



Safety Net

CRB Disclosure Service Information Pack

This information pack has been put together by Safety Net. Safety Net is an Umbrella Body registered with the CRB on the basis that it will countersign applications on behalf of others who are not registered. Safety Net will accept applications from not-for-profit, public and private sector organisations that do not wish to register in their own right.

Through the CRB Disclosure service, organisations can provide greater protection for the vulnerable members of our society and afford greater protection to their clients, staff, volunteers and ultimately their organisations.

CRB checks are for positions of work **excepted** from the Rehabilitation of Offenders Act 1974. Broadly, these are positions whose duties involve working with children and vulnerable adults; certain professions in areas such as health, pharmacy and the law plus senior managers in banking and financial services.

It is essential the CRB Guidelines are followed by all who may handle Disclosure information. The aim of this pack is to set out what needs to be done to comply with these guidelines.

All organisations requesting this service must abide by the CRB Code of Practice and must have in place:

- A policy statement on the recruitment of Ex-Offenders.
- A policy statement on the Secure Storage, Handling, Use, Retention and Disposal of Disclosure and Disclosure Information.

A sample of both these policies can be found in this information pack.

The Independent Safeguarding Authority (ISA)

The Independent Safeguarding Authority's role is to help prevent unsuitable people from working with children and vulnerable adults. The ISA assess those individuals working or wishing to work in regulated activity that are

referred on the grounds that they pose a possible risk of harm to vulnerable groups. The ISA makes robust and accountable barring decisions and maintains the ISA's Children's Barred list and the Adult's Barred List.

The Vetting and Barring Scheme

On 15 June 2010 the Government announced their intention to remodel the Vetting and Barring Scheme (VBS) back to "proportionate, common sense levels" (www.crb.homeoffice.gov.uk)

Implementation of the VBS is halted whilst a review takes place. However, the safeguarding regulations introduced in October 2009 continue to apply. These include:

- A person who is barred from working with children or vulnerable adults will be breaking the law if they work or volunteer, or try to work or volunteer with those groups.
- An organisation which knowingly employs someone who is barred to work with those groups will also be breaking the law.
- If your organisation works with children or vulnerable adults and you dismiss a member of staff or a volunteer because they have harmed a child or vulnerable adult, or you would have done so if they had not left, you must tell the Independent Safeguarding Authority.

During the review, the Independent Safeguarding Authority will continue to carry out its work as an independent decision making body as well as continuing to maintain the barred lists. They will also continue to accept referrals. Full information is available at www.isa-gov.org.uk

Fees

Fees for Disclosures, as from 6 April 2011, charged by the CRB are:

- | | |
|-----------------------|------|
| ▪ Enhanced Disclosure | £44 |
| ▪ Standard Disclosure | £26 |
| ▪ ISA Adult First | £6 |
| ▪ Volunteers | Free |

In addition to the CRB fees Safety Net makes an administration charge to cover costs.

Not-for-profit & public sector organisations: £25 per application

Profit-making organisations: £35 per application

The CRB charge and administration fee is due for each application and payment must be made when each application is submitted for processing.

Please make cheques payable to "Safety Net".

Cash can only be accepted with applications if delivered by hand.

If you have any questions regarding the service please contact Vivien and Judith at the Safety Net CRB Disclosure Service on 01273 414981 or email: crb@safety-net.org.uk

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Section 1: Definitions

Additional Information

Information that has been sent separately to the counter signatory with the Enhanced Disclosure

Applicant

Person who is requiring the CRB check

Children

The Criminal Justice Court Service Act (CJCSA) defines a child as someone who is under 18 (under 16 if the child is employed)

Controlled Activities

See Regulated and Controlled Activities

Counter Signatory

A person within Safety Net who can countersign the application forms

CRB

Criminal Records Bureau

DE

Department for Education

DoH

Department of Health

Disclosure

The term that is used to describe the service provided by the CRB and the document issued to the applicant and Registered Body when a CRB check has been completed

Disclosure Checklist

The Disclosure checklist is a list of all documents that can be provided by the individual to confirm their identity.

Duty to Refer

Every employer has a duty to refer information to the Independent Safeguarding Authority where necessary. For further details visit http://www.isa.gov.org.uk/PDF/283896_ISA_A4_FactSheetNo5.pdf

Evidence Checker

An individual, within the recruiting organisation, who takes responsibility for checking documents to prove the applicant's identity. Alternatively, the Safety Net CRB Disclosure Service team may meet with applicants in Brighton/Hove/Portslade to check documents

Independent Safeguarding Authority (ISA)

The Independent Safeguarding Authority (ISA) helps prevent unsuitable people from working with children and vulnerable adults.

ISA Adults' Barred List information

A list of people banned from working with vulnerable adults. The list is managed by the Vetting and Barring Scheme

ISA Adult First

A service exclusive to the health sector. Requests for ISA Adult First checks carry a strict criteria and are only allowed where it is necessary to take such action because of a real danger that staffing levels will fall below statutory obligations

ISA Children's Barred List information

A list of people banned from working with children

Information held under Section 142 of the Education Act 2002

This list, previously called 'List 99', is maintained by the Department for Education and contains the details of teachers who are considered unsuitable or banned from working with children in education.

Negative Disclosure

A Disclosure that has been returned with **no** information from police or government databases recorded

Lead Person

An individual, within the recruiting organisation, who takes responsibility for assessing the applicant's suitability to work based on the results shown on the CRB Disclosure certificate. The Lead Person may also take responsibility for checking documents to prove the applicant's identity.

Positive Disclosure

A Disclosure that has been returned showing information held on police or government databases

Recruiting Organisation

An organisation hoping to employ the applicant as a paid worker or volunteer

Registered Body

An organisation that can only countersign CRB applications within their own organisation

Regulated and Controlled Activities

The definition of Controlled Activities is being reviewed as part of the review of the Criminal Records Bureau and the Vetting and Barring Scheme. For further details visit

http://www.isa.gov.org.uk/PDF/283896_ISA_A4_FactSheetNo3.pdf

Umbrella Body

An organisation that is a **Registered Body** that can countersign CRB application forms for outside organisations.

Vetting and Barring Scheme

Increased safeguards were due to be introduced under the Vetting and Barring Scheme from October 12th 2009. www.isa.gov.org.uk
However, the coalition government suspended the next stage of the scheme (ISA Registration), in July 2010, whilst a review is undertaken

Volunteer

The CRB defines a volunteer to be 'a person who performs any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives'.

Some people can be referred to as volunteers, but do not actually meet the CRB's criteria to get a free check. This is because they may receive, or expect to receive, a benefit, such as remuneration or a credit towards a qualification. For example, students on training placement; people on work placements; foster parents/carers must pay for their checks.

Vulnerable Adult

Reference: Section 115(4) (a) Police Act 1997

A "vulnerable adult" means a person aged 18 or over, who has:

- A learning or physical disability;
A physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or
A reduction in physical or mental capacity.

Or has a disability of a type listed below:

- A dependency upon others in the performance of, or a requirement for assistance in the performance of, basic physical functions;
- A severe impairment in the ability to communicate with others;
- An impairment in the ability of a person to protect themselves from assault, abuse or neglect.

And who is receiving services of a type listed below:

- Care home services;
Personal care or nursing or support to live independently at home;
- Any services provided by an independent hospital, independent clinic, independent medical agency or health body;
- Social care services; or
- Any services provided in an establishment catering for a person with learning difficulties.

Section 2: Levels of Disclosure

There are two levels of Disclosure, Standard and Enhanced. The level of Disclosure required will depend on the type of work involved.

Disclosures are made with the agreement of the individual applicant, the recruiting organisation and the Umbrella Body.

Eligibility to apply for a CRB check depends on the specific role a person will perform whilst conducting their duties within an organisation. It is not enough to state that an individual may come into contact with children or vulnerable adults. A risk assessment should be undertaken to assess the role and duties an applicant is expected to fulfil whilst carrying out their role and CRB applications should be made accordingly.

For a list of exempt positions, as set out in the Exceptions order to the Rehabilitation of Offenders Act 1974 contact us at *Safety Net* or visit http://www.crb.homeoffice.gov.uk/guidance/rb_guidance/eligible_posts.aspx

Standard CRB Disclosure

A Standard CRB Disclosure is for people entering certain professions, such as members of the legal and accountancy professions. Standard Disclosures contain convictions, cautions, reprimands and warnings held in England and Wales on the Police National Computer. Most of the relevant convictions in Scotland and Northern Ireland may also be included.

Standard Disclosures no longer include a check of the barred lists. Therefore, if you are working or volunteering with children or vulnerable adults, you may now need to have an Enhanced CRB check.

Enhanced CRB Disclosure

An Enhanced CRB Disclosure is for posts involving work in a regulated activity or a regulated activity provider with children or vulnerable adults. In general, the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Examples include a social worker, teacher, scout or guide leader. Enhanced checks are also issued for certain statutory purposes such as gaming and lottery licences.

Enhanced Disclosures contain the same information as Standard Disclosures, but in addition involve a check of the new barred lists if requested, as well as any locally held police force information considered relevant to the job role, by local Chief Police Officers.

The Chief Officer of each relevant police force will decide what, if any, additional information is to be provided. This will usually be printed on the Enhanced Disclosure.

However, the Chief Officer is free, if it is thought necessary in the interests of the prevention or detection of crime, to release this type of information in a letter, separate from the Enhanced Disclosure, to the Counter Signatory only.

This letter will be handled in the same way as any other Disclosure information. However in addition to this, **the existence of the letter and the information it contains must not be revealed to the applicant and must never be shown to the applicant or to any other person not connected to the recruitment decision.**

It is a criminal offence to disclose information of this type without the written permission of the police.

Professions in which an Enhanced Disclosure may be required are:

- Adoptive parents
- Befrienders
- Bus Drivers (regularly transporting children or vulnerable adults)
- Childminders
- Day Care Workers (with regular sole access to children or vulnerable adults)
- Dentists
- Foster Parents (plus other adults in the household)
- Further Education Lecturers (with regular access to persons under 18)
- General Practitioners
- Home Care staff (with regular sole access to children or vulnerable adults)
- Nurses (with regular sole access to children or vulnerable adults)
- Nursery Workers
- Opticians
- Paediatricians
- Pharmacists

- Residential Workers (with regular sole access to children or vulnerable adults)
- Scout Leaders
- Social Workers
- Sports Coaches (with regular access to persons under 18)
- Taxi Drivers (regularly transporting children and vulnerable adults)
- Teachers (with regular access to persons under 18)

Section 3: Indicators of Fraud

UK Passport

- Check the general quality of the passport
- Examine the photograph, looking closely for signs of damage to the laminate, excessive glue, or signs that the laminate has been slit (which could mean the photo has been switched)
- If the photo is excessively large, it could indicate that the original photograph has been covered over.
- On every passport photograph look for embossed strip embedded into the laminate, which will catch a portion of the photograph. Check there is no damage to this area.
- Check the “Name” on the application form matches that on the Passport.
- Check the “DOB” on the application form matches that on the Passport
- Check the pages on the passport are numbered correctly (follow sequence)
- Check there are no signs of tampering or attempts to change the details on the passport
- Check signature on passport is similar to the signature on application form
- Check if surface is uneven or “bubbling” on the back cover where the photo is located, indicating tampering with the photo.

Driving Licence with Photo (must be presented with paper part)

- Examine the licence for signs that the photograph has been tampered with or that any details may have been changed.
- Check the Licence date, New Driving licence came into effect from July 1998
- Old paper licence was gradually phased out and CVLA ceased issuing in Sept 1999
- Check the “Name” on the application form matches that on the Driving Licence
- Check the “DOB” on the application form matches that on the Driving Licence
- Check the “Address” on the application form matches that on the Driving Licence
- Check there are no signs of tampering or attempts to change the details on the Driving Licence
- Check signature on Driving Licence is similar to application form.

Old Style Driving Licence

- Remove the document from the plastic wallet and check that it has been printed on both sides
- Hold the licence to the light to look for the watermark, which should be visible.
- Check the licence was issued before September 1999
- Check that there are no punctuation marks in the name or address

- Check the “Name” on the application form matches that on the Driving Licence
- Check the “DOB” on the application form matches that on the Driving Licence
- Check the “Address” on the application form matches that on the Driving Licence
- Check there are no signs of tampering or attempts to change the details on the Driving Licence
- Check signature on Driving Licence is similar to application form.

Birth Certificate

- Check the quality of the paper. The paper should be of a high grade and any signs of smoothness should indicate “washing text” i.e. an attempt to remove the original text
- Hold the Birth Certificate up to the light to look for a watermark, which should be clearly visible.
- Check there are no signs of tampering or attempts to change the details on the certificate.
- Check for any spelling mistakes against other documentation supplied on the form
- Check the “Name” on the application form matches that on the Birth Certificate
- Check the “DOB” on the application form matches that on the Birth Certificate
- Check the Certificate layout – Birth certificate changes from landscape to portrait in 1969.

Other

Other forms of documentary evidence may be provided.

- Check that the document is an original
- Check there are no signs of tampering or attempts to change the details on the document.
- Check for any spelling mistakes, colour and paper. Typed format watermarks or attempts to change identification details.
- Consider if the document looks new, has it been obtained recently? Has it expired?
- Check the “Name” on the application form matches that on the documents
- Check the “DOB/Address/National Insurance number etc” on the application form matches that on the documents provide

– **Section 4: How to Apply for a CRB Disclosure through Safety Net**

1. Safety Net provides this service for commercial, public sector and third sector organisations for whom it would not be economical or practical to become a registered body in their own right.
2. Contact: Safety Net CRB Disclosure Service
Emmaus Manor Offices
Drove Road
Portslade
BN41 2PA
Tel: 01273 414981
Email: crb@safety-net.org.uk
3. The organisation will be asked to sign an agreement to declare they will conform to the standards required by the Criminal Records Bureau (CRB) Code of Practice. Safety Net reserves the right to withdraw the service if it is not satisfied that the Code is being complied with.
4. The organisation will be sent application forms and disclosure checklists for the applicants to complete. The Disclosure checklist is a list of all documents that can be provided by the individual to confirm their identity.
5. The completed application form, together with the original documents to prove identity, should be shown to a nominated person within the organisation to be checked.
6. The nominated person will send the completed application form, the signed document checklist and photocopies of all documents seen to Safety Net.
7. The completed applications will be checked and countersigned at Safety Net before being sent to the CRB for processing.
8. An invoice will then be sent to the recruiting organisation for the CRB Disclosure fee and administration fee. Please make cheques payable to "Safety Net". Cash can only be accepted with applications if delivered by hand.
9. The CRB will validate the identity of the applicant and access government and police records, to produce the Disclosure certificate.
10. The CRB will send a Disclosure certificate to the applicant direct. A copy of the certificate will also be sent by the CRB to Safety Net
11. Safety Net can forward to your organisation the Disclosure certificate received direct to this office. Alternatively, Safety Net will retain a copy of the Disclosure certificate (please indicate preference on agreement form at end of pack) and will inform the recruiting organisation of the following:

- The reference number of the Disclosure for their records
- The date of the Disclosure

NB: It must not be recorded on a personnel file that a Disclosure certificate was clear or had positive information.

The recruiting organisation should discuss any positive information with the applicant before either confirming or withdrawing the job offer.

Guidance on dealing with information contained on a CRB Disclosure certificate is included in Section 4 of this Information Pack.

Section 5: Guidance to Deal with 'Positive' Information

'Positive' information is spent or unspent convictions or any non-conviction information from the Police National Computer, local police records and for particular roles, information stored on the list of people banned from working with children and vulnerable adults.

Safeguards and guidelines have been introduced to ensure that conviction information is not misused and that ex-offenders are treated fairly. Ex-offenders will retain the protection afforded by the Rehabilitation of Offenders Act 1974.

Before 2006, where there were only cautions, reprimands and final warnings only held on the PNC, the record was deleted after five years, except where it has been marked as an offence against a vulnerable person. However, records were not wiped automatically and may appear on Standard and Enhanced Disclosures

Following a review in 2006, all conviction history – including cautions, convictions and final warnings are retained for life on the Police National Computer and will show on the CRB Disclosure.

Before the 2006 review, under guidelines produced by the Association of Chief Police Officers (ACPO), some recordable offences on the Police National Computer (PNC) were deleted after 10 years, unless the offender had three or more convictions, in which case the records kept for 20 years. Records before 2006 were kept for life only where the offender had been:

- Given custodial sentences, including suspended sentences, amounting in total to six months or more
- Convicted of sexual offences; violence; possession of class A drugs; or trafficking in, importation of, or supply of any drug
- Found unfit to plead by reason of insanity, or has been sentenced under the Mental Health Acts
- Convicted of an offence involving a child or vulnerable adult where the modus operandi indicates that the person deliberately targets such people
- Convicted of a terrorist offence.

In most instances there is very little risk involved in employing an ex-offender. Most people with criminal records are in employment and are satisfactorily employed and not re-offending. This is not surprising as most offences are old, isolated incidents, committed during a troubled phase in a person's life that passes.

For these reasons, it is best to consider each applicant on their merits. The best approach is to determine whether the person you are interviewing is the

best person for the vacancy. If they are, it then becomes a case of determining whether their criminal record is relevant or not.

It is the employer's responsibility to make an employment decision based on this information. If positive information on a Disclosure results in the offer of employment being withdrawn then the applicant should be given a full explanation of why this should be so. However, on no account should the organisation discuss or pass 'positive information' to anyone who is not authorised to receive it (as outlined in the CRB Code of Practice guidelines).

In making an employment decision the following should be taken into account:

- Nature of the offence(s) and **relevance to the post applied for**
- Seriousness of the offence(s)
- The date of the offence(s)
- Mitigating circumstances. It is important to ask for an explanation from the applicant before any decision is made.
- The responsibility of employer towards other employees and client groups
- A comparison of the information on application form against the Disclosure as a check for honesty.

Safety Net will provide advice and guidance to the organisations that will inform their recruitment decision.

The final recruitment decision is the employer's responsibility.

Further advice and information on dealing with information listed on a CRB Disclosure certificate can be obtained from NACRO at www.nacro.org.uk or www.crb.gov.uk

Section 6: Summary of Practical Actions for the Recruiting Organisation

Before Recruitment

The Recruiting Organisation should put in place policies and procedures for employing people with criminal convictions and for the handling and storage of Disclosure information. Sample policies can be found in Sections 7 and 8 of this Information Pack. Recruiting Organisations will need to train all relevant staff to ensure these policies and procedures are followed.

In addition, posts should be checked to ensure they are exempt from the Rehabilitation of Offenders Act 1974, and to assess if a Standard or Enhanced Disclosure is appropriate.

During Recruitment

Information for Applicants

As early as possible, the applicant must be made aware that the post is exempt from the Rehabilitation of Offenders Act 1974, and that either a Standard or an Enhanced Disclosure will be required.

A statement should be included to this effect in either / or all of the following:

- Job Advertisement
- Job Specification
- Application Form
- Accompanying Letter

Electronic versions of sample statements are available, on request, from Safety Net.

The Recruiting Organisation should include a policy statement on employing people with criminal convictions when sending out application forms.

The applicant should be made aware that the organisation has policies on storage and handling of Disclosure information and that copies are available on request. If requested the applicant must also be given a copy of the CRB Code of Practice.

The applicant should also be made aware that information on criminal convictions will not be considered until a decision has been made to offer a position following interview.

It is recommended that criminal conviction information is separated from the application form and brought to the interview in a sealed envelope which is only opened for the successful candidate(s) once a recruiting decision has been made. All others should be destroyed unopened.

Employment Contract

For positions exempt from the Rehabilitation of Offenders Act 1974, it is advisable to include a clause in the employment contract, or volunteer agreement, which will highlight the need for the employee to declare any changes in circumstances with regard to new proceedings or convictions.

For Example:

It is obligatory for the employee/volunteer to advise the organisation of any change in circumstances in relation to investigations, criminal proceedings, or child protection proceedings that may affect them or those close to them whilst in the post.

It should be made clear that providing this information will not necessarily be a bar to being kept in the post unless it is relevant to the post. However, failure to disclose this information would be considered Gross Misconduct and subject to the organisation's Disciplinary Procedure.

Also, if periodic rechecks are obligatory as part of an ongoing contract, this should be stated clearly in the employee's or volunteer's Terms and Conditions, and failure to co-operate would again be considered Gross Misconduct.

Section 7: Model Policy Statement on the Recruitment of Ex-Offenders

- As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, *Name of Organisation* complies fully with the CRB Code of practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
- *Name of Organisation* is committed to the fair treatment of the users of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- We have a written policy on the recruitment of ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process.
- We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will 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, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within *Name of Organisation* and we guarantee that this information is only seen by those who need to see it as part of the recruitment process.
- Unless the nature of the position allows *Name of Organisation* to ask questions about your entire criminal record we only ask about the "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.
- We ensure that all those in the *Name of Organisation* who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the

relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

- At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to the withdrawal of an offer of employment.
- We make every subject of a CRB Disclosure aware of the existence of the CRB Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.
- Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.

(Source www.crb.gov.uk)

An electronic version of this policy statement is available to view and download from the CRB website www.crb.gov.uk

Section 8: Model Policy Statement on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information

General Principles

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to help assess the suitability of applicants for positions of trust, *Name of Organisation* 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 obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

Storage and Access

Disclosure information is never kept on an applicant's personnel file and is always kept securely, in lockable, non-portable, storage containers 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. *Name of Organisation* maintains a record of all those to whom Disclosure and Disclosure information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

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

Retention

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

Disposal

Once the retention period has elapsed, *Name of Organisation* will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in an unsecured receptacle (e.g. waste bin or confidential waste sack). *Name of Organisation* will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of the Disclosure. However, notwithstanding the above, the organisation may keep 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.

An electronic version of this policy statement is available to view and download from the CRB website www.crb.gov.uk

Section 9: Portability Guidance

What is portability?

Portability refers to the re-use of a CRB check, obtained for a position in one organisation and later used for another position in another organisation.

Are CRB checks portable?

The CRB does not support portability. Organisations that choose to accept a previously issued CRB check do so at their own risk.

How would portability work?

If you ask an individual to be CRB checked and they tell you that they already have a CRB check, you could:

- Ask the individual to show their copy of the CRB check.
- Contact the Counter signatory named on the front of the CRB check and confirm that the reference number and identity details match.
- Ask if the Counter signatory received any additional information - the Counter signatory can only confirm or otherwise the existence of such information – but not the content of the information.
- If there is no additional information, carry out a formal risk assessment to decide whether to accept the CRB check.
- If there was additional information, you are strongly advised to ask the individual to apply for a fresh check.
- Additionally, with the introduction of the Vetting and Barring Scheme, you could check the individuals' ISA-registration status

Those who move frequently between short-term appointments may not wish to apply for a fresh CRB check each time they seek a new position, especially if this occurs every few days. Similarly, those who take up two positions that both require a CRB check (for example, a full-time job and a weekend or voluntary position) may be able to avoid making two applications to the CRB

What are the limitations of portability?

- The CRB check may not be at the level you require - there are two different levels of check: Standard & Enhanced. If an Enhanced check is needed do not accept a ported Standard check.
- The CRB check may not have included a check of the ISA Children's or Vulnerable Adults' Barred lists or information held under Section 142 of the Education Act 2002.
- A CRB check carries no formal period of validity and the older a check the less reliable the information is, as the information it contains may not be up to date. The date of the issue (on the individual's copy) should be used as a guide as to when to request a new CRB check.
- Information revealed through a CRB check always reflects the information that was available at the time of its issue.
- You may be required by law to carry out a fresh check of the barred lists. In certain circumstances, portability cannot be used e.g. care workers need a new CRB check each time they change employment.

- An original CRB check, not a photocopy, contains a number of security features to prevent tampering or forgery.
- Once a recruitment decision (or other relevant decision – e.g. for regulatory or licensing purposes) has been made, a recipient of a Disclosure must not retain it, or any associated correspondence, for longer than is necessary for the particular purpose. In general, this should be for a maximum of 6 months.

To note: If you need to show it to the Commission for Social Care Inspection (CSCI)/Care Standards Inspectorate for Wales (CSIW), you can keep it until the next inspection, then it should be destroyed. If you are a teaching supply/recruitment agency you can retain CRB checks for up to 3 years.

What are the risks of portability?

- Using a previously issued CRB check does not constitute a fresh CRB check – the person's criminal record or other relevant information may have changed since its issue.
- Registered Bodies are responsible for the accuracy of the information provided to the CRB and on which it carries out its checks. By accepting a previously issued CRB check you are accepting the risk that the previous Registered Body provided the CRB with a fully validated applicant's identity on which to carry out its checks.
- Enhanced checks may contain 'approved' non-conviction information provided by the police from their local records. In the majority of cases, the CRB will print this information on both the applicant's and Registered Body's copy in the box entitled 'Other relevant information disclosed at the Chief Police Officer(s) discretion'. However, occasionally the Chief Police Officer may, if thought necessary in the interests of the prevention or detection of crime, withhold this information from the applicant's copy. The Registered Body's copy will contain the following words 'Please refer to letter sent under separate cover', printed under the date of issue on the CRB certificate. If you choose to accept the applicant's copy you will need to find out from the previous Counter signatory if such information was revealed in a separate letter

Are there any legal implications with portability?

Yes, the CRB's Code of Practice (bound by Part V of the Police Act 1997) sets out the circumstances when the details of a CRB check can be passed to a third party. The Code states that information revealed through a CRB check can only be passed to individuals who need to see it as part of the recruitment decision, for which the CRB check was requested. This also applies to any additional information provided by the police under cover of a separate letter. If you are contacted by another organisation about a previously issued CRB check, you can only:

- Confirm or not, whether the information provided reflects that which appears on your copy of the CRB check.
- State if the police did or did not issue additional information issued under cover of a separate letter.

- On 1 September 2006, regulations were introduced which allow the passing of CRB checks between agencies supplying staff to schools or further education institutions and those schools or institutions themselves

Section 10: CRB Code of Practice Guidelines

Fair use of Disclosure information

Recipients (i.e. recruiting organisations) of Disclosure information shall:

- Observe guidelines issued or supported by the Criminal Records Bureau (CRB) on the use of Disclosure information – and in particular, recipients of Disclosure shall not unfairly discriminate against the subject of Disclosure information on the basis of conviction or other details revealed.

In the interest of the proper use of Disclosure information and for the reassurance of persons who are the subject of Disclosure information, Umbrella Bodies (i.e. Safety Net CRB Disclosure Service) shall:

- Have a written policy on the recruitment of ex-offenders, so that a copy can be given to all applicants for positions where a Disclosure will be requested
- Ensure that a body at whose request applications for Disclosures are countersigned has such a written policy and, if necessary, provide a model for that body or individual to use.

To reassure applicants, recruiting organisations shall:

- Ensure that application forms, where appropriate, contain a statement that a Disclosure will be requested in the event of a successful application, so that applicants are aware of the situation.
- Include in application forms, or accompanying material, a statement to the effect that a criminal record will not necessarily be a bar to obtaining a position, in order to reassure applicants that Disclosure information will be used fairly.
- Discuss any matters revealed in Disclosure information with the person seeking the position before withdrawing an offer of employment.
- Make every subject of a Disclosure aware of the existence of this Code of Practice, and make a copy available on request.
- Make available guidance in relation to the employment and fair treatment of ex-offenders and to the Rehabilitation of Offenders Act 1974.

Handling of Disclosure Information

Umbrella Bodies that receive the Disclosure information

- Must ensure that Disclosure information is only passed to persons authorised to receive it under Section 124 of the Police Act 1997. Under Section 124, unauthorised disclosure of information is an offence.

- Must ensure that Disclosures and the information they contain are available only to those who need to have access in the course of their duties.
- Must ensure Disclosures are securely stored with any additional information they may contain.
- Should retain neither Disclosures, nor a record of Disclosure information contained within them, for longer than is required for the particular purpose. In general, this should be no later than six months after the date on which recruitment or other relevant decisions have been taken, or after that date on which any dispute about the accuracy of the Disclosure information has been resolved. This period should be exceeded only in very exceptional circumstances, which justify retention for a longer period.

Umbrella Bodies shall:

- Have a written security policy covering the correct handling and safe keeping of Disclosure information.
- Ensure that the recruiting organisation at whose request applications for Disclosures are countersigned has a written security policy and, if necessary, provide a model for that body or individual to adapt.

Assurance

Umbrella Bodies shall:

- Co-operate with requests from the CRB to undertake assurance checks as to the proper use and safe keeping of Disclosure information.
- Report to the CRB any suspected malpractice in relation to this Code of Practice or any suspected offences in relation to the misuse of Disclosures.

Umbrella Bodies

Umbrella Bodies (such as Safety Net) must satisfy themselves that those on whose behalf they intend to countersign applications are allowed to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act 1974.

Umbrella Bodies must take reasonable steps to ensure that those to whom they pass Disclosure information observe the Code of Practice.

Failure to Comply with The Code of Practice

The CRB is empowered to refuse to issue a Disclosure if it believes that a registered person, or, someone on whose behalf a registered person has acted, has failed to comply with The Code of Practice.

Section 11: Safety Net' Policy Statement on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information

General Principles

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to help assess the suitability of applicants for positions of trust, Safety Net 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 obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

Storage and Access

Disclosure information is never kept on an applicant's personnel file and is always kept securely, in lockable, non-portable, storage containers 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. Safety Net maintains a record of all those whom Disclosure and Disclosure information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

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

Retention

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

Disposal

Once the retention period has elapsed, Safety Net will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure

information will not be kept in an unsecured receptacle (e.g. waste bin or confidential waste sack). Safety Net will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of the Disclosure. However notwithstanding the above, Safety Net may keep 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.

Acting as an Umbrella Body

As an Umbrella Body (one that countersigns applications and receives information on behalf of other employers or recruiting organisations) Safety Net will take all reasonable steps to ensure that it complies fully with the CRB Code of Practice. It will also take all reasonable steps to ensure that the Disclosure information received is handled, used, stored, retained and disposed of in full compliance with the CRB code and in full accordance with this policy. Safety Net will also ensure that any body at whose request applications for Disclosure are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

Section 12: Contacts

Criminal Records Bureau

Customer Services

PO Box 110

Liverpool

L69 3EF

Website: www.crb.gov.uk

Telephone Numbers

CRB Information Line	0870 90 90 811
Registration Line	0870 90 90 822
Overseas Enquiry Line	0870 0 100 450
Hearing / Speech impediments	Minicom 0870 90 90 344
Welsh Language Line	0870 90 90 223

CRB Customer Services Manager

PO Box 165

Liverpool

L69 3JD

Fax: 0151 6761704

Email: info@crb.gsi.gov.uk

For complaints regarding the CRB service. Please provide your name, address, and the CRB reference numbers and the nature of the complaint.

Safety Net CRB Disclosure Service

Emmaus Manor Offices

Drove Road

Portslade

BN41 2PA

Tel: 01273 414981

Email: crb@safety-net.org.uk

Umbrella body registered with the CRB to process CRB application forms for outside organisations within England and Wales..

ISA and VBS

ISA 0300 123 1111

info@vbs-info.org.uk

NCVO – National Council for Voluntary Organisations

Regent's Wharf,

8 All Saints Street,

London N1 9RL

Tel: Switchboard 020 7713 6161

Tel: HelpDesk 0800 2 798 798

Email: HelpDesk@ncvo-vol.org.uk Website: www.ncvo-vol.org.uk

Provides support for the voluntary sector in England and Wales by representing the views of the sector to the government and policy-makers.

NCVCCO – National Council of Voluntary Child Care Organisations

Unit 4 Pride Court

80-82 White Lion Street

London N1 9PF

Tel: 020 7833 3319

Fax: 020 7833 8637

Email: office@ncvcco.org Website: www.ncvcco.org

Working to ensure the well being and safeguarding of children and families

Apex Charitable Trust

St Alphage House

Wingate Annexe

2 Fore Street

London

EC2Y 5DA

Tel: 020 7683 5931

Website: www.apextrust.com

Seeks to help people with criminal records to obtain jobs or self-employment by providing them with the skills they need and by working with employers to break down the barriers to employment.

Nacro

Resettlement *Plus* Helpline

169 Clapham Road

London

SW9 0PU

Tel: 020 7840 6464

Website : www.resettlement.info

The helpline gives advice and information on disclosing convictions and the Rehabilitation of Offenders Act along with advice leaflets for prisoners, ex-offenders and others.

Section 13: Agreement for Lead Person

NB: Relatives or partners should not check documents

Name of Organisation: _____

We require the names of one or two persons within the organisation who accept responsibility for checking forms and the original documents that prove identity. The role is incorporated into the lead person's role or is a role for an evidence checker only.. This information must be confirmed in writing on the organisations headed notepaper.

The evidence checkers and lead person are responsible for checking forms and original documents for indicators of fraud only. Please refer to Section 4 'Indicators of Fraud' when checking documents.

The evidence checker signs the CRB Disclosure Checklist as confirmation they have seen and checked all original documents for accuracy.

The **lead** person will be sent confirmation of the CRB certificate received at Safety Net. The lead person will be responsible for assessing the applicant's suitability to work based on the information received on this certificate.

Details of Lead Person and Evidence Checker

DETAILS OF LEAD PERSON

Please complete the following sections in BLOCK CAPITALS

Title	
Surname	
Forename(s)	
Current address	
Town/City	
County	
Postcode	
Job Title:	
Date of Birth	
National Insurance No:	
Home Telephone No:	

Signature:

Date:

DETAILS OF EVIDENCE CHECKER

Please complete the following sections in BLOCK CAPITALS

Title	
Surname	
Forename(s)	
Current address	
Town/City	
County	
Postcode	
Job Title:	
Date of Birth	
National Insurance No:	
Home Telephone No:	

Signature:

Date:

Please return this form together with your organisation's headed notepaper to:

Safety Net CRB Disclosure Service, Emmaus Manor Offices, Drove Road, Portslade BN41 2PA.

Section 14: AGREEMENT FOR SAFETY NET OBTAINING CRIMINAL RECORDS BUREAU DISCLOSURE ON BEHALF OF OUTSIDE ORGANISATIONS

NAME OF ORGANISATION

Nominated Persons with whom Safety Net to share information

1. LEAD PERSON (Please print)

POSITION

2. EVIDENCE CHECKER (Please print)

POSITION

An organisation that requires Safety Net to obtain a Disclosure on its behalf shall:

- a) Have read, understood and agreed to comply with the process as described in the guidelines supplied by Safety Net.
- b) Have read, understood and agreed to abide by the CRB Code of Practice.
- c) Defines the posts/volunteers for which checks will be sought and what level of check (standard or enhanced) will be requested.
- d) Developed and published a policy on the employment of ex-offenders.
- e) Have clearly laid down procedures to deal with records in accordance with the Data Protection Act 1998 and the CRB Code of Practice.
- f) Take all reasonable steps to ensure that the applicant for the post, or the volunteer, is who they purport to be.

I agree to abide by the conditions as set out above by Safety Net and within the Disclosure Information Pack

SIGNED

DATE

Safety Net will retain copies of the CRB Disclosure Certificates on our behalf:
YES / NO (please circle).

Please return this form **together with a compliments slip or headed notepaper for your organisation** to: CRB Checks Co-ordinator
Safety Net CRB Disclosure Service, Emmaus Manor Offices, Drove Road,
Portslade BN41 2PA

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