

South Gloucestershire LINK CRB Checks and Engaging Ex-offenders as volunteers: Guide to Policy and Procedure

What is the CRB

The Criminal Records Bureau (CRB) is an executive agency of the Home Office That provides access to criminal record and other information through a service called Disclosure. South Gloucestershire Link uses this service to help us make more informed decisions when recruiting staff into positions of trust, which involve regular and close contact with children and/or vulnerable adults.

This policy outlines the LINKs approach to recruiting volunteer ex-offenders and provides

procedural guidance for conducting CRB checks. This policy will be made available as part of the recruitment process to all volunteer applicants who are subject to a CRB check as a condition of recruitment.

The organisation currently used to provide CRB checks is Young Bristol

New members

It is the responsibility of the LINK Manager, in consultation with the Core group Committee Chair or deputies to determine whether an individual's conviction(s) may present a genuine risk. Normally, we will undertake to discuss any matter revealed via a CRB check with the person seeking to volunteer before withdrawing their name from the pool of volunteers available to visit.

In dealing with persons with a criminal record, the LINK will consider the following:

- For volunteers where a CRB check is required an offer will be subject to a CRB check. All volunteers are obliged to declare any 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974 as early as possible in the recruitment process.

If a volunteer refuses to consent to an Enhanced CRB check for a role identified as subject to such a check as it involves contact with children and/or vulnerable adults, South Gloucestershire LINK will not take the volunteer application any further.

Recruiting ex offenders

Having a criminal record will not necessarily bar an applicant from volunteering with South Gloucestershire LINK.

However we have a duty to protect children and vulnerable adults, It will be the responsibility of the LINK manager as the responsible officer to make a final decision based on:

- Whether the conviction or other matter revealed is relevant to the LINK visits to enter and view services in question

- The seriousness of any offence or other matter revealed;
- The length of time since the offence or other matter occurred;
- Whether the applicant has a pattern of offending behaviour or other relevant matters;
- Whether the applicant's circumstances have changed since the offending behaviour or the other relevant matters; and
- The circumstances surrounding the offence and the explanation(s) offered by the convicted person.

All information will only be seen by those involved in the volunteer recruitment process

Recruitment decisions based on ongoing investigations

In a small number of cases, an Enhanced CRB check may result in the local police

force disclosing non-conviction information to the LINK only and not to the individual. This may be because the information relates to an ongoing investigation.

This information must not be disclosed to the individual under any circumstances. If

the information is deemed to show that the individual would present a genuine risk if

they were to be employed or were to continue with employment, legal advice should

be sought on how to proceed

Schedule Four Offenders and individuals banned from working with children and/or vulnerable adults

Under the Criminal Justice and Court Services Act 2000, it is an offence punishable

by imprisonment to apply for work with young people and/or vulnerable adults if an

individual has been:

- Convicted of a Schedule Four Offence³ and/or;
- Put on the Protection of Children Act List (POCA⁴) and or;
- Put on the Protection of Vulnerable Adult List POVA⁵ and/or;
- Considered unsuitable or banned from working with children under section 142 of the Education Act of 2002⁶.

It is also an offence for anyone knowingly to employ such a person in such a capacity,

either on a voluntary or a paid basis. If such information is received as a result of a CRB check the individual must be reported to the police immediately. In

such circumstances, an existing member of staff

would be subject to disciplinary action (up to and including dismissal).

Fraudulent misrepresentation of conviction details

All volunteers are obliged to declare any unspent convictions if their position is subject to a CRB check. If it becomes apparent (through a CRB check or otherwise) that an individual has fraudulently misrepresented their conviction history or other relevant information, by not disclosing it when given the opportunity to do so, the volunteer role offer will be withdrawn.

Allegations of criminal behaviour and/or convictions

Claims made by a third party regarding the alleged criminal behaviour and/or conviction history of an individual should be viewed with caution. LINK members should refer to the LINK Manager who will take the information to the Core Group.

Procedural Notes

New volunteers will be given an instruction booklet and CRB form to be completed. The employee fills out the front page, The LINK manager completes the back page. Personal ID Documents will need to be checked at this point. A copy of the front and back page will be retained by the LINK administrator in a secure place, (see storage below). The CRB is then fully completed by the volunteer and handed back to the LINK manager in a sealed envelope which will be sent to Young Bristol. This procedure takes on average 4-6 weeks. South Gloucestershire LINK will pay the cost of the CRB check.

Safeguards

The CRB can only access criminal records (convictions, cautions, reprimands and warnings) held on the UK Police National Computer. Therefore, when recruiting an overseas volunteer or a volunteer with a substantial period of overseas residency a CRB Check may not provide a complete picture of their criminal record that may or may not exist. Therefore, it is at the discretion of the Bristol LINK to ask that applicants obtain a 'Certificate of Good Conduct' from the relevant country/countries where available. Although procedures for different countries vary, this may usually be obtained from the relevant Embassy.

Secure storage, handling, use, retention and disposal of CRB Checks

South Gloucestershire LINK complies fully with the CRB Code of Practice [www.CRB Check.gov.uk/](http://www.CRBCheck.gov.uk/) regarding the correct handling, use, storage, retention and disposal of CRB Disclosure information. It also complies fully with its obligations under the Data Protection Act 1998. The LINK will ensure that information contained in CRB Disclosures is available only to those who need to have access in the course of their duties. All recipients of CRB Disclosure information must treat such information with care and responsibility. Where additional information has been released (as a separate letter from the Chief Police Officer) this additional information must be handled, stored, retained and used in exactly the same way as any other CRB Disclosure information in accordance with the Code of Practice. However, the information contained within this letter must never be revealed to the applicant or be shown to any other person not involved in the volunteer recruitment decision.

Storage and access

CRB Disclosure information will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to the Lead Signatory at the Care Forum and those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, CRB Disclosure information is only passed to those who are authorised to receive it in the course of their duties (e.g. LINK manager and Core Group Committee). It is a criminal offence to pass this information to anyone who is not entitled to see it.

Usage

Information contained within a CRB Disclosure is only used for the specific purpose for which it is requested and for which the applicant's full consent has been given.

Retention

Once a volunteer recruitment (or other) decision has been made, we do not keep criminal records information contained in a CRB Disclosure for any longer than is necessary. This is generally for a period of up to six months, to allow for consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the CRB about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail. However, we will keep an electronic record on the computer database of the date of issue of an Enhanced disclosure, the name of the subject, the type of CRB Check carried out (i.e. Standard or Enhanced), the position for which the CRB Check was requested and the unique reference number of the CRB Disclosure. We do not record the contents of the individual Disclosure but we do record the fact that a check has been undertaken. The same principles apply for international certificates of good conduct where information on offences committed outside of the UK have been obtained from the relevant embassy.

Disposal

Once the retention period of six months has elapsed, we will ensure that all CRB Disclosure information is destroyed by secure means i.e. by shredding.

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