

Protection of Children:

Disclosure of Criminal Backgrounds of those with Access to Children

March, 2003

Notes of Guidance for Schools on Impact of Disclosure Legislation on Recruitment and Selection

The introduction of the Criminal Records Bureau to provide "Disclosure" information will impact on several areas of the recruitment process.

1. The Advertisement (Chapter 2, Section 2 – subsection 6)

- 1.1 The advertisement should indicate that the successful candidate will be required to apply for Disclosure. The following form of words is suggested: *"In accordance with the Police Act 1997 all posts in schools are subject to disclosure of criminal records"*. All recruitment advertisements placed through the Schools' Personnel Team will automatically include this statement.

2. The Recruitment Pack (Chapter 2, Section 2 – subsection 7)

- 2.1 Application forms (for both teaching and non teaching posts) will be amended to include information on the requirement for Disclosure. In addition to those items already listed in the Recruitment Code of Practice, all applicants should be sent a copy of "Important Information for Applicants for Posts in Schools – Disclosure of Criminal Records" (see Appendix F), supplies of which are available from Human Resource Services at Borough Hall. Copies of the Council's policy on Disclosure (see Appendix A) and the CRB's Code of Practice are available, on request, from Human Resource Services. The letter inviting candidates for interview should make it clear that they will be required to produce proof of identity at interview (see Appendix D).

3. The Appointment (Chapter 2, Section 2 – subsection 12)

- 3.1 All posts in schools will now be subject to satisfactory Disclosure clearance. The Disclosure application form requires confirmation that proof of identity has been produced.
- 3.2 The CRB recommend that two items of identity are checked:
 - one giving photographic evidence, such as a passport or photo driving licence;
 - the second with proof of home address such as a utility bill or bank statement.
- 3.3 Photographic evidence can only be checked by someone who has met the applicant. Since officers within Human Resource Services, who are responsible for countersigning the Disclosure application are unlikely to have met the applicant, it will be for the interviewing panel to establish identity. A proforma confirming that identity has been established, signed by the Headteacher (or other senior member of staff present at the interview) should be sent to the HR Transaction Team, attached to the appointment documentation where appropriate (see Appendix D1). It is acknowledged that there may be circumstances where applicants cannot produce the required proof of identity, particularly photographic evidence. Applicants should not be disadvantaged by their inability to provide photographic evidence and headteachers should take reasonable steps to satisfy

themselves of identity by some other means. CRB, on receipt of an application, will carry out further identity checks against public records such as the register of electors, so evidence of identity at school level will be only one step in the process (see Appendix B for full details of requirements in respect of proof of identity).

- 3.4 The school should provide the successful applicant with a Disclosure application form (or indicate on Form TS4 "Offer of Appointment" if they have not done so, in order that the HR Transaction Team may forward one to the individual). The completed form should be returned by the applicant to the Human Resource Services at Borough Hall where it will be countersigned and forwarded to the CRB. The results of the check will be sent to both the applicant and the countersignatory.
- 3.5 Schools are reminded that there is already a requirement that all prospective employees provide evidence to their employer of the right to live and work in the UK (see Schools' Personnel Handbook Chapter 2, Section 2, supplement 2). Candidates who provide evidence of identity for Disclosure purposes in the form of a British passport will be meeting this requirement simultaneously.
- 3.6 It should be stressed to the successful applicant that an offer of employment will be subject to satisfactory Disclosure clearance. The fact that the candidate does have convictions or cautions should not necessarily be a bar to employment (see Policy on Disclosure – Appendix A). It may be that a candidate who has previous convictions would disclose these to the interview panel or headteacher prior to completing the Disclosure application form. In that case the headteacher will be anticipating the outcome of the Disclosure process and will be in a position to make an early decision about the matter. It is stressed, however, that the actual outcome should be awaited in case further matters come to light as a result.
- 3.7 In the event that convictions, cautions or offences are revealed through the Disclosure process, the countersignatory will inform the headteacher. The applicant must be informed and invited to discuss the matter (if they have not already done so). The decision on whether or not to proceed with the appointment in the light of the Disclosure information will, in most cases, be left to the headteacher and chair of governors. It would not be appropriate for the headteacher to discuss the detail of the Disclosure with any colleague other than the chair of governors. If, in exceptional circumstances, the head wishes to discuss the matter with other colleagues, he / she should contact the Human Resource Services Team for advice, since unauthorised disclosure of information revealed as a result of the Disclosure process is an offence under Section 124 of the Police Act 1997.

4. Volunteers (eg parent helpers)

- 4.1 All voluntary helpers in schools are required to apply for a Disclosure check. They should be given a Disclosure application form and the proof of identity proforma must be completed and signed by the headteacher or other appropriate member of staff. Many parent helpers will already be known to the school and, therefore, it may not be necessary to be so rigorous in applying proof of identity checks as in other cases. Where there is any element of doubt, however, the headteacher should ensure that appropriate proof of identity is provided.

5. Governors

- 5.1 Governors are also subject to Disclosure checks. Information received as a result of Disclosure applications by governors will be considered by the Strategic Director (Learning), or his representative, who will inform the school and the individual if they are regarded as eligible to be a governor. (This requirement applies from March 2003).

6. Costs

- 6.1 The CRB impose a charge of £29 for enhanced checks and £24 for standard checks (the great majority of school based staff will require the enhanced check – see Appendix A2). The CRB will invoice the Authority on a monthly basis and schools will be debited for the cost when the invoice is processed. If schools prefer they may submit a cheque, with the proof of identity proforma.
- 6.2 Please indicate your preferred method of payment on the proforma and ensure, when sending cheques, that the name of the applicant and the post to which they have been appointed are written on the reverse of the cheque.

CENTRAL BEDFORDSHIRE COUNCIL

POLICY ON DISCLOSURE UNDER S.22 OF THE POLICE ACT 1997

1. Background

- 1.1 This policy is issued in line with the requirements of the Criminal Records Bureau's Code of Practice published under Section 122 of the Police Act 1997 ("the Act") in connection with the use of information provided to registered persons under Part V of that Act. A copy of this Code of Practice is available to all applicants for positions where a Disclosure is required.
- 1.2 Disclosure information is information which is:
- contained in criminal record certificates under Section 113 of the Act (referred to in this Code as "Standard Disclosures"); or
 - contained in enhanced criminal record certificates under Section 115 of the Act (referred to in this Code as "Enhanced Disclosures"); or
 - provided by the police under Section 115(8) of the Act.
- (see Appendix A1 for full details of the types of Disclosure)
- 1.3 Central Bedfordshire Council is committed to the fair and proper use of Disclosure information which is received and will comply with the guidelines laid down by the Criminal Records Bureau (CRB). This policy is intended to ensure and to provide assurance to those applying for Disclosure that:
- information received as a result of the Disclosure process will be used fairly and in confidence at all times;
 - sensitive personal information will be handled and stored appropriately and be kept for only as long as necessary; and
 - ex-offenders will be given full consideration; a criminal record will not necessarily be a bar to obtaining a position.

2. Fair Use of Disclosure Information

- 2.1 Where a post requires the successful applicant to apply for Standard or Enhanced Disclosure, the following will apply:

- the recruitment advertisement and the further particulars sent to all applicants will give details of the level of Disclosure required.
- Recruitment documentation will include a statement to the effect that a criminal record will not necessarily be a bar to obtaining the post.
- All applicants will be made aware of the CRB's Code of Practice and a copy will be supplied on request.

3. Handling and Security of Disclosure Information

3.1 All Disclosure information received will be handled and stored in line with CRB guidelines. In particular:

- It is acknowledged that information received as a result of the Disclosure process is of a sensitive and personal nature and must be handled appropriately.
- Disclosure information will be restricted to those persons authorised to receive it and who need to have access to it in the course of their duties (unauthorised disclosure is an offence under Section 124 of the Act).
- Disclosure information will be kept securely in locked storage containers. Keys and access to the storage facilities will be restricted to named individuals.
- Once a recruitment (or other) decision has been taken, the Disclosure material will be destroyed as soon as possible and, in the majority of cases, within a maximum of six months. Destruction will be by shredding, pulping or burning. Documents awaiting destruction will be kept in secure storage.
- If, exceptionally, it is considered necessary to retain Disclosure information for longer than six months, the CRB will be consulted. The need to give full weight to the rights of the subject of Disclosure information under Human Rights and Data Protection legislation is fully acknowledged.
- No photocopy or other image of the Disclosure will be retained. The information retained will be restricted to the name of the subject, the date of the Disclosure, the type of Disclosure, the position in question, the unique number issued by the CRB and the recruitment decision taken.

4. Policy on Employment of Ex-Offenders

4.1 Recipients of Disclosure information will not unfairly discriminate against the subject of Disclosure information on the basis of conviction or other details revealed. Where Standards or Enhanced Disclosure information includes details of convictions, including those which would normally be regarded as "spent" under the Rehabilitation of Offenders Act (ROA) 1974, the following will be taken into consideration in reaching a decision about the future employment of the applicant:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of the offence(s) or other matter(s) revealed;
- the length of time since the offence(s) or other matter(s) revealed 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 other relevant matters; and
- the circumstances surrounding the offence(s) and the explanation(s) offered by the convicted person.

4.2 Where Disclosure reveals convictions which might have a bearing on the post which has been offered, the candidate will be given the opportunity to discuss the matter with the appropriate manager. Any decision on whether or not to employ the person about whom Disclosure has revealed details of convictions will be made objectively. In particular it will:

- focus on the person's abilities, skills, experience and qualifications;
- identify the risks to the organisation's business, customers, clients and employees;
- recognise that having a criminal record does not always mean a lack of skills, qualifications and experience;
- note that high-quality training, leading to qualifications, is available in prisons.

4.3 The decision on whether or not to withdraw an offer of employment as a consequence of Disclosure information received will be confirmed to the applicant in writing.

TYPES OF DISCLOSURE

1. **Basic Disclosure (BD)**

(criminal conviction certificates under Section 112 of the Act)

- 1.1 These will be issued to individuals on request, subject to confirmation of identity. A BD will contain details of convictions held in central police records which are not spent under the terms of the Rehabilitation of Offenders Act 1974 or will state if there are no such convictions. Any employer will be able to request a potential employee to apply for a BD.
- 1.2 It is expected that the CRB will start to issue BDs during 2002.

2. **Standard Disclosure (SD)**

(criminal record certificates under Section 113 of the Act)

- 2.1 These will be available for employees or volunteers whose duties involve regular contact with children in a regulated position, with the elderly, sick or disabled or those employed in sensitive areas and professions within the terms of the Exceptions Order under the Rehabilitation of Offenders Act.
- 2.2 A Standard Disclosure will contain details of any spent or unspent convictions as well as cautions, reprimands and warnings, recorded by the police centrally. It will also indicate if there are no such matters on record.
- 2.3 If an individual is applying for a position working with children the SD will also reveal whether they are barred from working with children by virtue of his / her inclusion on lists of those considered unsuitable to work with children maintained by the Department of Education and Employment (List 99) and the Department of Health (POCAL). It is also intended that a Standard Disclosure will reveal whether they are barred from working with vulnerable adults by virtue of his / her inclusion on lists of those considered unsuitable to work with such people to be held by the Department of Health.

3. **Enhanced Disclosure (ED)**

(enhanced criminal record certificate under Section 115 of the Act)

- 3.1 These will apply to a range of posts within the terms of the Exceptions Order under the Rehabilitation of Offenders Act, specifically:
 - those principally involved in regularly caring for, training, supervising or being in sole charge of those aged under 18 or of vulnerable adults; and
 - certain other matters including certain purposes in relation to gaming and lotteries and adoption and fostering.
- 3.2 An Enhanced Disclosure will contain the same details as a Standard Disclosure and may also contain non-conviction information from local police which a chief police officer thinks may be relevant in connection with the matter.

Level of check required for certain posts

This list indicates which level of check will be required for holders of certain posts. It is not exhaustive – please consult your Human Resources' Officer for advice about any posts not shown.

| SCHOOLS AND EDUCATION RELATED POSTS | |
|--|-----------------------|
| Post | Level of Check |
| Teacher (including Headteacher, Deputy Headteacher, Assistant Headteacher and Supply Teachers including those employed through agencies) | Enhanced |
| Instructor / Unqualified Teacher | Enhanced |
| Nursery Nurse | Enhanced |
| Classroom / Learning Support Assistant | Enhanced |
| Midday Supervisory Assistant / Senior Supervisory Assistant | Enhanced |
| Out of School Care Club staff | Enhanced |
| NOF school based clubs staff | Enhanced |
| Clerical / Admin staff | Standard |
| Clerical / Admin Staff in residential establishment | Enhanced |
| General Assistant (classroom based) | Enhanced |
| General Assistant (office based) | Standard |
| Technician (Laboratory, Technology, ICT) | Standard |
| Librarian | Standard |
| Cleaner | Standard |
| Cleaner in residential establishment | Enhanced |
| Site Agent / Caretaker and Assistant SA/CT | Enhanced |
| Volunteers (eg reading, sports clubs, school trips) | Enhanced |
| Walking Bus volunteers | Enhanced |
| School Meals Staff | Standard |
| Governors | Standard |
| School Crossing Patrols | Enhanced |
| Home Tutor | Enhanced |
| School Improvement Adviser | Standard |
| Youth Worker | Enhanced |
| Educational Psychologist | Enhanced |
| Education Welfare Officer / Assistant | Enhanced |
| Assessment & Statementing Officer | Enhanced |
| Area Liaison Officer | Standard |
| Early Years & Child Care Team | Standard |
| Travellers Field Worker | Enhanced |
| Visiting Lecturer (eg Saturday morning Arts & Music Schools, Summer Schools) | Enhanced |
| Youth Service Volunteers | Enhanced |
| BLEBP Reading & Mentors | Enhanced |
| Duke of Edinburgh Award Scheme Volunteers | Enhanced |
| Drivers & Escorts (SEN pupils) | Enhanced |

| SOCIAL SERVICES' POSTS | |
|------------------------------------|---|
| Post | Level of Check |
| Children's Services | |
| Residential Social Worker | Enhanced |
| Admin Assistant in unit | Enhanced |
| Locality Social Worker | Enhanced |
| Family Support Worker | Enhanced |
| Senior Practitioner | Enhanced |
| Team Leader | Enhanced |
| Commissioning Manager | Enhanced |
| Care Assistant | Enhanced |
| Domestic | Enhanced |
| Unit Manager | Enhanced |
| YOT Sessional Worker | Enhanced |
| Handyperson in Residential Unit | Enhanced |
| Under 8's Adviser | Enhanced |
| Inspector | Enhanced |
| Home Support Worker | Enhanced |
| Cooks in Residential Provision | Enhanced |
| Adult Services | |
| Home Carer | Standard |
| Care Assistant | Standard |
| Day Care Worker | Standard |
| Community Support Worker | Standard |
| Resource Manager | Standard |
| Residential Special Worker | Standard |
| Driver | Standard |
| Escort | Standard |
| Work based Employment Worker | Standard |
| Domestic | Standard |
| Handyperson | Standard |
| Cook | Standard |
| Inspection Staff | Standard |
| Unit Manager | Standard |
| Locality Social Worker | Standard |
| Non-staff | |
| Foster Carers | Enhanced |
| Adopters | Enhanced |
| Under 8's, Nursery Provision Staff | Enhanced |
| Independent Foster Agencies | Enhanced |
| Private Agency Staff | Enhanced / Standard – depends on type of post |

GUIDANCE NOTES ON PROOF OF IDENTITY / RIGHT TO LIVE AND WORK IN THE UK / VERIFICATION OF QUALIFICATIONS

1. Proof of Identity

- 1.1 It is standard good recruitment practice for employers to satisfy themselves of the identity of those applying for positions. Furthermore, the Criminal Record Bureau's Code of Practice requires that countersignatory to applications for Disclosure checks must confirm that the identity of the applicant has been verified. All posts in schools are subject to Disclosure and the countersignatory will normally be an officer of the Local Education Authority. Since the countersignatory will not normally have met school based staff, verification of identity must be carried out at the school.
- 1.2 In order to confirm identity the CRB recommend that two forms of proof should be produced:
- an item of photographic evidence (eg a passport or a new style UK driving licence); and
 - an item of address related evidence (eg a utility bill or a bank, credit card or mortgage statement containing the name and address of the applicant).
- 1.3 Invitations to interview should ask candidates to bring evidence with them to the interview. The documentation should be shown to the headteacher (or other senior member of staff conducting the interview in the absence of the head). Photocopies should be taken of the documents presented as proof of evidence and the originals returned to the candidate. It will be necessary for the LEA officer countersigning the application to enter certain details obtained from the applicant's documentation onto the Disclosure application form. Please ensure, therefore, that when documents are copied the following is included:
- Passport
 - Passport Number
 - Date of Birth
 - Nationality
 - Issue Date
- Driving Licence**
- Driving Licence Number
 - Date of Birth
 - Licence type ie. paper or photocard
 - Country of issue ie UK or other
- Birth Certificate**
- Date of Birth
 - Issue Date
 - County of issue ie UK or other
- Marriage Certificate**
- Issue Date
- P45 or P60**
- NI Number
- Utility Bill, Bank Statement etc**
- Applicant's name and current home address

- 1.4 The photocopies should be attached to the "Proof of Identity Proforma" (see Appendix B1) and forwarded with the usual appointment papers (TS4 etc) to the Schools' Personnel Team. In the case of volunteers and others connected to the school who are not employees (eg governors), the individual will need to apply to the CRB in the usual way. Proof of identity documentation should be forwarded to the Schools' Personnel Team at the earliest opportunity. Where an applicant is unwilling or unable to produce suitable documentation this should be recorded. Their Disclosure application can still be submitted but the CRB will contact the applicant and the person nominated by them on the Disclosure application as a referee for further information before it can be processed.

2. Right to Live and Work in the UK

- 2.1 Chapter 2, Section 2, of the Schools' Personnel Handbook outlines the position regarding the obligations on an employer in respect of the prevention of illegal working. It is good recruitment practice to ascertain that any prospective employee has the right to live and work in the UK before employment commences.

3. Verification of Qualifications

- 3.1 It has not been common practice to require candidates to produce proof of qualifications held (eg by requiring certificates and diplomas to be shown at interview). However, recent high profile cases have highlighted the importance of checking that candidates do hold the qualifications which they claim.
- 3.2 In the case of teachers, qualified teacher status is verifiable through the DfES and General Teaching Council. Details of further qualifications, however, will not necessarily be recorded. If appointing to a post where the personnel specification requires other qualifications (eg a management qualification, NNEB, diploma in special educational needs), schools are advised to ask candidates to bring evidence to the interview. It may be that references and the interview itself will reveal sufficient evidence that the candidate has undertaken further study. The only positive evidence, however, that the study resulted in the award of a qualification will be the production of a certificate or diploma.

CENTRAL BEDFORDSHIRE COUNCIL

Disclosure Of Criminal Records Evidence Of Proof Of Identity

Name of Applicant:

School:

Post:

I confirm that the above named has seen the original of the following documents (photocopies attached) confirming the identity of the above named person:

1. Photographic evidence (eg passport or photo driving licence) ☐

2. Proof of home address which indicates both name and address
(eg utility bill or bank statement) ☐

3. Other evidence which I am satisfied confirms identity ☐

4. I have checked that the successful applicant is eligible to live
and work in the UK ☐

5. A cheque for £12 is enclosed ☐ or please debit school ☐
account

Or volunteer – no charge ☐

Signed: **Date:**

Name (please print):

Position held:

Please attach to photocopies of documents and send to:
HR Transaction Team,
6th Floor, Central Bedfordshire Council, PO Box 1395
Bedford MK42 5AN

| |
|---|
| <p>Important Information For Applicants For Posts In Schools</p> |
|---|

Disclosure of Criminal Records

The Police Act 1997, Part V, requires that those applying to work with children or vulnerable adults should be subject to a check by the Criminal Records Bureau (CRB) to ensure that they are suitable for such work. All posts in schools are covered by this requirement.

If you successfully apply for a post in a school you will be required to complete a "Disclosure" application which will be submitted to the CRB. The type of criminal record certificate applied for will depend on the actual post offered and the degree of contact which you would have with children (see overleaf). However, for the purposes of both Standard and Enhanced Disclosure, which are applicable for staff in schools, no conviction is regarded as spent. Therefore, all previous convictions, cautions, reprimands and warnings recorded will be disclosed.

Having a criminal record will not necessarily bar you from employment however. Decisions about the employment of someone with a criminal record will take account of the relevance of the offence to the post in question, the length of time since it occurred and the circumstances surrounding it. The headteacher of the school at which the post has been offered will be notified of the information disclosed by the CRB and will invite the applicant to discuss the matter before making a decision about whether or not to confirm the offer. If you do have any previous convictions you may wish to discuss these, confidentially, with the headteacher prior to submitting a Disclosure application. The outcome of all Disclosure applications will be sent in writing to the applicant.

In order that the CRB can be sure that they are checking the record of the right person, applicants will be asked to provide proof of identity. The CRB suggest that two pieces of evidence are provided, one photographic such as a passport or new style driving licence and one showing name and home address such as a utility bill or bank statement. It is recognised that not everyone will be able to provide these items so other forms of proof of identity will be accepted. If shortlisted for the post you will be asked to bring proof of your identity to the interview.

The CRB requires that all bodies registered for Disclosure purposes adhere to their Code of Practice and establish their own policies on fair use and confidential handling of information disclosed, as well as having a written policy on the recruitment of ex-offenders. The Council and HBS, working in partnership with the Council, is firmly committed to the proper use of Disclosure information and recognises the sensitivity of such information and the high degree of confidentiality with which it should be handled. Copies of the CRB Code of Practice and Bedfordshire's policies are available, on request, from Human Resource Services, 6th Floor, Central Bedfordshire Council, Borough Hall, Bedford MK42 5AN.

March, 2003

Types of Disclosure

Basic Disclosure (BD)

(criminal conviction certificates under Section 112 of the Act)

These will be issued to individuals on request, subject to confirmation of identity. A BD will contain details of convictions held in central police records which are not spent under the terms of the Rehabilitation of Offenders Act 1974 or will state if there are no such convictions. Any employer will be able to request a potential employee to apply for a BD.

It is expected that the CRB will start to issue BDs during the Summer 2002.

Standard Disclosure (SD)

(criminal record certificates under Section 113 of the Act)

These will be available for employees or volunteers whose duties involve regular contact with children in a regulated position, with the elderly, sick or disabled, or those employed in sensitive areas and professions within the terms of the Exceptions Order under the Rehabilitation of Offenders Act.

A Standard Disclosure will contain details of any spent or unspent convictions as well as cautions, reprimands and earnings recorded by the police centrally. It will also indicate if there are no such matters on record.

If an individual is applying for a position working with children, the SD will also reveal whether they are barred from working with children by virtue of his / her inclusion on lists of those considered unsuitable to work with children maintained by the Department for Education and Employment (List 99) and the Department of Health (POCAL). It is also intended that, by mid 2002, a Standard Disclosure will reveal whether they are barred from working with vulnerable adults by virtue of his / her inclusion on lists of those considered unsuitable to work with such people to be held by the Department of Health.

Enhanced Disclosure (ED)

(enhanced criminal record certificate under Section 115 of the Act)

These will apply to a range of posts within the terms of the Exceptions Order under the Rehabilitation of Offenders Act, specifically:

- those principally involved in regularly caring for, training, supervising or being in sole charge of those aged under 18 or of vulnerable adults; and
- certain other matters including certain purposes in relation to gaming and lotteries and adoption and fostering.

An Enhanced Disclosure will contain the same details as a Standard Disclosure and may also contain non conviction information from local police which a chief police officer thinks may be relevant in connection with the matter.