

Criminal Records Bureau (CRB) Disclosures Procedure



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Introduction

“The role of the Criminal Records Bureau is to reduce the risk of abuse by ensuring that those who are unsuitable are not able to work with children and vulnerable adults”
comment from *The Home Secretary*

KCC undertake CRB checks as an umbrella body on behalf of its own business units and for Kent maintained schools. The Director of Personnel and Development is responsible for the provision of the Umbrella body service for KCC.

Purpose

This procedure forms part of KCC’s overall recruitment strategy and covers the use of Criminal Records Bureau (CRB) Disclosures for regulated positions. These positions are classified as those providing services for or otherwise involved with children and vulnerable adults; and which are exempt from the Rehabilitation of Offenders Act (ROA) 1974.

This procedure covers anyone engaged in KCC work, whether directly employed by KCC or not.

Note: Throughout this procedure various terms have been used to cover people working in identified positions. For clarity, people covered by this procedure include:

- Employees
- Volunteers
- Apprentices
- Work placements
- Student placements
- Short or long term work experience

KCC Responsibility

KCC’s primary responsibility is to safeguard and promote the welfare of children and vulnerable adults receiving its services.

The CRB process is one element of good recruitment practice and must not be seen as the only responsibility KCC has with regard to effectively stopping unsuitable people working with children or vulnerable adults.

The Criminal Justice and Court Services Act (CJ&CSA) 2000 and the Police Act 1997 (as amended) set out who is eligible for CRB Disclosures and the level of check required.

Local managers are responsible for advising the Employee Services Centre (ESC) CRB Team of those jobs (regulated positions) requiring a CRB check at the point of recruitment or when a position changes. Head Teachers are responsible for initiating a disclosure request with Schools' Personnel Service (SPS) CRB Team.

Managers are responsible for providing reassurance that the person undertaking work or providing services is capable of doing so. Managers should ask to see the individual's copy of the CRB Disclosure, particularly if it has been identified as 'positive' or if the individual is moving from one KCC position to another.

Applicant responsibility

Those engaged in KCC work, whether directly employed or not, must provide the information required for the Disclosure application when asked and within the agreed time limits to avoid delay in the process.

Individuals moving within KCC will be asked to produce their copy of the Disclosure (if they have already been checked under KCC's Umbrella Body) and may also be required to undergo a re-check to provide optimal assurance to the manager.

Monitoring and Recording

KCC will undertake regular monitoring of the overall CRB process to ensure its compliance with its responsibilities and to protect the integrity and security of the system and process.

The individual CRB process will be carefully monitored to ensure the appropriate post is being checked and that it is processed accurately and within agreed time scales

The CRB teams are responsible for holding and processing all information in accordance with KCC's Procedure Statement on the secure storage, handling, use, retention and disposal of Disclosures and Disclosure information.

Information provided by an applicant will be treated as strictly confidential and kept securely in line with the procedure and CRB code of practice.

The Recruitment Process

To allow applicants to self select, all Job Descriptions, Person Specifications and advertisements of 'regulated positions' must make the need for CRB Disclosure clear.

Managers who recruit and employ are responsible for ensuring all applicants granted an interview are asked appropriate questions to ensure they are aware, and understand the implications of, regulated posts.

Managers who recruit and employ are also responsible for making sure identification documents produced in support of a CRB application are checked, recorded and sent to the CRB Team in the Employee Services Centre.

Failure to reveal relevant information at interview which later comes to light through the CRB process, or any other intelligence, may compromise an individual's employment contract or lead to disciplinary action up to and including dismissal, depending on the circumstances.

Disclosure of Information

Information provided to KCC by CRB will only be passed to those entitled to receive the information, in line with the CRB Code of Practice. Generally, this is only the recruiting manager and personnel adviser.

A criminal record will not automatically bar the individual to working with children or vulnerable adults.

KCC reserves the right to judge each case on its merits within the following parameters:

- Nature of conviction
- Length of time elapsed since incident
- Relevance to the post applied for
- Openness of declaration during the recruitment process

KCC decisions will be final with no right of appeal.

Status of CRB Disclosures

All persons working in a 'regulated position' will be subject to a CRB Disclosure check.

- KCC will undertake CRB Disclosure checks at Enhanced level for everyone identified as above.
- Posts will be re-checked every three years*
- Individuals with multiple posts with KCC will be re-checked 3 years* from the date of their most recent check.
- Individuals moving within KCC (i.e. checked under the KCC Umbrella Body) to another identified position will be asked to produce their copy of the Disclosure and may be required to undergo a re-check in order to provide optimal assurance for the recruiting manager. Checks will be renewed every three years.*

* Excluding staff in schools

Identifying appropriate posts

KCC Managers will identify which posts require a CRB Disclosure in line with the Criminal Justice & Courts Services Act (CJ&CSA) 2000, CRB, Independent Safeguarding Authority (ISA) and government department (e.g. Department for Children, Schools and Families) guidance and the support of Personnel Business Support (PBS) and SPS. In general they are:

- Positions in relevant establishments e.g. schools
- Positions with regular or unsupervised access to children
- Positions with regular or unsupervised access to vulnerable adults
- Direct supervisory or management positions relating to workers with direct, regular and unsupervised access to children and vulnerable adults

- Posts which include regular access to sensitive or personal information relating to children, families and vulnerable adults. (NB this will mean more information than name, address, date of birth and will therefore **not apply to most administrative posts**)

New Personnel

Any offer of appointment is conditional upon receipt of a satisfactory CRB Disclosure.

Individuals who have a Disclosure application in progress will only be able to work under supervision until the process has been satisfactorily completed.

It is the Unit Manager's responsibility to make sure procedures are followed.

New personnel who fail without good reason, to correctly complete and return their Disclosure Form within 25 days of starting in post may have their employment terminated for failing to fulfil a contractual term.

KCC undertakes to discuss any matter revealed in a Disclosure with the applicant before making a decision.

Existing Personnel

Where an offence is committed after a CRB Disclosure has been completed the individual must advise their Line Manager or Head teacher accordingly. The manager, with advice from Personnel Business Support, will decide whether the offence has any impact on the individual's ongoing employment or the type of work they are able to carry out.

If a subsequent CRB check reveals information that has not been disclosed, disciplinary action up to and including dismissal will be taken.

Existing personnel in 'regulated positions' who refuse, or persistently fail, to correctly complete a check or re-check will be subject to disciplinary action up to and including dismissal.

Voluntary Workers

This Procedure applies the same standards and processes to volunteers working in regulated positions. Therefore, no distinction is made between those who are paid or unpaid.

Volunteers who do not complete a successful CRB process will not be able to support KCC activities.

Agency Workers

Agencies are contracted to supply workers with valid CRB Disclosure checks, however, **it is the responsibility of the recruiting manager to ensure agency workers have a valid and current check whilst working with vulnerable groups.**

Providing Work For Ex Offenders

KCC will review disclosed information in strict confidence, as defined by the CRB code of practice.

KCC will ensure recruiting or enrolling managers, in consultation with Personnel Business Support or Schools Personnel Services, are able to identify and assess the relevance and circumstances of offences.

At interview, or in a separate discussion, KCC managers will ensure 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 directly relevant information, could lead to the withdrawal of an offer.

Applicants from Overseas

The CRB cannot currently access overseas criminal records or other relevant information as part of its Disclosure service, so a CRB Check may not provide a complete picture of criminal records that may or may not exist.

Some countries have their own form of criminal record check which applicants may provide.

CRB Disclosure checks must still be undertaken for staff applying for regulated positions, in addition, where possible a check from the country of origin is required.

Managers should not allow workers from overseas to work in a regulated position without discussing and agreeing the case with Personnel Business Support or Schools Personnel Services.

Guidance on how to find further information from some countries is available on KNet.

Foster Carers, Adopters and Guardians

This Procedure applies the same standards and processes to those who wish to foster, adopt or act as Guardians.

Advice and Support

If there is any doubt about the application of this Procedure, further advice must be sought from Personnel Business Support, Employee Services Centre or Schools Personnel Service CRB counter signatories and Personnel Consultants as appropriate.

Review of Procedure

This Procedure will be reviewed in accordance with legislative changes and/or business requirements

Legislative framework

- Rehabilitation of Offenders Act 1974. (as amended)
- Sections of the Police Act 1997 (as amended)
- Protection of Children Act 1999 (as amended)

- The Criminal Justice and Court Services Act 2000 (as amended)
- Care Standards Act 2000
- Sections of the Education Act 2002 (as amended)
- The Safeguarding Vulnerable Groups Act 2006
- The Protection of Vulnerable Adults (POVA) scheme