

# Practice Education Guidelines for BC Criminal Record Search

(Criminal Record Check)

GL#1-2

## Practice Guideline

July 30, 2008

All students and on site faculty have the potential to be placed in a sensitive position of trust\* as part of the practice education experience. Therefore, all must undergo a criminal record search or check (CRC) every five years and ensure that one has been done at least prior to their first placement in any health service.

## Guideline Details

A standard police check is generally considered the minimum requirement for all students and on-site faculty.

Exception: Students who are engaged in brief observational experiences lasting no longer than one calendar day and under direct supervision\* at all times should not require a CRC.

All registered students in a University or College with a practicum component involving working with children, and the successful completion of the program is a requirement for registration as a member of a governing body, must have a CRC through the Criminal Record Review Program of BC.

Individuals doing independent learning (e.g. professional development, career exploration) may be required to have a CRC done within the last year. If the individual is registered with a governing body where a CRC is a condition of registration, the individual must provide a copy of their membership and the CRC requirement can be waived.

In the event of a charge or conviction, circumstances of the individual case are reviewed to determine if the charge or conviction is a relevant offence\* and if the placement may proceed.

Examples of who would review the record:

- Schools - Registrar's office
- Health Authorities - Human Resources where employee processes are followed.

## Roles & Responsibilities

Student:

- Participate in the inquiry into the relevancy of any offence.
- Immediately disclose the existence of any new charge or conviction to the Placing and Receiving Agency in advance of practice education placements.

Placing Agency:

- Inform the students and on-site faculty of the requirement for a criminal records search.
- Maintain the report of the student's and on-site faculty's CRC. For faculty who are members of a governing body in BC, proof of registration is proof of a CRC being completed.
- Immediately disclose the existence of a new charge or conviction to the Receiving Agency in advance of practice education placements.
- Use discretion when dealing with these matters on email, fax or mail in order to protect all parties involved.

\* indicates term is defined under 'Definitions' section

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Receiving Agency:

- Maintain and safely secure the CRC report of those individuals who do independent learning.
- Use discretion when dealing with these matters on email, fax or mail in order to protect all parties involved.

## Consequences of Non-compliance

Students who do not have a CRC done may not be able to complete the clinical education experience thus making it difficult to complete course requirements for graduation.

## Rationale

While not all students are in a program of study that involves work with children, they could have a placement in the Receiving Agency that involves children or once in the agency, the student is able to move into areas where there are children. The Receiving Agency is obliged to protect their patients, clients, and residents, as well as their respective family and visitors. It is therefore prudent to expect that all students and on-site faculty have either a standard or a Criminal Records Review Program (CRRP) check (or both), whether or not the placement is specifically involving work with children.

The British Columbia (BC) Government's *Criminal Record Review Act* initially came into force January 1, 1996. Changes to the Criminal Records Review Act were passed into law in 2007 and came into force January 2008. The *Act* is designed to help protect children from individuals whose criminal record indicates they pose a risk of physical or sexual abuse. Under the *Act*, anyone who works with children or who has unsupervised access to children must submit to a criminal record check through the Criminal Records Review Program. The Criminal Records Review Program operates out of the BC Ministry of Public Safety and Solicitor General.

A criminal record check under the *Criminal Records Review Act* is mandatory for:

- Registered students in a post secondary institution with a practicum component involving work with children which leads to certification by a governing body.
- Students and on-site faculty (either at the college level or high school level) on work placement at a child care facility.
- Members of governing bodies such as doctors, nurses, dentists, dental hygienists, physiotherapists, occupational therapists, social workers, dieticians, midwives, etc.
- All hospital staff including secretaries and cleaners.

Students and on-site faculty whose profession or program of study are not covered by the *Criminal Records Review Act* must arrange for criminal records checks through their local policing agency.

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The difference between a criminal record check under the *Act* and one by the Police<sup>1</sup>:

1. CRC under the *Act*
  - for the purposes of protecting children from those who pose a risk.
  - limits the Criminal Record Review Program (CRRP) to review only 62 relevant offences.
  - is a review of any outstanding charges, stay of proceedings, recognizances under Section 810, 810.1 and 810.2 of the [Criminal Code of Canada](#), conditional discharges, pardons, charges diverted to alternative measures or convictions of the 62 relevant offences as identified in the Criminal Record Review Act. In addition, the federal Criminal Records Act allows access to pardoned sexual offences.
  - encompasses records found within the Provincial database and Federal database (CPIC).
2. CRC by Police
  - has no limits on the types of offences reviewed.
  - only the Federal database (CPIC) is reviewed.

Regardless of the type of check done, the release of personal information is governed by the Privacy Act in BC and ministerial directives. If the results of a check are to be forwarded to a third party, the student must provide a written consent authorizing the release of the information to an individual or agency.

## Definitions

### **Sensitive position of trust:**

The Criminal Record Review Act addresses those individuals who work with children or who have unsupervised access to children under 19 years of age. Under some Receiving Agency policies, this can also include those with unsupervised access to vulnerable adults\*.

**Vulnerable adults:** individuals who are physically and/or mentally disabled, frail elderly, previous victims of crime, or are individuals whose circumstances render them more susceptible to harm from others. Although this group is not specifically covered by the act, a Receiving Agency may require a CRC for those working with vulnerable adults.

**Direct Supervision:** Where Supervising Staff are present to observe and correct, as needed, the performance of the student. Direct supervision requires that the supervisor be in the room. The goal of direct supervision is to provide reasonable assurance that concerns related to the performance of activities are identified and corrected before patients are harmed.<sup>2</sup>

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<sup>1</sup> Adapted from Email September 20, 2006 to Carol Wilson, Regional Advisor, Vancouver Coastal Health, Subject: “#336317 Criminal Records Checks and students in health care” from Karen Smith, A/Program Analyst, Security Programs, Police Services Division, Ministry of Public Safety and Solicitor General.

<sup>2</sup> Adapted from College of Physiotherapists of Ontario. (February 2006). B. Standards for Professional Practice: Clinical Education. Toronto, ON. Retrieved June 23, 2006 from <http://www.collegept.org/college/content/pdf/en/guide/B.Clinical%20Education.pdf>

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## Relevant Offence:

- a. The *Criminal Records Review Act* lists [relevant offences](#) associated with physical and sexual abuse, including indecent acts, neglect, assault, trafficking in drugs, and serious crimes. Relevant offences also include an offence in a jurisdiction outside of Canada. The CRRP Adjudicators look at these offences to determine if the individual presents a risk to children. The requesting agency is notified that a relevant record exists and further checking is done. Convictions related to provincial or minor criminal offences, not related to the protection of children, are not included in this review.
- b. A positive CRC for an offence that falls outside the list of offences under the Act must be reviewed either by the Placing or Receiving Agency (or both) to determine if it is relevant to the placement and the associated activities.

## References

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