

## Security Check Policy

**BRANCH/DIVISION:**

Children's disABILITY Services/  
Community Service Delivery

**RESPONSIBLE AUTHORITY:**

Assistant Deputy Minister, Community Service Delivery  
Department of Families

**POLICY OWNER:**

Director, Children's disABILITY Services

**DATE APPROVED**

June 2019

**APPLICABLE TO**

Children's disABILITY Services

**NEXT REVIEW DATE**

**DATE REVIEWED:**

May 2019

**DATE REVISED**

May 2019

### 1.0 POLICY STATEMENT

Satisfactory security and background checks are required for all service providers delivering services to children open to Children's disABILITY Services.

### 2.0 BACKGROUND

Security checks, such as a Criminal Record Check, Child Abuse Registry and Adult Abuse Registry, are tools to verify if persons have documented histories of criminal activity including child and adult abuse. Children's disABILITY Services requires satisfactory security and background checks to verify that service providers do not have a documented history of criminal activity, child and/or adult abuse that would put children at risk.

### 3.0 PURPOSE

This policy applies to all employing authorities funded to deliver services on behalf of Children's disABILITY Services. This policy intends to provide direction regarding security and background checks requirements for persons delivering services and supports to children open to Children's disABILITY 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 apply to provide care, supervision, counselling, training, maintenance or support services to children receiving services funded by Children's disABILITY Services.

**CHILD ABUSE REGISTRY CHECK** means a record about a person from the Child Abuse Registry obtained under The Child and Family Services Act.

**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** refers to the body that is responsible for the hiring and management of persons responsible for providing services to children open to Children's disABILITY Services. For the purpose of this policy, "employing authority" may refer to the Department of Families or a service agency with a Service Purchase Agreement.

**SECURITY CHECKS** refers to searches on the Child Abuse Registry, Adult Abuse Registry and Criminal Record Check including a Vulnerable Sector search.

**SELF-ADMINISTERED SERVICES OR SELF-MANAGED SERVICES** refers to an arrangement where Children's disABILITY Services provides families with funding, based on their assessed needs and approved service plan, to recruit, train and manage their own service providers to deliver services such as respite, employment supports, summer skills maintenance. In a self-administered service arrangement, service providers are independent contractors retained by families.

**VULNERABLE SECTOR CHECK** is a process that verifies whether an individual has a criminal record, as well as any record suspensions (formerly a pardon) for sexual offenses and local police records for information relevant to the vulnerable sector check.

## **5.0 POLICY**

### **5.1 GOVERNMENT EMPLOYEES**

An applicant who receives an offer of employment or volunteer service with Children's disABILITY Services must provide satisfactory security checks required for their designated position as determined by the department employing authority in accordance to [section 2.3.5 Security Checks](#) of the Civil Service Commission's Principles & Policies for Managing Human Resources.

An applicant who may be employed must be made aware that such checks are standard requirements and that hiring is conditional on the results.

### **5.2 SERVICE AGENCIES**

Service agencies shall adhere to the requirements for security checks outlined in their Service Purchase Agreement and all the specific requirements contained in the associated schedule(s) of the Service Purchase Agreement.

Service agencies shall adopt and enforce a policy addressing the requirement for employees and volunteers to obtain a criminal record check, including a vulnerable sector search, together with a child abuse registry check and an adult abuse registry check.

In addition to any specific requirements that may be contained in the schedules of the Service Purchase Agreement, the policy adopted and enforced by the service agency shall require that:

- (a) any required searches and checks are conducted prior to or as soon as reasonably possible after the date of hire or volunteer service;
- (b) where the required searches and checks have not been conducted prior to the date of hire or volunteer service, the employee or volunteer is monitored by another employee(s) while providing services; and
- (c) all employees and volunteers immediately disclose to the service agency any change to any of the required searches and checks.

### **5.3 SERVICE PROVIDERS HIRED UNDER A SELF-ADMINISTERED SERVICE AGREEMENT**

Families are expected to meet the requirements for obtaining security and background checks from a prospective service provider as stipulated in "An Agreement for Self-Administered Services".

In "An Agreement for Self-Administered Services", it states: "The Family agrees to obtain from the applicant a criminal record check, a Child Abuse Registry check and/or character references prior to retaining him/her."

## **6.0 STANDARDS**

### **6.1 AGE OF SECURITY CHECKS**

Security checks may not be more than three months old from the point of hire.

## **6.2 REVIEW OF SECURITY CHECKS**

The employing authority and families who have signed “An Agreement for Self-Administered Services” are responsible for reviewing, examining and maintaining the security checks on personnel files and making these records available to Children’s disABILITY Services, upon request.

## **6.3 DETERMINING SUITABILITY**

The employing authority is responsible for determining the suitability of applicants. The employing authority must exercise good judgement in determining the suitability of the applicants dependent on, but not limited to, the results of the security checks.

### **CHILD ABUSE REGISTRY CHECKS**

Registration on the Child Abuse Registry, regardless of criminal record history or lack thereof, will result in disqualification. Where the employing authority is the Manitoba government or a community services agency, the applicant must be notified in writing of the reason for disqualification.

### **ADULT ABUSE REGISTRY CHECKS**

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### **CRIMINAL RECORD CHECKS**

Where the results of a Criminal Record Check are deemed serious enough to be a potential risk to the safety and/or well-being of a child open to Children’s disABILITY Services, 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 children open to Children’s disABILITY Services and the applicant is competent and able to provide the required services.

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 where the employing authority is the Manitoba government or a community services agency.

## **6.4 UPDATE OF RECORD CHECKS**

New security checks are required if a service provider wishes to work for another employing authority and the existing checks are more than three months old.

In situations where a service provider changes roles while still working for the same employing authority, the service provider is not required to submit new security checks. A service provider may work for the same employing authority at different locations without requiring new security checks.

Security checks may be requested if the employing authority or Children’s disABILITY Services receives information that causes either to believe that a service provider may pose a risk to children open to Children’s disABILITY Services or they would be unable to carry out their responsibilities.

If a person who provides services to children open to Children’s disABILITY Services is charged or convicted of a crime, they must notify their employing authority. The employing authority must notify Children’s disABILITY Services.