



Protection for Persons in Care Act *fact sheet*

Criminal Records Checks

WHAT DOES THE *PROTECTION FOR PERSONS IN CARE ACT* (PPCA) SAY ABOUT CRIMINAL RECORDS CHECKS?

Under the PPCA, service providers must require a criminal records check of every successful applicant for employment, every new volunteer and every person to be engaged for services to provide care or support services.

Who are service providers under the PPCA?

The service providers that come under the PPCA include:

- seniors' lodges, hospitals, nursing homes
- women's shelters, homeless shelters, youth shelters
- supportive living settings
- persons that provide care or support services (other than family-managed supports) funded by a Persons with Developmental Disabilities community boards
- persons that provide day programs, residential and care or support services funded by Alberta Health Services, including but not limited to mental health and addictions treatment centres

What are care or support services?

The PPCA defines care or support services as any services that relate to a client's health, or physical or psychological well-being.

What is a criminal records check?

A criminal records check is a search that is used to determine whether an individual has a criminal record. A criminal records check does not include offences that fall under provincial legislation.

Why are criminal records checks important?

Criminal records checks are important because they help to inform service providers and assist with decision-making when recruiting new volunteers, employees and contractors. Criminal records checks help reduce risk to clients by identifying past criminal behaviour that may put a vulnerable person at risk.

What is meant in the PPCA by successful applicants for employment?

Successful applicants for employment are potential new employees (before their employment is confirmed) and includes employees changing positions.

It is good practice for service providers to ensure **all** successful applicants for employment (regardless of the type of work they perform) undergo a criminal records check. However, under the PPCA, it is mandatory that those applicants who would be providing care or support services to clients have a criminal records check completed.

What types of volunteers need to have a criminal records check?

Volunteers are persons who do not receive remuneration (by contract, employment relationship or any other agreement).

It is good practice for service providers to ensure all volunteers who may have contact with clients or the client's funds/property or who have access to client information, undergo a criminal records check. However, it is essential for all volunteers who provide care or support services to clients to undergo a criminal records check.

What types of persons engaged for services need to have a criminal records check?

Persons engaged to provide care or support services are persons bound by contract, other formal arrangement or moral or legal obligation to provide services.

The service provider should ensure the person undergoes a criminal records check before the service provider engages the person, such as before entering into a contract or agreement.

Do current volunteers, current staff and current contractors have to undergo a criminal records check?

Under the PPCA the duty to undergo a criminal records check only applies to **new** successful applicants for employment, **new** volunteers, and **new** persons engaged for services, and only from the date the PPCA was proclaimed (July 1, 2010). The former PPCA also had a similar requirement related to criminal records checks. For many service providers, this means current employees should have had a criminal records check completed when they were hired.

Does a service provider have to require a criminal records check of people such as physicians, practicum placement students and visiting school children?

If a service provider is engaging the services of a health professional, such as a physician, to provide care or support services to clients, then the service provider has a duty under the PPCA to require a criminal records check. The same applies to practicum placement students if those students are to provide care or support services to clients. Visitors, such as children, family members, and friends are not required to undergo a criminal records check.

New volunteers who are under the age of 18 years are also required to undergo a criminal records check. Under the *Youth Criminal Justice Act*, it is illegal to disclose any information about charges for young persons for the purposes of background checks. The only exception is when the checks are required by federal, provincial, or municipal legislation.

Do service providers have to ensure a Vulnerable Sector Search is part of the criminal records check?

Vulnerable people are considered to be individuals who are at greater risk of being harmed than the general population because of their age, disability or other circumstances, whether temporary or permanent. As service providers under the PPCA are responsible for the safety and well-being of vulnerable people, they may consider requesting a Vulnerable Sector check. However, this check is conducted in addition to a criminal records check and is not explicitly required by the PPCA.

What happens if a service provider does not comply with requiring criminal records checks?

A person who fails to comply may be guilty of an offence under the PPCA. An individual can be fined up to \$10,000 and a service provider could be fined up to \$100,000.

Where can I get more information about criminal records checks?

For information about criminal records checks and police information checks, consult your local police service.

Or visit:

- The Canadian Police Information Centre
www.cpic-cipc.ca
- Volunteer Canada
www.volunteer.ca

CONTACT INFORMATION**Protection for Persons in Care**

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Information and Reporting Line: **1-888-357-9339**

www.seniors.alberta.ca/PPC

To view the Act online visit **www.qp.alberta.ca**

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