



Capital Health

ADMINISTRATIVE MANUAL

Policy & Procedure

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| TITLE: Criminal Records Check | NUMBER: CH 08-150 |
| Date Issued: October 2011 | Page 1 of 7 |
| Applies To: Holders of Capital Health Administrative Manual | |

POLICY

1. The Criminal Records Check (CRC) including the Vulnerable Sector Search (VSS), is required as one component of the selection criteria for all new employees, physicians, learners and volunteers.
2. **Effective April 1, 2010**, this policy applies to:
 - 2.1. all hires and physicians who are seeking privileges
 - 2.2. new volunteers and learners where the volunteer or learner has reached the age of majority, or the volunteer or learner is in a placement with direct unsupervised patient contact
 - 2.3. existing staff who transfer into a different department, program, service and/or occupation where a Criminal Record Check is a requirement in the specific work area prior to this policy date.
 - 2.4. This policy does not apply to observational placements or temporary physician privileges where the placement or privileges are for thirty (30) days or less in duration.
3. Capital Health requires all successful Applicants to provide their Criminal Records Check which has been completed within the past 6 months, except for Learners who may have completed their Criminal Record Check as a pre-requisite for participation in their educational course, current employment or program are acceptable.
4. Any successful Applicant will be issued a conditional offer of employment, privileges or learner placement pending completion of a Criminal Record Check. Volunteer Services requires a Criminal Records Check before a volunteer can start their placement.

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5. All information obtained through a Criminal Records Check is for the sole purpose of decision-making as it pertains to employment/privileging/volunteering/placements and will be kept confidential.
6. Offers of positions or placement will not necessarily be withheld solely on the basis of an individual having a criminal record.
7. The Criminal Records Check results are maintained in the individual's confidential employment, Medical Staff, or volunteer file. Learner CRC results are maintained with the educational institution or employer and results are confirmed to Capital Health.
8. Should an employee, physician, learner or volunteer, while employed, volunteering or completing placement with Capital Health, be charged with a criminal offence, he/she is obliged to inform the manager. Failure to do so may result in disciplinary action.
9. In addition, a search of the Child Abuse Registry is to be obtained for individuals seeking employment or placement predominantly working with children and/or youth (i.e. youth health centre, teen health centre).

DEFINITIONS

Applicant: A person seeking employment, medical appointment/privileges, educational or volunteer opportunities with Capital Health.

Criminal Record Check (police check or police screening): A check done of an Applicant's criminal record history at the request of the Applicant consisting of the following:

- a search of sources of information about individuals, which may include the Canadian Police Information Centre (CPIC), Persons and Criminal Records files and local records;
- a compilation of the results of that search;
- the preparation of a report on an individual

A check must indicate whether an individual has been convicted of a criminal and/or other statutory offence for which they have not received a pardon. A Criminal Records Check will be accepted by Capital Health in keeping with guidelines set out in [Appendix 'A'](#).

Pardon: Allows people who were convicted of a criminal offence, but have completed their sentence and demonstrated they are law-abiding citizens, to have their criminal record kept separate and apart from other criminal records. Under the Criminal Records Act (CRA), the National Parole Board (NPB) may issue, grant, deny, or revoke pardons for convictions under federal acts or regulations of Canada.

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Child Abuse Registry: When Child Abuse Registry checks are required, they will be carried out pursuant to the Children and Family Services Act and regulations. Refer to Section 66(4) of the Act for details. Regulation 60(1) of the regulation made pursuant to the *Children and Family Services Act* of Nova Scotia prescribes the classes of individuals or organizations who may request a search.

Student/Learner Placement Service A service that coordinates the placement of learners and health professional practitioners who require practical/ clinical/work term experience.

GUIDING PRINCIPLES AND VALUES

1. Criminal Records Checks serve as one of the safety and security measures to protect vulnerable persons/clients/patients and employees, physicians, learners and volunteers at Capital Health.

PROCEDURE

1. Upon the decision to hire, privilege or engage an Applicant as an employee, physician or as a volunteer or learner; the Credentialing Officer, Hiring Manager or the Volunteer Coordinator or the Student/Learner Placement Coordinator respectively:
 - 1.1. Informs the individual of the requirement for a Criminal Records Check
 - 1.2. Ensures the individual is aware that the employment, credentialing or placement is contingent on the results of the Criminal Records Check
 - 1.3. Advises the individual that the process is confidential within the limits of a “need to know” basis
 - 1.4. Requests individual to obtain and provide to Capital Health the original Criminal Records Check obtained within the last 6 months for placement on file.

Note: If the individual is a learner, that learner’s educational institution is to confirm with Student/Learner Placement Service that a Criminal Record Check has been completed prior to the start of the clinical placement and that the original form is on file at the educational institution. The educational institution is also to report the results of the Criminal Records Check to Student/Learner Placement Service. Checks

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completed more than 6 months prior to commencement of the placement but as a pre-requisite for participation in their educational course, current employment or program are acceptable.

- 1.5. Advises the Applicant that they are responsible for all costs associated with conducting the Criminal Records Check unless advised otherwise by the department/unit.

Exception: Volunteers can submit their receipt for the Criminal Records Check to Volunteer Services for reimbursement.

2. If the Criminal Records Check report indicates a criminal record, the Applicant may :

- 2.1. Withdraw from the competition or placement, or

- 2.2. Contact and meet with the related Hiring Manager, the Volunteer Coordinator and Manager, Medical Services or Student/Learner Placement Services Manager or Director who, along with the People Services Consultant discusses the results of the criminal record check, and the impact on employment or placement opportunities

Note: While a criminal record is not necessarily a barrier to employment, credentialing or placement, it is a factor that must be carefully reviewed, assessed and documented.

3. Any hiring, privileging or placement decisions remain the sole discretion of Capital Health. In considering whether to allow an Applicant with a criminal record to continue to be considered for employment, privileging or placement, consider the following factors:

- 3.1. The nature of the offence(s)

- 3.2. The position and associated duties and responsibilities for which the Applicant is being considered

- 3.3. When the offence(s) was committed

- 3.4. Circumstances surrounding the charge and conviction as described by the Applicant

- 3.5. References from past employers or a faculty member

- 3.6. Rehabilitative efforts made by the Applicant

- 3.7. The ability to continue to ensure a safe and secure work environment for current employees, patients, clients, and residents.

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4. All employees, physicians, learners and volunteers who have submitted a Criminal Records Check, inform People Services, Medical Services, Student/Learner Placement Service or Volunteer Services respectively if convicted of an offence during the time of employment or placement,.
5. Capital Health maintains the original Criminal Records Check in the employee, physician, or volunteer file. Only confirmation of Criminal Records Checks results for learners from their educational institution or employer are maintained in the learner file with Student/Learner Placement Service.
6. **Existing Employee, Physician, Learner Or Volunteer Is Charged With An Offence**
 - 6.1. The Employee, Physician, Learner or Volunteer notifies the appropriate Manager, the Volunteer Coordinator and Manager, or Department Chief (who in turns notifies Medical Services Administration) or Student/Learner Placement Service Manager or Director, in confidence and provides details of the nature of the charge.
 - 6.2. The Manager notifies the applicable Vice President and the Director of People Services.
 - 6.3. The applicable Vice President, the Manager and the Director of People Services determine if the nature of the charge has potential to negatively impact operations, other employees or the confidence of the public in Capital Health.
 - 6.4. Where Capital Health determines there is potential for a negative impact if the employee, learner, physician or volunteer is permitted to remain in his/her present position until the charge is resolved, Capital Health may implement strategies to mitigate or eliminate the potential for negative impact on the organization.

REFERENCES

Criminal Records Act

Criminal Reference Regulations

Halifax Regional Municipality website

RCMP web site

Cape Breton Regional Criminal Record Search Policy

Northwood Criminal Record Check Policy

IWK Health Centre Criminal Record/Child Abuse Registry//Reference/Credential Checks Policy

RELATED DOCUMENTS

Policies

CH 08-017 (formerly: CH 40-017) Volunteer Placement in an Approved Volunteer Program

CH 08-020 (formerly: CH 40-020) Recruitment and Selection

CH 08-085 (formerly: CH 40-085) Harassment Employee and Physician Behavior

CH 08-025 (formerly: CH 100-025) Student/Learner Placement Service

Forms

Criminal Record Check Availability Form (intranet: Forms / Administrative Forms / People Services)

Appendices

Appendix A – Criminal Records Check Guidelines

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Appendix "A" **Criminal Records Check Guidelines**

Capital District Health Authority pursuant to its Criminal Records Checks policy will accept Criminal Records Checks on the following basis:

1. Applicants must submit an original Criminal Record Check or a certified true copy. Where the applicant is currently engaged with another health authority, not-for-profit or volunteer organization, or Capital Health community partner, Capital Health will accept a copy of the Criminal Record Check confirmed to be a true copy by that organization. Any questions about the validity of a document shall be directed to Legal Services.
2. Capital Health will accept a Criminal Record Check from any Canadian Police Service. The Criminal Record Check must include a vulnerable sector search or equivalent search.
3. In those locations where a vulnerable sector search may only be forwarded to organizations who are registered with that location's police department or where receipt of the vulnerable sector search is contingent upon receipt of a fingerprinted request, applicants should advise Capital Health of this immediately.
4. For applicants who cannot provide a Canadian Criminal Record Check, they may provide an original or certified copy of a Criminal Record Check from their current location or country of residency. In instances where foreign jurisdiction Criminal Record Checks are provided, Capital Health will accept Criminal Records Check in another language, provided that they contain confirmation of a "no findings" check in English or that a certified translation is provided.
5. For foreign jurisdiction Criminal Record Checks, Capital Health will accept a record check from a police department or an original letter from a government agency confirming the Criminal Records Check results.
6. Where exceptional circumstances exist, the hiring or placement manager may in consultation with their Director and Legal Services elect to accept other satisfactory forms of documentation to satisfy a Criminal Records Check.
7. In exceptional circumstances, where an applicant cannot provide a Canadian Criminal Record Check but has provided a Criminal Record Check Form, the hiring or placement manager in consultation with their director and People Services may determine whether to hire, place or privilege the Applicant including whether to proceed with a hire or placement contingent on receiving satisfactory criminal records check results once available.
8. Capital Health does not accept online Criminal Record Checks unless such checks have been approved for use by a Canadian Police Service.
9. A Criminal Record Check must have been completed within six months of the date of the offer.
10. For learner placements approved by the Student/Learner Placement Service, Capital Health will accept confirmation from the affiliated institution that a Criminal Record Check was completed as a pre-requisite for participation in their educational course, current employment or program and no information has been found. Where a criminal record exists, that information is to be forwarded to the Student/Learner Placement Service.

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