



Impact Initiatives - CRB Checks Service

Disclosure Information Pack

This information pack has been put together by Impact Initiatives. Impact Initiatives is an umbrella body registered with the CRB on the basis that it will countersign applications on behalf of others who are not registered. Impact Initiatives will accept applications from voluntary, and community organisations within Brighton & Hove, East and West Sussex that do not wish to register in their own right.

Through the 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 organisation.

CRB checks are for positions of work *excepted* from the Rehabilitation of Offenders Act 1974. Broadly, these are those 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 Secure Storage, Handling, Use, Retention and Disposal of Disclosure and Disclosure Information.
- A policy statement on the recruitment of Ex-Offenders.

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

The fees for the Disclosures, as from 6 April 2006, charged by the CRB are:

- Standard £31
- Enhanced £36
- POVAFirst £6
- Volunteers Free

In addition to the CRB fees Impact Initiatives makes an administration charge to cover our costs. If your organisation is in the Community and Voluntary Sector the administration fee is £15. **The CRB charge and administration fee is due payable for each application and payment must be made when each application is submitted for processing .**

Please make cheques payable to "Impact Initiatives".
Cash can only be accepted with applications if delivered by hand

If you have any questions regarding the service please contact the CRB Checks Co-ordinator on 01273 770127 or
Email hr.services@impact-initiatives.org.uk

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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).

Counter Signatory

A person within Impact Initiatives who can countersign the application forms.

CRB

Criminal Records Bureau.

DfES

Department for Education and Skills.

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

Information held under Section 142 of the Education Act 2002

This list was previously called 'List 99'. This list is maintained by the Department for Education & Skills (DfES) 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.

Nominated Person

An individual, within the recruiting organisation, who takes responsibility for checking documents to prove the applicant's identity and will assess the applicant's suitability to work based on the results shown on the CRB Disclosure certificate.

Positive Disclosure

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

PoCA

Protection of Children Act 1999. The PoCA List is a list of people banned from working with children. The list is managed by the Department for Education and Skills (DfES) on behalf of the Department of Health (DoH).

PoVA

The PoVA List is a list of people banned from working with vulnerable adults. The list is managed by the Department for Education and Skills (DfES) on behalf of the Department of Health (DoH).

Recruiting Organisation

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

Registered Body

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

Umbrella Body

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

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.

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 Impact Initiatives.

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.

Guidance Notes for Disclosure Applicants will be provided with the Disclosure application form by Impact Initiatives to ensure that the process is understood.

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.

Levels of Disclosure

The level of Disclosure required will depend on the type of work involved. There are two levels of Disclosure that are currently provided by the CRB through Impact Initiatives, either Standard or Enhanced. For a list of exempt positions, as set out in the Exceptions order to the Rehabilitation of Offenders Act 1974 contact Impact Initiatives or visit www.crb.gov.uk

The CRB's Disclosure service provides access to a range of different types of information, such as, information:

- held on the Police National Computer (PNC), such as, convictions, cautions, reprimands and warnings in England, Wales and those recorded from Scotland. There is also some Northern Ireland conviction data held on the PNC
- held by local police forces relating to relevant non-conviction information
- from the Government's Protection of Children Act List (PoCA)
- from the Government's Protection of Vulnerable Adults List (POVA)
- held by the Department for Education and Skills (DfES) under Section 142 of the Education Act 2002 (formerly known as List 99)

Standard Disclosure

Disclosures at this level are:

- Made with the agreement of the individual applicant concerned and signed by both the applicant and the registered body.
- For posts that involve regular contact with children or vulnerable adults and people entering certain occupations such as members of the legal professions.
- Able to show details of both spent and unspent convictions as well as cautions, reprimands and final warnings held on the Police National Computer.
- Able to give additional information for positions involving regular contact with children and will also give information contained on government department lists of people considered

unsuitable to work with children and vulnerable adults, such as those currently held by the DoH and the DfES.

Professions in which a Standard Disclosure may be required are:

- Accountants
- Ancillary staff e.g. caretakers, catering staff, cleaners (in areas where contact is likely with children / vulnerable adults e.g. schools, care homes, day centres)
- Meals on wheels drivers / staff
- Nurses (with no specific remit to work with children)
- School Governors
- Taxi Drivers (with no specific remit to transport children / vulnerable adults)
- Trustees of children's charities (with significant access to children)

Enhanced Disclosures

Disclosures at this level are:

- Made with the agreement of the individual applicant concerned and signed by both the applicant and the registered body.
- For posts involving greater contact with children or vulnerable adults, for example jobs involving **regularly caring for, supervising, training or being in sole charge of children and/or vulnerable adults.**
- Able to give the same details as a Standard Disclosure plus non-conviction information from local police records if it is thought to be relevant to the position applied for.

In these circumstances 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 from 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)

Basic Disclosure

A Basic Disclosure (termed as a "criminal conviction certificate" in Part V of the Police Act 1997) is the lowest level of Disclosure and is available to anyone for any purpose, on payment of the appropriate fee.

A Basic Disclosure contains details of convictions considered unspent under the Rehabilitation of Offenders Act 1974 or state that there are no such convictions. This type of Disclosure is only issued to the applicant. It is not job-specific or job related and may be used more than once.

There is no legal obligation on an applicant to supply a disclosure to an employer.

Basic disclosures are currently only available from Disclosure Scotland. There is no firm date for their introduction in England and Wales.

To apply for a Basic Disclosure visit: www.disclosurescotland.co.uk

The fee for a Basic Disclosure is £20 and the check. Certificates are usually issued within 14 days.

Subject Access Request

Alternatively, applicant's can submit a 'Subject Access Request' form to their local police.

Section 7 of the Data Protection Act 1998 states that a "data subject" (the person about whom the personal data refers) is entitled, upon

written request, to be informed whether or not personal data is held or processed about them on the Police National Computer.

If personal data is being held or processed, the "data subject" is allowed to be given;

- A copy of the personal data held.
- The reasons why the data is being held or processed
- Information as to what other bodies the information may be passed on to.

However some exemptions exist to prevent disclosing this information to you in certain circumstances. These can include for example;

- The prevention and detection of crime;
- The apprehension and prosecution of offenders;
- The interests of national security;

The cost of a Subject Access Request is £10 and should take up to 40 days to complete.

Forms to enable you to apply to exercise your subject access rights are available to download in a range of file formats at www.met.police.uk/dataprotection/forms.htm

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

How to Apply for a Standard or Enhanced Disclosure through Impact Initiatives

1. Impact Initiatives provides this service for voluntary and community organisations for whom it would not be economical or practical to become a registered body in their own right.
2. Contact: CRB Check Co-ordinator
Impact Initiatives
Brighthelm
North Road
Brighton BN1 1YD
Tel: 01273 770127
Email: hr.services@impact-initiatives.org.uk
3. 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. An applicant's guide to completing the Disclosure application form will also be provided.
4. 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. Impact Initiatives reserves the right to withdraw the service if it is not satisfied that the Code is being complied with.
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. Impact Initiatives will fully support a nominated person within the recruiting organisation to check identification documents for indicators of fraud (see Section 4 - *Indicators of Fraud*).
7. Once the applicant's identity has been verified, the nominated person signs the relevant section of the application form to state they have checked original documents for indicators of fraud.
8. The CRB online tracking service now provides customers with a facility to track the progress of their Disclosure application form. You will need to keep a note of the unique reference number and the applicant's date of birth. <https://secure.crbonline.gov.uk/enquiry/>
9. The nominated person will send the completed application form, continuation sheets (where appropriate), the signed document

checklist and photocopies of all documents seen as proof of identity to Impact Initiatives.

10. Payment for each application (the CRB charge and administration fee) must be sent with the application forms. Please make cheques payable to 'Impact Initiatives'. Cash can only be accepted with applications if delivered by hand.
11. The completed applications will be checked and countersigned at Impact Initiatives before being sent to the CRB for processing.
12. The CRB will validate the identity of the applicant and access government and police records, to produce the Disclosure certificate.
13. The CRB will send a Disclosure certificate to the applicant at their home address. A copy of the certificate will also be sent by the CRB to Impact Initiatives.
14. Impact Initiatives can forward the Disclosure certificate received direct to this office to lead nominated person within the organisation who takes responsibility for assessing suitability to work based on the results of the CRB check. This nominated person must sign the agreement at the rear of this pack.
15. Alternatively, Impact Initiatives 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 information for their records:
 - The reference number of the Disclosure
 - The date of the Disclosure
 - The name of the applicant
 - The type of Disclosure requested
 - The position for which the Disclosure was requested
 - The details of the recruitment decision taken.NB: Nowhere can it be recorded on a personnel file that a Disclosure certificate was clear or had positive information.
16. The recruiting organisation should discuss any positive information with the applicant before either confirming or withdrawing the job offer.
17. Guidance on dealing with information contained on a CRB Disclosure certificate is included in Section 4 of this Information Pack.

18. The organisation must ensure that once the recruitment decision has been made, any Disclosure information you hold is immediately destroyed by secure means, i.e. by shredding, pulping or burning. You cannot keep any photocopy or other image of the Disclosure or any copy or representation of the contents of the Disclosure.

Guidance on Dealing with 'Positive' Information

'Positive' information is that which identifies spent or unspent convictions or any non-conviction information from local police records.

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

Broadly, under guidelines produced by the Association of Chief Police Officers (ACPO), some recordable offences on the Police National Computer (PNC) should be deleted after 10 years, unless they show that the offender has three or more convictions, in which case the record will be kept for 20 years. The record will be kept for life where the offender has 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.

Where there are cautions, reprimands and final warnings only held on the PNC, the record will be deleted after five years, except where it has been marked as an offence against a vulnerable person.

However, records are not wiped automatically and are liable to appear on Standard and Enhanced Disclosures unless individuals take action. If an individual has a record that they think should be wiped, they should carry out a 'subject access' check under the *Data Protection Act*. For further information about wiping records, contact Nacro's Resettlement *Plus* Helpline on 020 7840 6464.

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.

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.

Recruiting organisations can discuss the information with Impact Initiatives and support will be provided. **Any advice provided by Impact Initiatives will be recorded.** If the recruiting organisation chooses not to follow this advice then **this will also be recorded.** Both parties will sign this record.

The final recruitment decision is the employer's responsibility.

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).

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

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 "unsent" 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

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

Portability Guidance

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

This practice is no longer endorsed by the CRB due to the risk factors involved. If you decide to accept a previously issued Disclosure you should carry out a formal risk assessment in order to fully understand the risks involved.

Can a Disclosure be used more than once?

There may be instances when a Disclosure issued for one position could be used for another job or voluntary position. It may be that someone who takes up a full time job and a voluntary position at the same time may wish to avoid making two applications to the CRB, or that circumstances have resulted in someone taking up a new position within a very short period of time since Disclosure was obtained.

The overriding consideration must be safety. The nature of the duties concerned and the type of Disclosure will affect whether it is necessary to reapply.

The Protection of Children Act 1999 limits the ability to re-use a Disclosure for positions that involve working with children in residential child-care organisations. In these cases a new Disclosure must be applied for at the point of recruitment.

Portability

It is the recruiting organisation's responsibility to determine whether to accept a Disclosure issued for another purpose. When doing so they should take in to account:

- The date of disclosure – how recent is it?
- Is Disclosure of an equal or higher level than required for the position?
- Did the previous position involve working with children/vulnerable adults?
- Has the applicant given permission to approach the previous employer to check the validity of the Disclosure?
- What is the risk factor taking into account other reference checks?
- Is the position regulated under the Protection of Children Act 1999?

First Post (post for which the Disclosure was issued)	Second Post (post which has been applied for)	Use Disclosure Again?
Not working with children	Not working with children	Yes
Working with children	Working with children	Yes*
Working with children	Not working with children	Yes
Not working with children	Working with children	No

* see *guidelines re Protection of Children Act 1999*

If the new recruiting organisation wishes to verify the Disclosures validity, they may, with the permission of the applicant, contact the first recruiter named on the Disclosure. A portability consent statement, copies of which are available from Impact Initiatives, must be signed by the applicant and forwarded to the original counter signatory quoting the reference number of the original Disclosure. The counter signatory should satisfy him/herself that the person making the enquiry is a genuine recruiter.

It is necessary to ask the original counter signatory if there was any 'additional' information accompanying an Enhanced Disclosure. They should answer 'Yes' or 'No' but will not be able to say more than this. If the answer is 'Yes' then a new Disclosure should be applied for.

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. BHCC Unit) 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 not be used unfairly.
- 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 Impact Initiatives) 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.

Impact Initiatives' 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, Impact Initiatives 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. Impact Initiatives 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, Impact Initiatives 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, Impact Initiatives 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, Impact Initiatives 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). Impact Initiatives 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, Impact Initiatives 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) Impact Initiatives 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. Impact Initiatives 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.

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.

CRB Checks Service - Impact Initiatives

Brighthelm
North Road
Brighton
BN1 1YD
Tel: 01273 770127
Email: hr.services@impact-initiatives.org.uk

Umbrella body for all Community and Voluntary organisations in Brighton & Hove, East Sussex and West Sussex.

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.

AGREEMENT FOR NOMINATED PERSONS

NB: Relatives or partners should not check documents

Name of Organisation:_____

We require the names of one or two nominated persons within the organisation who accept responsibility for checking forms and the original documents that prove identity. This information must be confirmed in writing on the organisations headed notepaper.

The nominated persons 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 nominated person signs the CRB Disclosure Checklist as confirmation they have seen and checked all original documents for accuracy.

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

DETAILS OF LEAD NOMINATED 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 SECOND NOMINATED 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:	
Work Telephone No:	

Signature:

Date:

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

CRB Checks Co-ordinator

Impact Initiatives, 3rd Floor, Brighthelm, Brighton BN1 1YD

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**AGREEMENT FOR IMPACT INITIATIVES OBTAINING CRIMINAL RECORDS
BUREAU DISCLOSURE ON BEHALF OF OUTSIDE ORGANISATIONS**

NAME OF ORGANISATION

Nominated Persons with whom Impact Initiatives to share information

1. LEAD NAME (Please print) _____

POSITION _____

2. SECOND NAME (Please print) _____

POSITION _____

An organisation that requires Impact Initiatives 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 Impact Initiatives.
- 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 Impact Initiatives and within the Disclosure Information Pack

SIGNED _____ **DATE** _____

Impact Initiatives 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
Impact Initiatives, 3rd Floor, Brighthelm, North Road, Brighton BN1 1YD

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