



## Assessment and Approval of Caregivers by Contracted Agencies Frequently Asked Questions

### Q1: Where do I find the policy?

The [policy](#) is located on the MCFD Internet site under Featured Topics: Information for Contracted Service Providers.

### *Application of the Policy and Standards*

### Q2: Does this policy apply to caregivers previously hired by contracted agencies?

Yes, these standards apply to all current and future caregivers. Contracted agencies must ensure that they have completed the required assessments and background checks in full for all caregivers (as outlined in the standards), whether the caregivers were hired before or after the effective date of these standards. If contracted agencies have further questions about the applicability of the standards, they can contact Dulcie Fernandes at 778-698-5032 or [Dulcie.Fernandes@gov.bc.ca](mailto:Dulcie.Fernandes@gov.bc.ca)

### Q3: Does this policy apply to respite and relief caregivers?

It depends. If a caregiver provides respite care only for children who are **not in care** under the *Child, Family and Community Service Act*, then the policy **does not apply**. However, if the caregiver provides relief care for **even one child in care**, the **policy applies** and the caregiver must be assessed and approved accordingly.

Respite care is defined as the provision of out-of-home care for a child overnight to provide a **parent**, with whom there is a support agreement, a rest from giving daily care to the child.

Relief care is defined as the provision of in-home or out-of-home care overnight for a **child in care** to provide the **caregiver** periods of rest from giving daily care to the child. Care provided to a child for less than 4 hours in a 24 hour period is typically not considered to be respite or relief care and the provider would not typically be considered a caregiver.

Some agencies use the terms relief and respite interchangeably, whether your agency calls it respite or relief, the bottom line is that the policy and standards apply to any caregiver who provides day-to-day and/or overnight care for a **child in care**.

**Q4: Who is included in the definition of “adult with significant and unsupervised access to a child” for whom a criminal record check must be conducted?**

Significant and unsupervised access applies to individuals aged 18 years of age and over who are visiting/staying overnight for more than 30 days in the home where the child lives, and anyone in an intimate partner relationship with the prospective and or approved caregiver who visits regularly and/or stays in the home where the child lives overnight or for extended periods of time. Roommates of the caregiver or boarders are also included.

**Q5: Is it necessary to address all of the topic areas listed in the policy when completing an assessment of a prospective caregiver intended to work in a staffed residential resource?**

All of the topics areas identified in the policy must be covered, with the exception of finances and housing history. If the SAFE Assessment is used, there may be additional questions that may not be relevant. If the prospective caregiver is not questioned about a specific topic, the reason for omitting the question(s) must be documented in the assessment report.

**Q6: Does the *Human Rights Code* prohibit asking prospective employees personal questions related to their marital status, family status, disability, age etc.?**

No, the *Human Rights Code* allows refusals, limitations, specifications or preferences related to employment based on a bona fide occupational requirement. While section 13 of the *Human Rights Code* prohibits discrimination or refusal to employ a person based on various factors, this does not apply if there is a bona fide occupational requirement related to the refusal, limitation, specification or preference. The questions asked during an assessment of a prospective or current caregiver are necessary to protect vulnerable children in the care of the ministry and thus constitute a bona fide occupational requirement.

**Section 13 of the *Human Rights Code*:**

13 (1) A person must not

- (a) refuse to employ or refuse to continue to employ a person, or
- (b) discriminate against a person regarding employment or any term or condition of employment

because of the race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

(2) An employment agency must not refuse to refer a person for employment for any reason mentioned in subsection (1).

(3) Subsection (1) does not apply

(a) as it relates to age, to a bona fide scheme based on seniority, or

(b) as it relates to marital status, physical or mental disability, sex or age, to the operation of a bona fide retirement, superannuation or pension plan or to a bona fide group or employee insurance plan, whether or not the plan is the subject of a contract of insurance between an insurer and an employer.

**(4) Subsections (1) and (2) do not apply with respect to a refusal, limitation, specification or preference based on a bona fide occupational requirement.**

**Q7: Is it necessary to visit the home of a prospective caregiver if the caregiver will not be caring for children in their own home (e.g. staffed facilities)?**

Visits to the prospective caregiver's home are not necessary if the caregiver works exclusively in staffed residential facilities or if the caregiver provides hourly respite/relief in the child's home. An assessment of the caregiver's ability to care for children, through the use of interviews and questionnaires, is required, as is the completion of all other assessments and background checks.

**Q8: What is the policy regarding pets in the home?**

When interviewing a prospective caregiver and conducting a home visit, the agency is asked to ensure that the prospective caregiver has the ability to respond to a child's health and behavioural needs by providing a safe, nurturing, respectful, and healthy environment for the child. This includes ensuring that there are not animals in the home that could pose a risk to the child's safety or health due to the animal's behaviour or characteristics (e.g., dangerous breeds or exotic pets) and/or by aggravating a child's health condition.

***Criminal Record Checks and Prior Contact Checks***

**Q9: What is the process to apply for a criminal record check through a local police detachment?**

Each local police station will have its own forms that must be completed. The prospective caregiver or relevant adult 18 years of age or older must request a criminal record check in the jurisdiction in which she or he resides. The police officer will verify the individual's identification and submit the request for a criminal record check. A prospective caregiver may be

asked to provide fingerprints for the completion of the vulnerable sector check as part of their criminal record check.

**Q10: What is the difference between a criminal record/history check completed by a local police detachment and the *Criminal Records Review Act* check?**

The criminal record/history check conducted by a local police detachment includes a review of records of criminal convictions contained in the National Repository for Criminal Records as well as records and information (e.g., outstanding criminal charges, conditional or absolute discharges) available in provincial police databases. The local police detachment check is a pre-employment check that's conducted during the assessment phase.

The *Criminal Records Review Act* check is a legal requirement for anyone who works with children directly or has unsupervised access to children through their employment. The purpose of the check is to protect children from individuals whose criminal record indicates they pose a risk of physical or sexual abuse. The authorization to conduct the check is submitted to the Criminal Records Review Program for review. The check consists of a review of an individual's criminal record history against a list of relevant or specified offences as applicable in determining the risk an individual may pose in a position where she or he has contact with children, as an employee or volunteer. The *Criminal Records Review Act* check is completed after the assessment is completed and the agency is ready to hire the individual as a caregiver, but the results must be received and reviewed before the caregiver begins to care for any children, either in the caregiver's home or in a staffed residential resource.

***SAFE Training***

**Q11: How can I arrange for SAFE training?**

All training for the Structured Analysis Family Evaluation (SAFE) assessment tool is completed through the Consortium for Children (based out of California), and the contact person is Kate Cleary (phone: 415 491-2416; email: [KCleary@consortforkids.org](mailto:KCleary@consortforkids.org)). The cost for training is \$450/seat, and the agency requesting the training is responsible for paying the travel costs of and a per diem rate for the trainer. If MCFD is conducting training in your area, it is possible to purchase seats at the training session, if space is available. Contact Kate at the Consortium for Children to discuss your options.