

Thank you for downloading the CRB Application Pack.

You may be aware, the CRB have implemented new registration regulations which include quality standards for umbrella bodies to ensure that the Disclosure process is adhered to.

Within these quality standards is a requirement for the Association to check that the organisations for which we countersign Disclosures are aware of the correct policies and procedures for handling Disclosure information.

You should therefore ensure that there is a policy on the recruitment of ex-offenders (this may be included within their Equal Opportunities Policy) and that the requirement of a CRB Disclosure is identified within your requirement information.

In order to meet the quality standards and to assist you with the accurate completion of Disclosure applications forms please see the attached documents:-

- **Umbrella Body Agreement Form** – to be completed by the person(s) responsible for Disclosures within your organisation and returned to BACP
- **BACP Code of Practise for Recipients of Disclosure Information**
- **BACP Guidance Notes for Organisations submitting CRB Disclosure Forms**
- **CRB Guidance**
  - **ID Checking Process**
  - **Sample Policy Statement on the Recruitment of Ex-Offenders**
  - **Recruiting Safely**
  - **BACS Payment Notification**

We hope this information is useful but if you any further queries please do not hesitate to call us.

Kind regards

*CRB Team*

**BARNSELEY ASSOCIATION OF COMMUNITY PARTNERSHIPS  
CRB UMBRELLA BODY AGREEMENT FORM**

Barnsley Association of Community Partnerships acts as an Umbrella Body for CRB Disclosures and as such we can process and countersign applications on behalf of other organisations.

In order to do this a person responsible for Disclosures within your organisation / company must read the following statements and code of practice and sign the declaration below. We will be unable to process any checks for you until this declaration has been returned due to our obligations as an Umbrella Body.

**Policy Statements:**

- We agree to comply with the CRB Code of Practice and will make all applicants aware of this document (copies available on request)
- We agree to adopt and comply with the Association's Policy Statement for the correct handling, usage, storage, retention and disposal of Disclosures and Disclosure information
- We have a Recruitment of Ex-offenders policy in place, will supply a copy of this to all applicants and make potential applicants aware of the requirement for a CRB check (a sample policy is available on request)
- We will ensure that all information supplied to the Association to allow them to countersign the application will be complete and accurate
- We will be responsible for completing the required Identity Checks and completion of Sections W and X of the application form, following the CRB ID Checking Process guidance, to verify the applicant's identity

**Declaration**

I confirm that I have read and understood all of the above and I am aware of the relevant Policies and Acts to which the below named organisation, I am signing for, must adhere.

**Organisation Name:** .....

**Organisation Address:** .....

**Company / Charity No:** .....

**Telephone No:** ..... **Fax No:** .....

**Email\*:** .....

**Signed:** .....

**Printed Name:** ..... **Position** .....

*\*Due to the increases in post office charges effective of 01/04/07, we are taking steps to prevent higher costs being passed on to client organisations. To help us keep our costs at a reasonable level, please include your e-mail address where possible for CRB information to be forwarded electronically*

**Please return to BACP, Mapplewell & Staincross Village Hall, Darton Lane, Mapplewell, Barnsley, S75 6AL**

## **BARNSELY ASSOCIATION OF COMMUNITY PARTNERSHIPS CODE OF PRACTICE FOR RECIPIENTS OF CRB DISCLOSURE INFORMATION**

### **Policy Statement: 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, Barnsley Association of Community Partnerships 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 & Access*

Disclosure information is never kept on an applicant's personnel file and is always kept separately and 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. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and we recognise 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. Disclosure information will not be sent out to any organisation without the full consent of the applicant (consent forms are available from the Association). The Association may, if appropriate, indicate to an organisation that a Disclosure contains information that may be relevant.

#### *Retention*

Once a recruitment (or other relevant) decision has been made, we do 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 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 individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

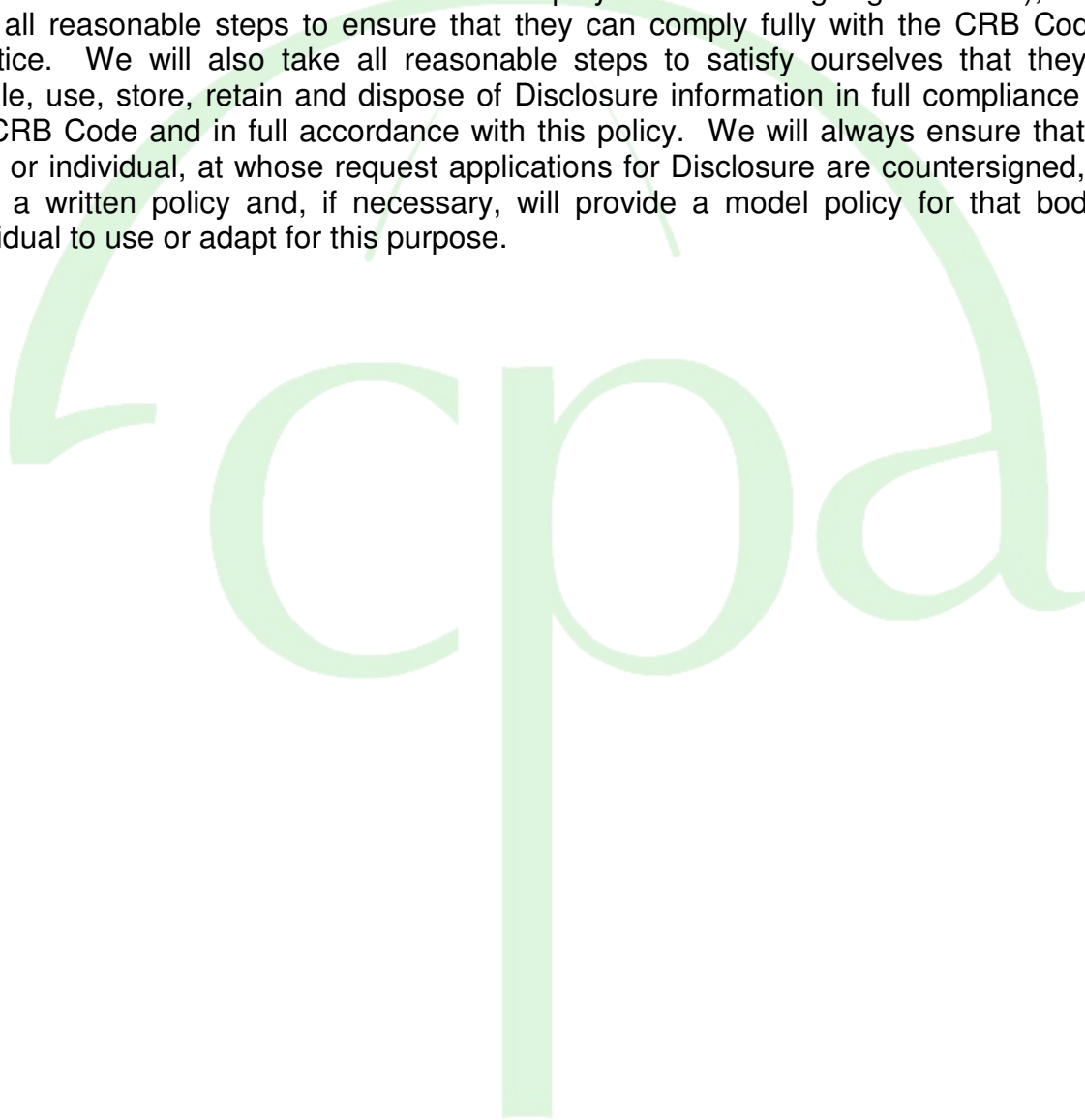
#### *Disposal*

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately suitably destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure

receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we 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 and Umbrella Body*

Before acting as an Umbrella Body (one which countersigns applications and receives Disclosure information on behalf of other employers or recruiting organisations), we will take all reasonable steps to ensure that they can comply fully with the CRB Code of Practice. We will also take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of Disclosure information in full compliance with the CRB Code and in full accordance with this policy. We will always ensure that any body or individual, 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.



# Barnsley Association of Community Partnerships

## CRB / ISA REGISTRATION APPLICATION FORM GUIDELINES

### General Rules – Do's and Don'ts

**PLEASE NOTE THAT BECAUSE OF RECENT GOVERNMENT CHANGES YOU CANNOT APPLY FOR ISA REGISTRATION AT PRESENT**

What follows are some general rules that apply throughout the application form. Failure to follow them may result in the application form being returned for correct completion and delay the application – please ensure when checking the applicant's details that they, too, have followed them correctly.

**Organisations consistently completing forms inaccurately will be charged a £10 penalty.**

- Write clearly in CAPITAL LETTERS using **black** ink and place only one letter or number in each box.
- If any of the fields are not relevant to the application, please leave them blank. Do not strike through any of the sections or state that a field is 'not applicable' or 'N/A'.
- Do not write anything outside the boxes on any part of the form, including the front page.
- Don't place any stickers or stamps on the form, for example address labels.
- Do not use correction fluid.
- If you make a mistake when choosing one of the X boxes, place a cross in the correct box and circle it.
- If you make a mistake when writing in your or the applicant's details, put a line through the mistake and write the correct information alongside it in the next available text box to the right. If this doesn't leave you with enough space, then you must include it instead on the official continuation sheet.
- Continuation sheets are included but can also be downloaded from the CRB website at [www.crb.homeoffice.gov.uk/continuation](http://www.crb.homeoffice.gov.uk/continuation)
- Use them to record any information that is required but which will not fit in the boxes provided on the application form.
- Adhere to the same general rules when filling in the continuation sheet that are outlined here for completing the application form.
- Include the application form reference number (located on the front of the form) along with the name and date of birth of the applicant on the continuation sheet to ensure it can be matched up to the form.
- Do **not** attach anything to the form by any means. Continuation sheets should be placed inside the relevant form.

As a Registered Body, you must complete all the mandatory information – that is the fields marked in blue - in Sections **w** and **x** and all other fields that are relevant to the application.

If you answer 'yes' to any of the questions marked in blue, you must then go on to complete the rest of the details requested.

During your checks you must also complete the verification boxes in sections **a** and **b** of the form. Be careful when you are filling out your parts of the form and when carrying out checks of applicant details as any errors may delay the application or cause the form to be rejected.

## Sections a, b, c, d, e – Completion of form by applicant

Organisations should check that all the required fields have been completed by the applicant:

- All fields marked in **yellow** are mandatory for the applicant, ensure that ALL these sections are complete
- If at **a4** the applicant has answered yes, ensure that a5 – a13 has been completed where necessary (dates to and from should be written in mm/yyyy format)
- Where the applicant has answered 'yes' in **a20, a22, a24, a28 & a30** you must ensure that the related details are entered in the fields below **a1-a3, a14, a21, a23 and a25**
- Ensure that the applicant has provided a full 5 year address history in Sections **b** and, if required **c**. A continuation sheet should be completed if additional space is required.
- If the applicant is applying for ISA registration, ensure they have answered 'yes' in **d50** and have completed **d51, d52, d53 & d54**
- Ensure that Section **e** has been completed and that the applicant has signed and dated the form.

## Section w – Evidence of Identity

Section w of the form must be filled out in tandem with the verification boxes contained in sections **a** and **b**, all of which relate to the identity of the applicant.

The Registered Body's approved ID evidence checker must vigorously check the identity of the applicant from the list of approved documents. This is vital to the application process and the integrity of the checks carried out by the CRB, so please ensure extreme diligence throughout this process.

Only original documentation should be provided by the applicant, do not accept photocopies.

For more information about the range of documents that can be accepted as evidence of an applicant's identity, go to [www.crb.homeoffice.gov.uk/id](http://www.crb.homeoffice.gov.uk/id)

To assist you, or the person carrying out the ID checks on your behalf, there are a number of verification boxes in **section 'a'** of the form and a further verification box in **section 'b'**. These are labelled 'registered body use only'.

The person named in **w58** must place an X in the relevant verification boxes to indicate that they have seen an original ID document which matches exactly the information provided by the applicant, if the field relating to that document has been completed.

- **Applicants Name(s) (a1 – a3)** The first set of checks refers to the applicant's current name, including their title, surname and forenames.

If the details provided in **a1** to **a3** are different to the applicant's name at birth, ensure that you see the relevant documentation, for example, a marriage certificate or deed poll, which validates their name change. Documents in a previous name may be accepted but only where the applicant can provide documentation supporting a name change. Once the

applicant's names have been verified place a cross in the relevant verification box.

- **Date of birth (a14):** The applicant must provide at least one document for you to be able to validate their date of birth. When checking this field, please ensure that it has been completed using the correct format – with the day followed by the month and then the year in full. Be particularly careful to check that the American format has not been used, as this would switch the day and the month around.
- **National Insurance Number (a20 - a21):** If the applicant has crossed the 'yes' box at **a20** to indicate that they have a national insurance number you should check that any documentary evidence provided which includes a national insurance number matches the number in **a21** and place a cross in the relevant verification box.
- **Driving Licence (a22 – a23):** If the applicant has indicated that they hold a valid UK driving licence by crossing the 'yes' box at **a22**, you must ensure the driving licence number on the original document matches the information the applicant has supplied on the form.

Remember, the photocard element of a UK driving licence is only valid with the paper counterpart – you must see both parts to be able to validate the applicant's identity. Ensure the photograph and the name on the licence match the applicant. Once you have verified these details, cross the relevant verification box.

- **Passport (a24):** If the applicant has crossed the 'yes' box at **a24** to indicate they hold a valid passport, you must ensure that the passport number supplied on the application form matches the number on the original passport.

Although the verification check box only refers to this field, please also check that the applicant has correctly filled in all the fields relating to their passport.

- **Current Address (Section b):** It is important that you check carefully the current address supplied. The county field is the only one that is not mandatory. All other fields must be completed or the application will be delayed.

If the applicant lives in the United Kingdom, please ensure they have written UNITED KINGDOM in **b36** and also supplied their postcode in **b35**.

Finally, check if the applicant has filled in the date field at **b37** with the month followed by the year in full to indicate the date they first started living at their current address. Once you have verified the current address details from the original versions of acceptable documentation, cross through the box in **section b**.

If the applicant has been at their current address for less than five years please ensure that they have completed a full five year address history in **Section c** including dates from and to. A continuation sheet should be used if further addresses need to be detailed.

## Section w

**[w58] Name of Evidence Checker:** Please enter the full name of the person who has seen the documents presented to support the identity of the applicant. This can be entered by the person who carried out the identity check.

**[w59]** Once all the identity checks have been completed, the person who carried them out must place an X in the relevant box to indicate whether they have established the applicant's true identity by examining original and valid versions of documents and completing the verification check boxes.

Every effort must be made to establish the applicant's true identity in line with the full list of acceptable ID documents, which is available from [www.crb.homeoffice.gov.uk/id](http://www.crb.homeoffice.gov.uk/id)

In the exceptional circumstances that you are unable to do so, you must provide a full explanation of why that is the case.

## Section x – apply for a CRB check

Section x of the application form relates to applications for a CRB check.

If the applicant requires both a CRB check and ISA-registration for the same post, they should apply using one form. If the CRB check and ISA-registration are for different posts, they must apply for each one on separate application forms. **PLEASE NOTE YOU CANNOT APPLY FOR ISA REGISTRATION AT PRESENT**

As the application form may be used to apply for ISA-registration only, the first question in this section **must** be completed to indicate whether or not a CRB check is required as part of the application.

**[x60] Apply for a CRB Check:** If a CRB check is not required, you must cross the 'no' box. As this indicates the form is being submitted to apply for ISA-registration only, please ensure the applicant has crossed the 'yes' box at **d50** and has indicated whether they intend to work with children or vulnerable adults, or both.

When a CRB check is not being applied for, no further details are required in section x. Once you have crossed the 'no' box at **x60**, simply move on to section y.

If, however, a CRB check is required then you must cross the 'yes' box and complete the remainder of the fields in this section as appropriate.

Refer to the CRB website [www.crb.homeoffice.gov.uk/eligibility](http://www.crb.homeoffice.gov.uk/eligibility) for the full list of categories for which a CRB check can be applied for.

**[x61] Position Applied For:** Enter the details of the position for which the CRB check is required.

**[x62] Organisation Name:** Enter the full name of the organisation for which the applicant will work.

**[x63] Level of CRB Check:** Place an X in the relevant box to indicate which level of CRB check is required. Please only select one option.

A Standard CRB check is not appropriate for those working with children or vulnerable adults as it does not provide a check of the ISA barred lists. If you place a cross against the 'standard' box at **x63** move on to **x67** and **x68** to complete this section. These fields are explained within this guide.

As ISA-registration relates to those working, or intending to work, with children or vulnerable adults in regulated or controlled activities, an application form that requests a Standard CRB check cannot be used to apply for ISA-registration.

Please ensure the applicant has crossed the 'no' box against **d50** and has left the remainder of section d blank. If ISA-registration is required in relation to a different post, a separate application form must be completed.

If the applicant is applying for work in a 'regulated activity' with children or vulnerable adults then an Enhanced CRB check can be applied for.

For more information about regulated activities go to [www.isa.gov.org.uk](http://www.isa.gov.org.uk)

If you have crossed the relevant X box to indicate that an Enhanced level of CRB check is being applied for, you must complete all the remaining fields in this section.

**[x64-65] Registered to work with Children or Vulnerable Adults:** These questions allow you to indicate if you require a check of the relevant ISA Barred lists as part of the Enhanced CRB check. They are also important to help the police determine the relevancy of the information they hold in relation to the position applied for.

A check of both the ISA Children's List and the Vulnerable Adults' List is not automatically included as part of the Enhanced CRB Check – which list is checked is dependent on the nature of the work the applicant will be undertaking. If the position involves working with both groups, then you should answer 'yes' to both questions. If you have not crossed the relevant box and the position involves working with either vulnerable group, the completed CRB check will not show information from the relevant ISA barred lists.

**[x66] Working at home address:** For some jobs, such as fostering, adoption and child minding, the work is carried out in the applicant's own home. Where this is the case, the police may conduct additional checks on the property and on other members of the household to ensure that there is no additional risk involved. Place a cross in the relevant box to indicate if the applicant will be working with children or vulnerable adults or both in the applicant's home address as listed in section b.

**[x67] Application Type:** Place a cross against **one** of the options at **x67** to indicate the reason why you are applying for the CRB check. This could be an application for:

- **a new post holder** – if the applicant is new to the position recorded in Section x.
- **an existing post holder** – if the applicant is already working in the position recorded in Section x, but has never been CRB checked
- **a re-check of an existing post holder** – if the applicant is already working in the position recorded in Section x, has been CRB checked for this position in the past and is being re-checked.

**[x68] Volunteer:** Cross the relevant box to indicate if the CRB check is for a **voluntary post** and should be issued free of charge.

A volunteer is defined as someone 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.”

If the ‘yes’ box is marked in error and the post does not meet the CRB definition for a free of charge volunteer, the CRB may recover the application fee and the error could put your registration with the CRB at risk. BACP will also require you to complete a Volunteer Clarification Form to confirm the applicant receives no payment or benefit.

### Section y – Statement by registered person (BACP only)

Once all parts of sections w and x have been completed, BACP will complete the rest of section y, these should be left blank for BACP to countersign and add their specific countersignatory number.

**[y71] Payment: Do not cross this section and make all payments to BACP.** Please note applications will not be submitted until payment has been received.

#### **CRB CHARGES\***

**Standard CRB check** £26

**Enhanced CRB check** £36

**\* Plus £24 BACP administration fee for Standard check (total £50)**

**\*Plus £19 BACP administration fee for Enhanced check (total £55)**

**Volunteers** Free

**\* Plus £10 BACP administration fee (total £10)**

Please make Cheques payable to **Barnsley Association of Community Partnerships Ltd – Disclosures will not be processed prior to payment.**

**We also welcome payment by BACS** – see copy of letter enclosed.

**[z]:** Do not fill in section z – this is for CRB use only

Please do not delay in sending the application, including any continuation sheets, into BACP. A form will be rejected if the date against the registered person's signature is more than 90 days old when the application is received by the CRB.

Complete applications should be sent to: **Alison Ward, BACP, Mapplewell & Staincross Village Hall, Darton Lane, Mapplewell, Barnsley, S75 6AL**

## **Receiving Disclosures**

Once a correctly completed application and the required payment has been received by BACP the application will be forwarded to CRB. Forms will usually be processed by CRB within 3-4 weeks.

A copy of the Disclosure and/or ISA registration will be sent to the applicant and a copy of the Disclosure will be sent to BACP.

Organisations will be notified if there is any information on the Disclosure which they should be made aware of, although specific details may not be disclosed.

Organisations are advised to make arrangements with the applicant to see their copy of the Disclosure unless specific arrangements have been agreed with BACP (i.e. a signed consent form has been received). Disclosures will otherwise be securely stored by BACP and disposed of as required by the Code of Practice.

**Please note additional copies of CRB Disclosures cannot be obtained once completed if lost or mislaid for any reason.**

# Barnsley Association of Community Partnerships

## CRB & ISA REGISTRATION

### ID Checking Process

Registered Bodies play an important role in the provision of the Disclosure service, in particular they must:

- Check and validate the information provided by the applicant on the application form; and
- Establish the true identity of the applicant, through the examination of a range of documents as set out in this guidance; and
- Ensure that the applicant provides details of all names by which they have been known and all addresses where they have lived in the last 5 years; and
- Ensure the application form is fully completed and the information it contains is accurate.

Failure to do this may compromise the integrity of the Disclosure service. If you are unsure about any part of the ID checking process please contact BACP.

#### **Please note that:**

- You must only accept valid, current and original documentation.
- You must not accept photocopies.
- You must not accept documentation printed from the internet e.g. internet bank statements.
- Identity information (e.g. name, date of birth, address etc.) recorded in Section X on the Disclosure application form must be cross-matched with those provided by the applicant in sections A-C.
- You should where possible, ask for photographic identity (e.g. passport, new style driving licence, etc. and for this to be compared against the applicant's likeness).
- All documents must be in the applicant's current name as recorded in Section A (see below for guidance on recent changes of name).
- One document must confirm the applicant's date of birth as recorded in Section A.
- You must see at least one document to confirm the applicant's current address as recorded in Section A. Only place a cross (x) in Section X15 if you have seen two documents.
- You must provide a full and continuous address history covering the last 5 years. Where possible you should seek documentation to confirm this address history.
- You should cross match the applicant's address history with any other information you have been provided with as part of the recruitment, such as their CV. This can highlight if an address has not been given e.g. if the applicant's CV shows that they have worked in Liverpool in the last 5 years but the application form only shows London addresses, you may wish to question the applicant further about this.

Only one document from each of the subgroups in Group 2 should be included in the document count e.g. do not accept two bank statements as two of the required documents, if they are from the same bank.

- If the applicant has completed any part of Section X on the application form, you must cross out any information that has not been seen by the approved document checker.
- You cannot accept the foreign equivalent of an identity document if that document is listed as '(UK)' on the list of valid identity documents.
- If an identity document is provided in a foreign language, you must obtain a translation of that document, certified by a Notary Public.

How many documents do I need to see?

**Can applicant produce any documents from Group 1?**

- Yes - 3 documents must be seen. One document from Group 1 plus any two from Groups 1 or 2.
- No - 5 documents to be seen. Five documents from Group 2

**List of Valid Identity Documents**

**Group 1**

- Passport
- UK or EU National Identity Card
- Identity Card for Foreign Nationals (ICFN)
- Driving Licence (UK) (Full or provisional)  
-England/ Wales/ Scotland/Northern Ireland/Isle of Man /Jersey; either photocard or paper (a photo card is only valid if the individual presents it with the counterpart licence; except Jersey)
- Birth Certificate (UK and Jersey) - issued within 12 months of date of birth – full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces
- HM Forces ID Card (UK)
- Firearms Licence (UK)
- Adoption Certificate (UK and Jersey)

**Group 2**

- Marriage/Civil Partnership Certificate
- Financial Statement \*\* - e.g. pension, endowment, ISA
- Birth Certificate
- Vehicle Registration Document (Document V5 old style and V5C new style only)
- P45/P60 Statement \*\*(UK)
- Mail Order Catalogue Statement\*
- Bank/Building Society Statement\*
- Court Claim Form\*\* (UK)
- Documentation issued by Court Services\*
- Utility Bill\* - electricity, gas, water, telephone – including mobile phone contract/bill Exam Certificate e.g. GCSE, NVQ, O Levels, Degree
- TV Licence\*\*
- Addressed Payslip \*
- Credit Card Statement \*
- National Insurance Card (UK)
- Store Card Statement \*
- NHS Card (UK)
- Mortgage Statement \*\*
- Benefit Statement\* - e.g. Child Allowance, Pension
- Insurance Certificate \*\*
- Certificate of British Nationality (UK)
- Council Tax Statement (UK) \*\*
- Work Permit/Visa (UK) \*\*
- A document from Central/ Local Government/ Government Agency/ Local Authority giving entitlement (UK)\*:  
e.g. from the Department for Work and Pensions, the Employment Service , Customs & Revenue, Job Centre, Job Centre Plus, Social Security

- One of the following documents from the United Kingdom Borders Agency (UKBA) (formerly the Immigration and Nationality Directorate – IND) (UK):

Do not use more than one of the following documents

- Convention Travel Document (CTD) - Blue
- Stateless Person's Document (SPD) - Red
- Certificate of Identity (CID) - Brown
- Application Registration Card (ARC)
- Immigration Status Document (ISD)
- CRB, Disclosure Scotland and ISA Certificate (UK) \*\*
- Letter from a Head Teacher \*
- Connexions Card; including those cards carrying the PASS accreditation logo (UK)
- General Medical Council (GMC) Certificate

GMC Registration Certificates now form part of the Group 2 authentication documentation accepted by the CRB. It should be noted that information on these certificates becomes outdated rapidly. Up to date information about a doctor's registration status can be obtained by checking the List of Registered Medical Practitioners at <http://www.gmc-uk.org/>

**\* documentation should be less than three months old**

**\*\*issued within past 12 months**

**At least one document must confirm the applicant's current address and at least one document must confirm the applicant's date of birth and must be in the applicant's current name.**

**This list is subject to amendment**

## EXAMPLE POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

It is a requirement of the CRB's Code of Practise that all registered Bodies must treat Disclosure applicants who have a criminal record fairly and do not discriminate because of a conviction or other information revealed. It also obliges Registered Bodies to have a written policy on the recruitment of ex-offenders; a copy of which can be given to Disclosure applicants at the outset of the recruitment process.

To help you meet this requirement the CRB has produced the following sample policy statement which can be used or adapted for this purpose.

This policy statement can also be included within your company's Equal Opportunities policy.

### Sample Policy Statement

- As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for position of trust, [*Organisation Name*] complies fully with the CRB Code of Practise 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 a conviction or other information revealed.
- [*Organisation Name*] is committed to the fair treatment of its staff, potential staff or users or its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, 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 any early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within [*Organisation Name*] and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- Unless the nature of the position allows [*Organisation Name*] to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in 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 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.

# RECRUITING SAFELY

## WHAT TO DO IF A CRIMINAL RECORD IS REVEALED ON A DISCLOSURE

### Information on Disclosures

You can confirm the appointment of a new employee if there are no convictions, cautions, reprimands, final warnings or other non-conviction information on the Standard or Enhanced Disclosure. The Standard or Enhanced Disclosure will also show whether, under Schedule Four of the *Criminal Justice and Courts Services Act 2000* (see below), the person is banned from working or seeking work with young people under the age of 18. If the person is banned, you should contact the police, who will take appropriate action. It is an offence for a person banned from working with young people to apply for such work and for an employer knowingly to employ a banned person in such a capacity.

If there is information listed, generally the Disclosure will confirm what the applicant has previously revealed, and you will have taken this into account when you offered the applicant employment. Where a Disclosure confirms information that you have already taken into account, you should not rescind the offer of employment without very good reason. (Some employers operate a system whereby offers of employment are subject to a later date to final approval from the Head of Human Resources or other senior member of staff but applicants are not warned of this. Such offers of employment must not be made if the decisions of interview panels are subject to final approval from senior management.)

If, however, there are significant discrepancies between the information that the applicant has provided and the information on the Disclosure, or if the information on the Disclosure has not been disclosed earlier (either because you did not ask or the applicant failed to reveal it), then further consideration to anyone who failed to disclose an offence, no matter how irrelevant the offence was. This was unreasonable. Applicants should not be rejected outright (or dismissed), especially if they have resigned from their previous employment in order to take up the appointment.

If it is clear from an early stage that an appointment is likely to be subject to a Standard or Enhanced Disclosure, applicants will be less willing to conceal their records deliberately. If the discrepancies are serious, there is a

### Challenging information on Disclosures

If the discrepancy arising from an apparent mistake on a Disclosure is serious enough to exclude the applicant from the post, a final decision about the appointment should be deferred until the person has had an opportunity to rectify the situation. Applicants can dispute the information on Disclosures which they deem to be incorrect by contacting the CRB. If a mistake has been made, a fresh Disclosure will be issued to both the applicant and the employer.

possibility that a mistake might have been made; for instance, the information contained on the

Disclosure may relate to someone else with the same name. While every effort is made by the CRB to ensure that Disclosures are accurate, a mistake may occur.

In some cases, a discrepancy may have occurred because the applicant simply did not realise they had a record, or was mistaken about the sort of conviction or sentence they received. For instance, many people are wrongly advised that their convictions will be wiped from the record when they reach the age of 21. This is not the case but they would not necessarily know this. Many people do not know what convictions they have because they do not understand court processes.

In some instances, it may be clear that the applicant is unsuitable for the post they have applied for *because* of their record. For example, someone convicted of one of the Schedule Four offences listed in Appendix C will be unsuitable for work with children and vulnerable adults. In other instances involving offences not listed in Appendix C, however it will not be clear whether a person is suitable until questioned further. It may be that at a subsequent interview the applicant can provide the reassurance that is needed:

- by making it clear that the offence(s) is (are) in the past – eg or they were committed when the applicant was young or going through particular difficulties which have been resolved. (Note, however, that many people with recent convictions will also have reached the point where they want to put their

- offending behind them and put their talents to constructive use.)
- if their offences are non-sexual, by indicating that they have changed (eg they have family and other responsibilities now and are keen to work and lead a law-abiding life).

If the offence is not work-related or if the post is at a level of responsibility which means that the

applicant does not represent a risk, you could consider taking on the applicant if in all other respects they are suitable for the job.

A flow chart covering the process for dealing with Disclosures is set out below. Where you would prefer to talk through the process with someone, you could contact Nacro's Resettlement Plus Helpline.

### **Limitations of Disclosures**

There is a limit to the usefulness of the information provided by Standard or Enhanced Disclosures. Where information is revealed, the Disclosure will generally only provide the basic facts – the name and date of offences, for instance, and the sentence. It will not put them into context. Nor will it explain what particular offences mean, in which case you may need to refer to a good legal reference book, such as Card, Cross and Jones, 1998, or contact an appropriate agency

The Disclosure may also not provide information on people convicted abroad, although the CRB will draw on data on the Police National Computer which contains details of some 70,000 offences committed overseas. (For this reason, registered bodies should be cautious about relying on checks on those with little if any residence in the UK and should also exercise caution in respect of those with gaps. The CRB may be able to offer advice about criminal record checking services overseas so that employers can ask individuals to obtain the local equivalent of a Disclosure if that would be sensible in a particular case.)

In a small number of cases an Enhanced Disclosure check may result in the local police force disclosing non-conviction information to the registered body only and not the applicant: this may include information about a current investigation. This may be very important in determining whether someone is a suitable person for a particular post, but it should be remembered that this information must not be passed on to the applicant.

Good recruitment policies in general will often provide a better guide to applicants' suitability for posts. By carefully scrutinizing applicants at earlier stages in the recruitment process; looking for inconsistencies and gaps in the information they provide; asking the right questions in interview concerning suitability for posts on offer; taking up references; and, where necessary, questioning referees, you will be in a much better position to determine whether you have a suitable person for your vacancy.



## Flowchart for dealing with Disclosures

