



September 30, 2010

Dear Organizations / Stakeholders:

RE: BC Criminal Records Review Act (the Act) Amendments

Recent changes to the BC Criminal Records Review Act require individuals working with vulnerable adults to authorize a criminal record check for their organization. The check will be conducted by the Ministry of Public Safety & Solicitor General, Criminal Records Review Program (CRRP). This is an expansion of the existing Program to protect children from physical and sexual abuse.

Changes to the Act were passed into law with Bill 20, the *Miscellaneous Statutes Amendment Act (No. 2)*, 2009. A copy of Bill 20 may be viewed at: www.leg.bc.ca/39th1st/3rd_read/gov20-3.htm
We anticipate a majority of these changes will come into effect through regulation in January 2011. For further information describing the new and expanded definitions of the Act, refer to the attachment entitled, "Summary of the changes".

Purpose of the Changes

The main purpose of the amendments is to help protect vulnerable adults in British Columbia from physical, sexual or financial abuse. We will check individual records against the list of "specified offences". Specified offences include financial offences such as theft and fraud which are in addition to the current sexual, drug and violent offences.

Your organization will fall into **one** of the five categories (A-D) listed below. In addition, make sure to read the attachment "***Organization Responsibilities***".

A. Employers currently covered under the CRRA

Employees that have already done a criminal record check for their organization through our program must be re-checked on their 5 year anniversary date from their last completed check. Employees working with children will be checked against the "relevant offences" listed in the Act. Employees that are deemed by their organization to be working with children **and vulnerable adults** will be checked against the new expanded list.

Ministry of Public Safety and
Solicitor General
Policing and Community
Safety Branch

Security Programs and
Police Technology
Criminal Records Review Program

Mailing Address:
P.O. Box 9217 Stn Prov Gov't
Victoria BC V8W 9J1
<http://www.pssg.gov.bc.ca/criminal-records-review/>

Location:
W400 4000 Seymour Place
Victoria, BC V8X 1W5
Telephone: 250 387-6981
Facsimile: 250 387-5367

B. New Employers to be covered under the CRRA

Employees working with vulnerable adults will give consent for a criminal record check to their employer. The employer is responsible to ensure all employees are checked by the regulation compliance date and then every 5 years thereafter.

Some examples of new employers covered under the Act include: Community Care Facilities, Residential Care Facilities, Assisted Living Residences and Private Hospitals.

C. Governing Bodies/Professional Colleges

All members will be checked against the expanded list of offences during their 5 year re-check. New members/applicants for membership will be checked upon application for membership.

D. Registered Students and Post Secondary Education Programs

The expanded definition of “education program” now includes post secondary students in a program with a practicum component working with children **or vulnerable adults** and **the student will receive a diploma or certificate upon completion**. Note: Before this change, only registered students that upon graduation would become registered members of a professional governing body were covered under the *Act*.

A couple examples of new education programs include: Health Care Assistants and Activity Assistants. These students will work with vulnerable adults in a long term care facility or other facilities licensed under the Community Care and Assisted Living Act. The College or University needs to determine if their education programs are covered under the Act. *Programs not covered under the Act may make their own arrangements for criminal record checks through their local police detachment.*

A post secondary education institution must ensure every registered student who has a practicum involving work with children or vulnerable adults undergoes a criminal record check through the CRRP. The registered student must not work with children or vulnerable adults, whichever is applicable, until authorization for a criminal record check is received.

If the Deputy Registrar makes a determination of risk and unless that determination is overturned, the education institution must ensure that the registered student does not work with children or vulnerable adults, whichever is applicable, as a registered student.

****Note: Early Childhood Education (ECE) students** are currently checked through our program and issued a clearance which is valid for one year on the “short term registry”. These checks were initially facilitated to meet the needs of the Community Care and Assisted Living Act. Effective January 1, 2012, we will no longer offer the schedule F “short term registry” clearance.

New Process: The new legislative requirements will ensure all students are treated consistently by having clearance results go directly to the education program’s designated contact person. A consent to a criminal record check will be done for each student. Clearances are valid for 5 years with the post secondary institution. Our program will work with Early Childhood Education Programs to assist with this change.

Implementation

We are waiting approval of the regulations for the purpose of bringing the changes to the Act into force. The current thinking is to commence implementation in January 2011 with long term care and extended care facilities first, and others phased in by 2012.

Three different criminal record check submission options are available to assist your organization with this transition. For further information refer to the attachment “Criminal Records Check Submission Options”.

Our Program is developing new forms, documents and resource materials. This information will be available in the near future. Please continue to visit our website at:
<http://www.pssg.gov.bc.ca/criminal-records-review/index.htm>

Your dedication to help protect children and vulnerable adults in British Columbia is appreciated. Should you require further information, please contact the Criminal Records Review Program.

Yours truly,



Fraser Marshall
Deputy Registrar
Public Safety and Solicitor General

Attachments: 1) Summary of the changes
2) Organization Responsibilities
3) Criminal Records Check Submission Options