCL) to provide residential care to one or more individuals who are unable to live independently due to an intellectual disability or a mental health disorder. The definition of residential care facility applies to both shift-staffed homes and host family homes.

“Residential Care Licensing (RCL)” is the unit within the Department of Families that is granted the authority under [The Social Services Administration Act](#) to license or approve facilities that provide residential services to adults with an intellectual disability as defined under [The Adults Living with an Intellectual Disability Act](#) or mental disorder as defined by [The Mental Health Act](#).

“Service Provider” is a person, agency or organization who has been approved by RCL to operate a residential care facility.

“**Shift-Staffed Home**” is a residential care facility that has been approved by RCL and that has a scheduled rotation of staff providing services to the individuals receiving care in the facility.

“**Staff**” is a person employed by a service provider to provide accommodation, care and supervision, who meets the record check and First Aid certificate requirements as outlined in this policy. This includes volunteers and other persons retained or contracted by the service provider to provide residential care.

“**Supervising Program**” is the government department, agency or individual responsible for the overall supervision and treatment planning for an individual receiving residential care (e.g., the Community Service Worker through Community Living disABILITY Services or a Community Mental Health Worker through community mental health services delivered by regional health authorities).

“**Vulnerable Sector Search**” is a search conducted by a law enforcement agency on a person to determine the possible existence of a criminal record and/or a sexual offence conviction for which an individual has received a pardon, pursuant to [The Criminal Records Act](#). A Vulnerable Sector Search includes a query of active criminal files in the RCMP National Repository of Criminal Records and pardoned criminal files associated with sexually-based offences. It also includes a check of local police files and the Canadian Police Information Centre National Repository Files.

5.0 Policy

This policy applies to all applicants seeking to provide residential care at shift-staffed homes that are approved by Residential Care Licensing (RCL).

Applicants seeking to provide residential care in host family homes or persons wishing to reside in a residential care facility who are not receiving or providing residential care should refer to the Residential Care Licensing – Criminal Record Check, Adult Abuse Registry Check and First Aid Certificate for Host Family Homes policy.

Applicants seeking to provide residential care in shift-staffed homes are required to obtain a satisfactory CRC, including a Vulnerable Sector Search, and a clear AAR check prior to providing residential care.

Applicants seeking to provide residential care in shift-staffed homes are required to obtain and maintain a valid First Aid certificate.

For the purpose of this policy:

- A satisfactory CRC means that the person either has no prior record of criminal offences or convictions, or that the existing record of criminal convictions has been reviewed and considered acceptable according to the standards of this policy (see [Evaluating Record Check Results](#)).
- A clear AAR check means that the person does not have a record with the Adult Abuse Registry.

- A valid First Aid certificate means that the person has obtained a certificate for Basic First Aid or a higher level of First Aid training that is not expired, through a training provider who has been approved by Manitoba Workplace Safety and Health.

6.0 Core Supporting Standards, Procedures and Guidelines

6.1 Standards

6.1.1 Age of Record Checks

Record checks may not be more than six months old from the date the record check was completed by the law enforcement agency and/or the Adult Abuse Registrar at the point of hire to provide residential care in a shift-staffed home.

Applicants whose record checks are older than six months at the point of hire should obtain new record checks. See [Section 6.2.3](#) below for information on delays in obtaining criminal record and adult abuse registry checks.

6.1.2 Review of Record Checks and First Aid Certificates

Role of Service Provider

Service providers are responsible for the following:

- Reviewing the record checks for all applicants seeking to provide residential care in the home.
- Reporting any changes in an employee's Criminal Record and Adult Abuse Registry status to RCL (See [Section 6.2.1](#) below).
- Ensuring all staff providing residential care in the home hold and maintain a valid First Aid certificate.
- Maintaining the record checks and First Aid certificates on personnel files for all staff providing residential care in the home.
- Making these documents available to RCL for review upon request.

Record checks and First Aid certificates submitted to the service provider must be originals.

If the applicant wishes to keep an original hard copy document, service providers may retain a scanned copy of original, hardcopy record checks and First Aid certificate in the applicant's personnel file after reviewing and verifying the original documents. Verified copies of record checks and First Aid certification must have the reviewing service provider's or staff's printed name, signature and date of verification. In the case of electronically-issued documentation, applicants may share the electronic original with employers as required. Service providers may then print hardcopies for verification and inclusion in personnel files.

Role of Residential Care Licensing

RCL may request to review personnel files of staff providing residential care, including record checks and First Aid certificates at any time.

6.1.3 Evaluating Record Check Results

Employment to provide residential care is conditional upon meeting the requirements of this policy and the results of the applicant's CRC and AAR check.

Adult Abuse Registry Checks

Registration on the Adult Abuse Registry, regardless of criminal record history or lack thereof, will result in disqualification from providing residential care.

Criminal Record Checks

Where the results indicate the applicant has a criminal record, pardoned sexual offences or pending charges, the service provider must notify RCL. RCL will consult with the supervising program, if applicable.

The service provider, RCL and the supervising program, if applicable, will exercise good judgment in determining the suitability of the applicant and must ensure that staff providing residential care in the home do not pose a risk to the individuals.

This would include:

- Assessing the potential risk to the health, safety and well-being of the individuals receiving care.
- Establishing whether or not a pending or resolved criminal charge or conviction has a direct relationship to the responsibilities of the staff involved in providing residential care.
- Determining whether or not the results of the CRC would justify a reasonable disqualification to provide residential care.

Assessing Risk

Examples of criminal charges or convictions to be concerned with may include, but are not limited to:

- 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 residential care 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 individuals' health, safety or well-being.
- The circumstances of the charge and the particulars of the offence involved (e.g., the age of the applicant when the charge or conviction occurred, extenuating circumstances).
- The amount of time that has passed between the charge or conviction and the employment decisions.
- What the applicant has done since the charge or conviction and whether they show any tendency to repeat the behaviour.
- Whether a pardon has been granted.
- Whether all conditions have been met in relation to an offence that has been conditionally discharged.

Determining Suitability

In the event of a criminal record, RCL in consultation with the service provider and the supervising program, if applicable, will determine whether the applicant can provide residential care.

6.1.4 Evaluating First Aid Certificates

Applicants seeking to provide residential care in a shift-staffed home are required to have a valid First Aid certificate as defined in this policy.

Basic First Aid training or a higher level First Aid training must be completed through a training provider who has been approved by Manitoba Workplace Safety and Health. A list of approved training providers can be found on [the Manitoba Workplace Safety and Health website](#).

First Aid training has to include both a theoretical component and an in-person practical session. According to the [Manitoba Workplace Safety and Health Act and Regulations](#), online training must be accompanied by in-person practical instruction in order for certifications to be valid.

As per the [Manitoba Workplace Safety and Health Act and Regulation](#), a First Aid certificate ceases to be valid on the day that is three years after the day it was issued.

6.1.5 Notice of Disqualification

The service provider is responsible for notifying the applicant of the disqualification in the following situations:

- The applicant has a registration on the Adult Abuse Registry.
- It is determined that the applicant's existing criminal record, pardoned sexual offences or pending charges justify reasonable disqualification.

6.2 Procedures

6.2.1 Update of Record Checks

RCL must be notified of any new charges or convictions for persons providing residential care. RCL will consult with the supervising program, if applicable.

New record checks may be requested if the service provider, RCL or the supervising program receives information on applicants that causes them to believe that either:

- A person's status on the Adult Abuse Registry has changed.
- The person has been charged or convicted of an offence and may pose a risk to the individuals receiving care or be unable to carry out their responsibilities.

In situations where an applicant changes roles while still working for the same service provider (e.g., a change from providing day services to residential services or respite services), the applicant is not required to submit new record checks, provided they have already met the record check and First Aid requirements as outlined in this policy. Applicants providing residential care in shift-staffed homes may work for the same agency at different locations without requiring new record checks.

Staff wishing to become host family home providers need to meet the requirements set out in the Residential Care Licensing – Criminal Record Check, Adult Abuse Registry Check and First Aid Certificate for Host Family Homes policy.

6.2.2 Update of First Aid Certificates

Applicants providing care to an individual in a shift-staffed home are required to maintain a valid First Aid certificate. A First Aid certificate obtained through training approved by [Manitoba Workplace Safety and Health](#) standards is valid for three years from the date it is signed.

First Aid re-certification needs to be completed prior to the expiry of the current certificate.

The service provider is responsible for ensuring staff have valid First Aid certificates and that renewal training occurs prior to the expiry of the current certificate.

Staff with expired First Aid certificates can only work under the direct supervision of a staff that meets the record check and First Aid requirements outlined in this policy until such time as they have received a renewed certification.

Note: In situations where staff have a valid First Aid certificate, but they are no longer able to administer first aid (e.g., CPR) due to an injury or physical limitations, the service provider is required to consult with the supervising program and RCL for assessment of the situation and to determine an appropriate course of action.

6.2.3 Delays in Obtaining Criminal Record and Adult Abuse Registry Checks

Applicants seeking to provide residential care in a shift-staffed home must take reasonable steps to obtain the required record checks prior to providing residential care.

If there is a delay in obtaining **either** a CRC **or** an AAR check in a timely manner, a service provider may choose to employ an applicant for up to six months while their check is being processed.

The following provisions need to be met.

- The applicant must have at least one valid check, either CRC or AAR check, that is no more than six months old from the date it was completed by the law enforcement agency/Adult Abuse Registrar.
- The required check (CRC or AAR check) must be obtained as soon as possible but no later than six months from the date of hire.
- For delays in obtaining a CRC, the applicant must provide a satisfactory [Declaration of Criminal Record or Adult Abuse Registry Record](#) (Appendix A), a clear AAR check and provide an original receipt for the CRC application prior to commencing work.
- For delays in obtaining an AAR check, the applicant must provide a satisfactory [Declaration of Criminal Record or Adult Abuse Registry Record](#) (Appendix A), a satisfactory CRC check and provide an original receipt for the AAR check application prior to commencing work.
- The applicant can only work under direct supervision by a staff who meets the record check and First Aid requirements outlined in this policy.
- The service provider has advised the applicant that the offer of employment is conditional upon the provision of a satisfactory CRC and a clear AAR Check.
- The service provider will review the signed Declaration of Criminal Record or Adult Abuse Record and will notify RCL if the applicant has indicated “yes” to any of the questions on the declaration. RCL may consult with the supervising program, if applicable.

- The service provider will place the completed copy of the declaration and the completed check (CRC or AAR check) on the applicant's personnel file and should ensure that the delayed check (CRC or AAR check) is received within six months from the date of hire.
- Records must be made available to RCL for review upon request.

Note: The Declaration of Criminal Record does not take the place of a satisfactory CRC. The Declaration of Adult Abuse Registry Record does not take the place of a clear AAR check.

6.2.4 Delays in Obtaining A First Aid Certificate and First Aid Re-Certification

Applicants providing or seeking to provide residential care in a shift-staffed home must take reasonable steps to obtain and maintain a valid First Aid certificate prior to providing care.

The service provider is responsible for ensuring renewal training for existing staff occurs prior to the expiry of the current certificate.

Where an applicant seeking to provide residential care experiences delays in obtaining a First Aid certificate, a service provider may choose to employ the applicant for up to six months while training is being completed and a certificate is obtained.

The following provisions apply.

- First Aid training should be completed, and a First Aid certificate should be obtained as soon as possible but no later than 6 months from the date of hire.
- Applicants without a valid First Aid certificate, can only work under direct supervision of a staff who meets the record check and First Aid requirements outlined in this policy.
- The service provider needs to ensure confirmation of completed First Aid training and a valid First Aid certificate is obtained within six months from the date of hire and kept on the applicant's personnel file.
- First Aid certificates must be made available to RCL for review upon request.

6.2.5 Where to Request Record Checks

See [Appendix B – Where to Request Record Checks](#) for information on where to request CRC and AAR checks.

6.2.6 Where to Obtain A First Aid Certificate

A First Aid certificate can be obtained through the successful completion of a Basic First Aid or higher level First Aid training course from a training provider who has been approved by Manitoba Workplace Safety and Health. A list of approved training providers can be found on the [Manitoba Workplace Safety and Health website](#).

6.3 Guideline(s)

N/A

7.0 Policy Documents

Declaration of Criminal Record or Adult Abuse Registry Record

Where to Request Record Checks

8.0 Resource Documents

Residential Care Licensing – Criminal Record Check, Adult Abuse Registry Check and First Aid Certificate for Host Family Homes policy

APPENDIX A

DECLARATION OF CRIMINAL RECORD OR ADULT ABUSE REGISTRY RECORD

This form is to be completed by applicants seeking to provide residential care in shift-staffed homes when there is a delay in obtaining a Criminal Record Check **or** an Adult Abuse Registry Check.

Applicants completing this form while waiting for a Criminal Record Check **or** an Adult Abuse Registry Check may only work under direct supervision by a staff who meets the record check and First Aid requirements outlined in the Residential Care Licensing - Record Checks and First Aid Requirements for Shift-Staffed Homes policy.

Surname: _____ First Name(s): _____

Any Previous Names (birth name, etc.): _____

Date of Birth: _____
Year Month Day

Home/Facility Address: _____

Delayed Document:

- Criminal Record Check
- Adult Abuse Registry Check

Only complete the section relevant to the delayed document.

DECLARATION:

CRIMINAL RECORD

1. Have you ever been convicted of a criminal offence for which you have not received a pardon, including but not limited to an offence under the [Criminal Code](#) (Canada), [Controlled Drugs and Substances Act](#), and/or the [Immigration and Refugee Protection Act](#) (and its predecessor)?

Yes or No

2. Have you ever been convicted of a sexual offence as listed in the schedule to the [Criminal Records Act](#), for which you have since been pardoned?

Yes or No

3. Are you presently being charged or investigated for a criminal offence?

Yes or No

4. If you answered yes to any of the above, please provide details of the conviction(s) and/or charge(s), including date, offence and penalty. (If more space required, provide additional page.)

ADULT ABUSE REGISTRY RECORD

5. Has your name been entered onto the Adult Abuse Registry?

Yes or No

6. Are you presently under investigation for abuse or neglect of an adult living with an intellectual disability as defined in [The Adults Living with an Intellectual Disability Act](#) (formerly known as the Vulnerable Persons Living with a Mental Disability Act) or a patient as defined in [The Protection for Persons in Care Act](#)?

Yes or No

7. If yes, please provide details of the investigation, including date and offence. (If more space is required, provide additional page.)

I declare that the above information is true and complete.

I understand that my employment is conditional upon my providing a satisfactory Criminal Record Check, including a Vulnerable Sector Search, and a clear Adult Abuse Registry Check within six months from the date of hire.

I also understand that I must be directly supervised at all times by a staff who meets the record check and First Aid certificate requirements outlined in this policy until I provide a Criminal Record Check/Adult Abuse Registry Check.

I further understand that, should the results of the Criminal Record Check/Adult Abuse Registry Check reveal that relevant information was omitted on this Declaration; my employment may be terminated immediately for just cause.

Applicant Signature

Date

Signature of Employing Authority

This form is to be maintained on the applicant's personnel file.

Name and Position of Employing Authority

APPENDIX B

WHERE TO REQUEST RECORD CHECKS

Criminal Record Checks, including the Vulnerable Sector Search, can be requested from:

In Winnipeg:

Winnipeg Police Service
 Winnipeg Police Headquarters
 245 Smith Street
 Winnipeg MB R3C 1K1

For further information, or an online application for a Criminal Record Check, visit the [Winnipeg Police Service Online Record Checks Page](#).

Outside of Winnipeg:

Contact the local police or RCMP detachment. Criminal Record Checks with a Vulnerable Sector Search must be requested from the jurisdiction in which the applicant lives.

For further information about Criminal Record Checks or requesting a Vulnerable Sector Search, visit the [Royal Canadian Mounted Police Criminal Record Checks Page](#).

Persons who have recently entered Canada may need to provide additional documentation as part of the Criminal Record Check application process. It is important that they contact the WPS, RCMP or local police agency for more information about identification requirements.

Note: If a name-based Criminal Record Check or a Vulnerable Sector Search does not provide a definite way of confirming an identity, applicants may be asked to provide fingerprints. The use of fingerprints is the most accurate way to confirm a person's identity. They ensure that individuals cannot evade their criminal past and protect individuals from being falsely associated with a criminal record that is not theirs.

Adult Abuse Registry checks can be requested from:

1st Floor – 777 Portage Avenue
 Winnipeg MB R3G 0N3
 Office Hours: Monday – Friday 8:30 a.m. to 4:30 p.m.

Toll-free: 1-800-282-8069
Telephone: 204-945-6967
TTY: 1-800-855-0511 (Manitoba Relay Service)
Fax: 204-948-3388
Email: aar@gov.mb.ca

Further information on how to apply for an Adult Abuse Registry Check, including how to apply online, visit the [Adult Abuse Registry Page](#).

Please note that the information contained in this Appendix is correct at the time of writing. Information may change.