

CRIMINAL RECORD BUREAU DISCLOSURE INFORMATION AND PROCESS

As an organisation using the CRB service to assess the suitability of applicants for positions of trust, the Council complies fully with the CRB Code of Practice and undertakes to treat all job applicants fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed. This commitment is in accordance with the principles of its long held policy of equality of opportunity in employment.

A Disclosure should only be requested after a thorough risk assessment has indicated that a Disclosure is both appropriate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment packs should contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Where a Disclosure is to form part of the recruitment process, all applicants called for an interview should be encouraged to provide details of their criminal record on the application form. The Council guarantees that this information is only to be seen by those who are part of the recruitment process.

CRB Disclosures are carried out by the Criminal Records Bureau (CRB) and include not only the information from the National Criminal Records database but also the following: -

- List 99 (a list of individuals considered unsuitable for working with children held by the DfES)
- The Protection of Children Act List (POCAL) (a list similar to List 99 but held by the Department of Health)
- The list of individuals soon to be compiled by the Department of Health, the Protection of Vulnerable Adults (POVA) scheme, which is due to be implemented in June 2004, of people unsuitable to work with vulnerable adults (established by section 81 of the Care Standards Act 2000 (CSA); vulnerable adult is defined in s.80 (6)).

Disclosure

A Disclosure should be available in those cases where the nature of the post means that the appointment is a regulated position as set out in section 35 of the Criminal Justice and Court Service Act 2000 (CJCSA). The CRB application form should be completed in accordance with the current instructions and submitted to the Recruitment section. The Recruitment section will check that the form is correctly completed and passed to the CRB for processing.

The CRB will check the records and advise the Authority of the results of the check. If a live disclosure is received from the CRB the manager, with advice from their relevant HR section, will be responsible for ensuring that they do not offer work to a disqualified

individual in a 'regulated position' or remove the individual from such work with immediate effect. If a provisional offer of a post is withdrawn because of the CRB check, the preferred candidate must have this explained to them in a sensitive manner.

Disqualification under the Criminal Justice and Court Service Act 2000(CJCSA)

It is important to have the above information because under the Criminal Justice and Court Services Act 2000(CJCSA), the following are offences:

- Where an individual who has been disqualified from working with children knowingly applies for, offers to do or accepts or does any work in a 'regulated position'.
- Where an individual knowingly offers work in a 'regulated position' to a disqualified individual or fails to remove an individual from such work.

Meaning of 'Disqualified' under the CJCSA

An individual is disqualified from working with children for the purpose of the CJCSA if s/he is included on either List 99 or POCAL, or if s/he has been disqualified from working with children as part of a sentence (this information will be shown on the criminal record).

Part One: Stages of processing the disclosure check: -

Stage 1

The Manager/Recruitment Team will provide the successful candidate with a CRB application form and guidance notes. The application form must not be photocopied, as it has its own unique number.

If a prospective employee already has a Disclosure Certificate the Manager/Recruitment Team will need to take into account the time elapsed eg 6 months for new applicants from the Disclosure issue date or 3 months where there is a change in the role to be performed by the employee. Where the level of Disclosure presented is not suitable for the current appointment the employee will be required to complete a new application form.

An Enhanced Disclosure is applicable to staff who have unsupervised access to children and vulnerable adults. A Standard Disclosure may be necessary for other staff or volunteers where the manager or organisation deems the post to be of a nature that warrants a disclosure search (eg finance, access to confidential data, wardens, CCTV operators, etc).

A Basic Disclosure can be obtained by any individual but will only show unspent convictions and is therefore not recommended as sufficient for local Authority purposes.

Stage 2

The individual is required to return the application form to the Manager/ Recruitment Team **in person**, together with the original documentation required (**as listed in Groups 1 & 2 X of the guidance notes**, which are sent out with the disclosure application form). The Manager/Recruitment Team will need to check that the form has been completed fully. The

forms are read electronically, therefore, if a form is incorrectly completed, the CRB will return it to the Recruitment Team and this will subsequently result in a delay.

Types of identification

The Manager/Recruitment Team should verify as much physical evidence of identity as the applicant is able to provide. It is not necessary to see all of the documents listed in Section X but a passport, driving licence (preferably photocard) and proof of NI (NI card, P45/60, payslip) should provide a sound basis for proof of identity.

Passport

European and British: The Manager/Recruitment Team should check the general quality and condition of the passport and treat it with suspicion if it is damaged, in which case the individual should be asked for an alternative form of identity. Photographs should be examined for signs of tampering.

Non-European/British Passports: A passport from a foreign national should be accepted following the same general procedure as above.

Photo Driving Licence: The Manager/Recruitment Team should examine for evidence of photo tampering or any amendment.

Birth Certificate: Please note that a birth certificate is not wholly reliable as confirmation of identity as it does not contain a photo and is easily obtainable. If presented ensure there are no signs of tampering.

Other forms of identification: The following documents may be used as validation of identity and confirmation of address (for full list please see guidance notes):

- Marriage certificate
- Credit card statement
- Mortgage or insurance statement
- Bank details or statement
- Utility bill

Stage 3

Once the Manager/Recruitment Team has verified the documentation the name of the verifier should be entered in line 16 Section X. (Please note the form does not have a section for signature). If the application form is signed by the manager or another countersignatory, the form should then be sent to the Recruitment Team, 8th Floor Merton Civic Centre, for recording and forwarding to the CRB for processing.

PLEASE DO NOT SEND APPLICATION FORMS TO THE CRB BEFORE BEING RECORDED BY THE RECRUITMENT TEAM.

Guidance for managers completing Section X: The numbers given below refer to the Section Numbers on the form.

Passports

Passport Number (Section 1)

Enter the full and complete passport number leaving no spaces between digits

Date of Birth (Section 2)

Enter the date of birth shown in the applicant's passport

Nationality (Section 3)

Enter the nationality as shown in the passport

Issue Date (Section 4)

Enter the date of issue shown in the passport

Driving Licence

Driving Licence Number (Section 5)

Enter the licence number, including the two digits that are shown separately on the right hand side of the driving licence number (Issue number)

Date of Birth (Section 6)

Enter the date of birth shown in the driving licence

Licence Type (Section 7)

Specify whether photocard or paper licence

Licence Valid from (Section 8)

Enter the date when the licence was issued (if both types of licence are produced enter the more recent issue date)

Country of Issue (Section 9)

If it is a UK licence, cross the UK box. If it is a foreign driving licence, write the name of the country of issue in the Other Country box.

Birth Certificate

Birth Certificate/Date of Birth (Section 10)

Enter the date of birth as registered on the birth certificate

Issue Date (Section 11)

State the date when the birth certificate was issued

Country of Issue (Section 12)

For a UK birth certificate cross the UK box. If a foreign certificate, write the name of the country of issue in the other Country box

Marriage Certificate

Marriage Certificate Issue Date (Section 13)

State the date when the marriage certificate was issued

P45 or P60 National Insurance Number (Section 14)

Enter in the spaces provided, the NI number shown on the P45 or P60

Current Address

Details Checked Against Documentation (Section 15)

Cross this box only if you have been given and checked at least two documents from the following list that confirm the current address. These documents must be from two different sources:

Bank statement
Mortgage or insurance statement
Credit card statement
Utility bill
Current Council Tax Bill

These documents should be no more than 6 months old. If the applicant has recently moved, correspondence from the solicitor dealing with their property can be accepted, if it is on the solicitor's headed paper and mentions the current address. If in rented accommodation, a rent book may be considered.

Stage 4

The Recruitment Team and the individual will receive results of the Disclosure from the CRB. The applicant's copy will be sent directly to them by the CRB and the Authority's copy will be sent to the Recruitment Team for recording on the CRB spreadsheet, Pahriss and notifying the relevant manager by email. This notification for example will be in the form of (name, disclosure no, issue date and comment). Where an individual is cleared, this will be indicated on the email and if a live disclosure is recorded, the recruitment section will ask the relevant manager to come to the Civic Centre to view the Disclosure form.

Once the decision to recruit (or otherwise) has been made, the Disclosure information will either be shredded or not be kept for any longer than is absolutely necessary. This is generally for a period of up to 6 months, to allow for the consideration and resolution of any disputes or complaints.

Part Two: Arrangements for Disclosures in respect of current Council Staff

The Council will ensure the highest standards in its care of children, young people and vulnerable adults. Accordingly to support its aims and in accordance with the CRB guidelines, all existing employees occupying a post requiring the new Disclosure check and those with the old police checks are required to complete new CRB application forms. All Disclosures are to be re-checked every three years. These checks should be in addition to the existing current requirement for all staff to disclose any relevant criminal conviction occurring during employment.

Making the checks

The staff concerned should be notified that a Disclosure check is to be made. At the same time they should be invited to discuss any concern or questions that they may have with an appropriate person (usually a line manager or departmental HR Adviser). Any matters of

potential concern that are revealed in Disclosure information should, initially, be discussed with the member of staff concerned prior to any decision being taken as to any possible further action.

Subsequently, if it is considered that the disclosure may call into question the fitness of that member of staff to remain in employment, or indicates that some other action may be required, the findings of the Disclosure should normally form the basis of any decision taken and the employee shall be informed accordingly. Suspension on normal pay may follow while the investigation proceeds. Any decision to suspend should be dependent on the nature and potential seriousness of the circumstances.

Part Three: Secure Handling, Use, Retention and Disposal of Disclosures and Disclosure Information

General Principles

The Council complies fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligation under the Data Protection Act 1998 and other relevant legislation concerning the safe handling, use, retention and disposal of Disclosure information. The details are set out below.

Storage and Access

Disclosure information should never be kept on an applicant's personnel file and is always kept separately and securely, in lockable, non-portable storage with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with Section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. This organisation should maintain a record of all those to whom Disclosures or Disclosure Information has been revealed and recognise that it is a criminal offence to pass this information to anyone who is not entitled to view the information.

Usage

Disclosure information is only used for the specific purpose for which it is requested and for which the applicant's full consent has been given.

Retention

Once recruitment (or other relevant decision) has been made, the Disclosure information should not be kept for any longer than is absolutely necessary. This is generally for a period of up to 6 months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than 6 months, the CRB should be consulted and full consideration should be given to the Data Protection and Human Rights of the individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access should prevail.

Disposal

Once the retention period has elapsed, any Disclosure information should immediately be destroyed by secure means i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information should not be kept in any non-secure receptacle (e.g. waste bin or confidential waste sack). **No photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure should be kept.**

However, notwithstanding the above, a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken should be kept.

If you are in need of further clarification please contact the CRB officer in the Recruitment Team.