

NORTH YORKSHIRE COUNTY COUNCIL

Young People Overview & Scrutiny Committee

22 September 2006

CRIMINAL RECORDS DISCLOSURE SERVICE

Purpose of Report

1. This report asks the Committee to consider and comment on the draft Policy document for the Criminal Records Disclosure Service attached at annex A .

Criminal Records Disclosure Service

2. At a previous Committee Members sought clarification of the process and procedures currently in place within the County Council for ensuring that all personnel working with or alongside children and young people, including those not directly employed by the County Council undergo a CRB check.

Information provided at that time reassured committee members that the County Council has always carried out background checks on staff working at school and social services sites prior to their employment.

The committee proposed that the Bichard Working Group develop a document which covers policy and process issues and draws together the relevant documents that inform and support the NYCC's approach to ensuring 'safe' recruitment for people working with our children and vulnerable adults.

The draft policy document is now available for consultation and is presented to members of the committee for their consideration.

Recommendations

3. The Committee is asked to:
 - a) note the information in the draft policy document
 - b) confirm or comment on the detail of the draft policy document attached at annex A

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Background Documents: None

Annexes: Draft Policy - Criminal Records Disclosure Service



NORTH YORKSHIRE COUNTY COUNCIL

**Service Agreement and Operating Framework
FOR
THE PROVISION OF A DISCLOSURE SERVICE**

CONTENTS

Page 3	Service Agreement	1. Operating Context
		2. Principal Responsibilities of the CRB Unit
Page 4		3. Fees to be Charged
Page 5		4. Payment of Invoices
		5. Processing Timetable
		6. Monitoring
		7. Responsibilities of User (Recruiting Manager)
Page 6		8. Code of Practice
		9. Policies & Procedures
Page 7		10. Regulatory Framework
Page 8		11. Use of County Council Premises
Page 9	Appendix 1	CRB Code of Practice
Page 13	Appendix 2	Policy Statement – Recruitment of Ex-Offenders
Page 15	Appendix 3	Rehabilitation of Offenders Act 1974 and Exceptions to the Act
Page 18	Appendix 4	Policy Statement - Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information
Page 20	Appendix 5	Portability Guidance
Page 22	Appendix 6	Employment of Foreign Nationals
Page 24	Appendix 7	Acting as an Umbrella Body
Page 26	Appendix 8	Declaration for Umbrella Bodies
Page 28	Appendix 9	Useful Contacts
Page 32	Appendix 10	Process Flowchart for Applications to CRB Unit
Page 33	Appendix 11	Process Flowchart on Receipt of Disclosure from CRB

Service Agreement

1. Operating Context

The CRB Unit, which is based in the Finance and Central Services Directorate, will provide a disclosure service for the County Council. It will act as a central point of contact between the County Council and the National Criminal Records Bureau (CRB), who carry out criminal record checks by searching records held by the Police, the Department of Health (DH) and the Department for Education and Skills (DfES).

As part of the recruitment process, the County Council provides a disclosure service for checking individuals who will be undertaking any form of work which involves contact with children or other vulnerable adults. This process will ensure safe recruitment.

North Yorkshire County Council has in place policies and procedures for employing people with criminal convictions and for the handling and storage of Disclosure information. All staff that have responsibilities for recruitment need to be aware of these policies and to ensure that the policies are followed. This document needs to be read in conjunction with North Yorkshire County Council's Policies and Procedures, in particular with the Manager's Guide to Recruitment and Selection

This document brings together the various documents, policies and procedures relating to the employment of those staff who will have access to children or vulnerable adults.

2. Principal Responsibilities of the CRB Unit

The Unit will process applications that have been completed on forms which bear the name of the CRB Unit Registered Body for North Yorkshire County Council

A central database of all posts requiring a Disclosure check will be used as a means of identifying the level of disclosure required. The database is held on the corporate HR System, ResourceLink. The Unit will carry out standard or enhanced disclosure checks as appropriate.

The Unit will ensure that all posts identified are subject to a re-check after 3 years.

Forms received in the Unit will be processed as detailed below:

- Form date stamped & monitoring slip attached

- Form checked for errors
- Form recorded on ResourceLink for monitoring purposes
- Any form with errors to be returned to the designated person verifying evidence at Section X for correction
- All forms returned by designated person to be re-checked and updated on ResourceLink
- Correct forms sent to national CRB in Liverpool
- POVA first check carried out as required – client officer advised within 36 hours

Disclosure Certificates returned to the Unit from CRB in Liverpool will be processed as detailed below:

- Disclosure certificate received and recorded on ResourceLink
- Where a Disclosure is clear (Negative Disclosure) – applicant and designated person will be advised of clearance via letter or email, as agreed
- Where a Positive Disclosure is received, it will be referred to the nominated person for a decision regarding employment
- Disclosure returned by nominated person
- Decision updated on ResourceLink – clearance letter or email sent
- All certificates to be stored in a secure, lockable non portable cupboard.
- All certificates are destroyed after 6 months, with the exception of those referred to in Appendix 4.

3. Fees to be Charged

3.1 Internal Charges

- The cost of an Enhanced Disclosure is £40.00. This is made up of £36.00 for the actual CRB fee and £4.00 administration fee.
- The cost of a Standard Disclosure £35. This is made up of £31.00 for the actual CRB fee and £4.00 administration fee.
- Volunteers are charged £4.00.
- These charges will be the subject of a periodic review.

3.2 External Organisations Using Umbrella Body

- The cost of an Enhanced Disclosure is £56.00. This is made up of £36.00 for the actual CRB fee and £20.00 administration fee.
- The cost of a Standard Disclosure £51.00. This is made up of £31.00 for the actual CRB fee and £20.00 administration fee.
- Volunteers are charged £15.00.
- These charges will be the subject of a periodic review.

4. Payment of Invoices

4.1 Internal Charges

- Invoices are received each month from the National CRB
- Payments will be made via BACS
- Recharges will be recovered each month based on the internal expenditure codes available

4.2 External Organisations Using Umbrella Body

- Payment must be submitted with each disclosure application at the rates specified at 3.2 above. Cheques should be made payable to North Yorkshire County Council

5. Processing Timetable

- The Unit will aim to ensure that all forms received are processed within 24 hours

6. Monitoring

- The unit will run timely reports to ensure that all outstanding applications are monitored for early completion

7. Responsibilities of User (Recruiting Manager)

- To ensure that all applicants complete Disclosure Forms which bear the name of the CRB Unit.
- To ensure that evidence provided is checked on a face to face basis by a designated officer.
- Where an applicant is unable to provide evidence in person, the designated officer must ensure that a follow up check is carried out when the applicant commences duties with NYCC. The designated person must ensure that any copies of evidence taken for this purpose are destroyed after this check is completed.
- For **external organisations** using the Umbrella Body, arrangements are in place for face to face checks to be carried out at North Yorkshire County Council's Community Resource Centres. Applicants using this service must book an appointment in

advance. Contact details for Community Resource Centres are given at Appendix 9.

- **External Organisations** using the NYCC Disclosure Service must ensure that it has appropriate policies and procedures in place in order to comply with the CRB Code of Practice (Appendix 1). External Organisations should therefore refer to Appendix 7 for further information and will be required to complete Appendix 8 should they decide to use the Disclosure Service.

8. Code of Practice

In order for North Yorkshire County Council to be registered with the National Criminal Records Bureau (CRB), it must adhere to the CRB Code of Practice.

North Yorkshire County Council will make all potential applicants aware of the existence of the Code of Practice and will make a copy available on request. Alternatively a copy can be accessed at:

www.crb.gov.uk/PDF/code_of_practice.pdf

The Code of Practice is summarised at Appendix 1

9. Policies & Procedures

The County Council also has Policies for the following matters, and will make them available on request:-

- Policy for the Rehabilitation of Ex Offenders
- Policy for Handling, Secure Storage and Retention of Disclosure Information

All recruitment packs which relate to positions that requires a disclosure, contain a statement advising that a disclosure will be requested in the event of a successful application.

The County Council will give guidance to all potential applicants to advise that a criminal record will not necessarily be a bar to obtaining a position.

The County Council will discuss any matters revealed in Disclosure information with the person seeking the position before withdrawing an offer of employment.

10. Regulatory Framework

The Police Act 1997 provides a statutory basis for certain criminal record checks which may be used by employers. These checks can be made via the Criminal Records Bureau which was established in 2002.

The Criminal Records Bureau (CRB) acts as a 'one-stop-shop' for organisations regarding the checking of police records and, in relevant cases, information held by the Department of Health (DH) and the Department for Education and Skills (DfES).

There are two levels of CRB check currently available; called Standard and Enhanced Disclosures.

The two CRB checks are available in cases where an employer is entitled to ask exempted questions under the **Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974**. This includes any organisation whose staff or volunteers work with children or vulnerable adults.

1. Standard Disclosure

This is primarily available to anyone involved in working with children or vulnerable adults, as well as certain other occupations and entry into professions as specified in the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974. Standard Disclosures show current and spent convictions, cautions, reprimands and warnings held on the Police National Computer. If the post involves working with children or vulnerable adults, the following lists may also be searched:

- Protection of Children Act 1999 (POCA) List – The Department of Health maintains a list of those who are deemed unsuitable to work with children
- Protection of Vulnerable Adults (POVA) List – The provisions of this scheme are contained within the Care Standards Act 2000 and works in the same way as the POCA list and is intended to help prevent the abuse of vulnerable adults.
- Information that is held under Section 142 of the Education Act 2002 (formerly known as List 99) – the DfES maintains a list of those who are not fit and proper persons to work with children

2. Enhanced Disclosure

This is the highest level of check available to anyone involved in regularly caring for, training, supervising or being in sole charge of children or vulnerable adults. It is also available in certain licensing purposes and judicial appointments. Enhanced Disclosures contain the same information as the Standard Disclosure but with the addition of any relevant and proportionate information held by the local police forces.

The CRB recognises that the Standard and Enhanced Disclosure information can be extremely sensitive and personal, therefore it has published a Code of Practice and employers' guidance for recipients of Disclosures to ensure they are handled fairly and used properly.

A copy of the Standard or Enhanced Disclosure will be sent out to the applicant as well as the Registered Body.

11. Use of County Council Premises by Outside Bodies for the Care of Children and Vulnerable Adults.

Where the County Council (including schools) permits the use of its premises by an outside body for any use where children would be present, for example, the letting of a school hall for the purpose of workshops during school holidays, then such lettings may only be made on the basis that the organisation or body carries out CRB checks for any person who would have the responsibility for supervising children or vulnerable adults. If the organisation or body is not registered to carry out CRB checks then the County Council would offer to carry out checks in accordance with the charges under paragraph 3.2

All bodies for whom a CRB check is carried out should be requested to complete the form at Appendix 8 of this document. If the outside body has carried out a CRB check in its own right then a signed declaration must be made to that effect.

Organisers must ensure that the 'Children Act' is complied with and that CRB checks have been carried out for all staff involved prior to the event.

CRIMINAL RECORDS BUREAU CODE OF PRACTICE

Scope

This Code of Practice is published by the Criminal Records Bureau. All staff will abide by its contents.

Introduction

This Code of Practice is published under section 122 of the Police Act 1997 ("the Act") in connection with the use of information provided to registered persons ("Disclosure information") under Part V of that Act.

Disclosure information is information

- contained in criminal record certificates under section 113 of the Act (which are 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.

Except where indicated otherwise, the Code of Practice applies to all recipients of Disclosure information - that is to say :

- registered persons,
- those countersigning Disclosure applications on behalf of registered persons, and
- others receiving such information.

Where reference is made to "employers", this should be read as including any person at whose request a registered person has countersigned an application, including:

- voluntary organisations and others engaging, or using the services of, volunteers, and
- regulatory and licensing bodies.

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Purpose of the Code

The Code of Practice is intended to ensure - and to provide assurance to those applying for Standard and Enhanced Disclosures - that the information released will be used fairly.

The Code also seeks to ensure that sensitive personal information is handled and stored appropriately and is kept for only as long as necessary. Guidance to employers on other matters will be issued separately.

Obligations of the Code

These are as follows:

1. Fair use of Disclosure information

Recipients of Disclosure information shall:

- observe guidance issued or supported by the Criminal Records Bureau ("the Bureau") on the use of Disclosure information - and, in particular, recipients of Disclosure information 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, registered persons 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 or individual 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.

In order that persons who are, or who may be, the subject of Disclosure information are made aware of the use of such information, and be reassured Employers shall

- ensure that application forms for positions where Disclosures will be requested 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; and
- in order to assist staff to make appropriate use of Disclosure information in reaching decisions, make available guidance in relation to the employment and fair treatment of ex-offenders and to the Rehabilitation of Offenders Act 1974.

2. Handling of Disclosure information

Recipients of Disclosure information

- must ensure that Disclosure information is not passed to persons not authorised to receive it under section 124 of the Act. Under section 124, unauthorised disclosure 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 securely store Disclosures and the information that they 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 the 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.

Registered persons shall

- have a written security policy covering the correct handling and safe-keeping of Disclosure information; and
- ensure that a body or individual 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 adopt.

3. Assurance

Registered persons shall:

- cooperate with requests from the Bureau to undertake assurance checks as to the proper use and safekeeping of Disclosure information.
- report to the Bureau any suspected malpractice in relation to this Code of Practice or any suspected offences in relation to the misuse of Disclosures.

4. Umbrella Bodies

- An Umbrella Body is one which has registered with the Bureau on the basis that it will countersign applications on behalf of others who are not registered.
- Umbrella Bodies must satisfy themselves that those on whose behalf they intend to countersign applications are likely 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.

5. Failure to comply with the Code of Practice

The Bureau 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.

Policy Statement on the Recruitment of Ex-Offenders

1. As an organisation using the Criminal Records Bureau (CRB) Disclosure Service to assess applicants' suitability for positions of trust, North Yorkshire County Council 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.
2. North Yorkshire County Council is committed to the fair treatment 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.
3. 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.
4. 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.
5. 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.
6. 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 North Yorkshire County Council and we guarantee that this information is only seen by those who need to see it as part of the recruitment process.

7. Unless the nature of the position allows North Yorkshire County Council to ask questions about your entire criminal record we only ask about the “unspent” convictions as defined in the Rehabilitation of Offenders Act 1974.
8. We ensure that all those in the North Yorkshire County Council 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.
9. 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.
10. 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.
11. We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.
12. 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.disclosures.gov.uk)

**Rehabilitation of Offenders Act 1974
and
Exemptions from the Act**

The Rehabilitation of Offenders Act (ROA) 1974 sets out to help people who have been convicted of a criminal offence and who have since lived on the right side of the law. In general a person convicted of a criminal offence and who receives a sentence of no more than 2½ years in prison, benefits from the Act if they are not convicted again during a specified period. This period is called the rehabilitation period.

In general terms, the more severe a penalty is, the longer the rehabilitation period. Once a rehabilitation period has expired and no further offending has taken place, a conviction is considered to be 'spent'. Once a conviction has been spent, the convicted person does not have to reveal or admit its existence in most circumstances, including, for example, when applying for a job. In most circumstances, an employer cannot refuse to employ someone, or dismiss them, on the basis of a spent conviction.

Rehabilitation Periods		
Sentence	Age 18 or over when convicted	Under 18 when convicted
Prison and Young Offender Institution – sentence of more than 6 months - 2½ years	10 years	5 years
Prison and Young Offender Institution – sentence of 6 months or less	7 years	3½ years
Fines, compensation order, probation (for people convicted on or after 3 February 1995), community service, combination order, action plan, curfew order, drug treatment, reparation order	5 years	2½ years or until the order expires (whichever is longer)
Borstal (abolished 1983)	7 years	7 years
Detention centres (abolished 1988)	3 years	3 years
Absolute discharge	6 months	6 months
Sentences for which the rehabilitation period varies:	Rehabilitation Periods	

Probation order (for people convicted prior to 3 February 1995), conditional discharge, bind over, supervision order, care order	1 year or until the order expires (whichever is longer)	
Attendance centre orders	1 year after the order expires	
Hospital order	2 years after the order expires (with a minimum of 5 years from the date of the conviction)	
Referral order	Once the order expires	
Sentences introduced in 1998 for young people with different rehabilitation periods:	Age 12, 13 or 14 when convicted	Age 15, 16 or 17 when convicted
Detention and training order of 6 months or less	1 year after the order expires	3½ years
Detention and training order of more than 6 months	1 year after the order expires	5 years

NOTES:

- (i) A sentence of more than 2½ years' imprisonment can never become spent. It is the sentence imposed by the court that counts (even if it is a suspended sentence), **not** the time actually spent in prison.
- (ii) A suspended prison sentence is treated as one that has taken effect and the rehabilitation period is the same as for the full sentence.

There are some exceptions to the general principle whereby spent convictions are declared. **When assessing the suitability of a person for certain positions of trust, an employer is entitled to ask a candidate to reveal details of all convictions, whether spent or not.** This in part will help ensure that children and other vulnerable groups are protected from those who may wish to do them harm by helping to prevent such people from being appointed to positions of authority and/or trust over them. These positions of trust, or excepted professions, are set out in the Exceptions Order to the ROA.

Exceptions to the Act

There are some offices and occupations in which people are expected to declare their convictions, even if they are spent. Broadly, the list of exceptions to the Act cover:

- those whose duties involve work with children and vulnerable adults
- certain professions in areas such as health, pharmacy, and the law
- senior managers in banking and financial services

- appointments to jobs where national security may be at risk.

Application forms for posts which are excepted from the Act should always make this clear.

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**North Yorkshire County Council
Policy Statement
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, North Yorkshire County Council complies fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosures information. It also complies fully with its obligations under the Data Protection Act 1998 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 personal 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 S.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.

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is 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 of the individual before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

The only exceptions allowed by the CRB are as follows:

- For establishments regulated by the commission for Social Care Inspection (CSCI) then disclosures must be destroyed after 12 months
- For staff employed in residential schools disclosures must be destroyed after 12 month
- For disclosures relating to fostering or adoption, disclosures must be destroyed after 36 months

Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, ie by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential 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 of the Disclosure and the details of the recruitment decision taken.

Acting as an 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 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 also ensure that any body or individual, at whose request applications for Disclosure are countersigned, has such written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

Portability Guidance and Breaks in Service

Can a Disclosure be used more than once?

In general, where the employee works for the same organisation e.g. NYCC, then provided that the new post requiring a disclosure certificate does not require a higher level of disclosure, then subject to this note of guidance, portability could be accepted.

Portability will not normally be accepted where an applicant has previously had clearance with another employer. In these cases a new Disclosure Application should be made.

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.

For example, 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. Where these positions are with the same employer then portability could be accepted.

However, 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 manager's responsibility to determine whether to accept a Disclosure issued for another purpose. When doing so they should take into 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?
- What is the risk factor taking into account other reference checks?
- Is the position regulated under the Protection of Children Act 1999?

The following table is provided for guidance only. If you are in any doubt please contact the CRB Unit. See Appendix 9 for contact details.

First Post (post for which the Disclosure was issued)	Second Post (post which has been applied for)	<i>Use Disclosure Again?</i>
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 manager wishes to verify the Disclosures' validity, they may, with the permission of the applicant, check with the NYCC CRB Unit.

In all other circumstances, particularly where a Disclosure is required by different organisations, then a new Disclosure should be applied for.

Breaks in Service.

The Department for Education and Skills have stipulated that where a teacher has a break in service of 3 months or more then continuous service has been broken and a new CRB check must be carried out. This should be the standard for North Yorkshire County Council staff.

However, recruiting managers, particularly those who recruit staff in Adult and Community Services should have the option to carry out a check for breaks of less than 3 months.

Employment of Foreign Nationals

If an applicant has lived overseas for a substantial period of time, or if the applicant has never worked in the UK before, it may not be worth applying for a Disclosure, as the CRB does not generally have access to overseas criminal records.

However, The CRB does provide advice on how to obtain equivalent information from a number of overseas authorities.

If, as a foreign national, the applicant has also lived in the UK for a substantial period of time, a Disclosure may be required in addition to any overseas information.

CRB Advice

The CRB cannot currently access overseas criminal records or other relevant information as part of its Disclosure service. If you are to recruit people from overseas and wish to check their overseas criminal record, a CRB Check may not provide a complete picture of their criminal record that may or may not exist. To help you get a fuller picture of their background, the CRB provides guidance on how you can get further information from the countries listed below.

If the country that you are looking for is not listed you may wish to contact the country's representative in the United Kingdom. Contact details for those countries that have a representative in the United Kingdom can be found on the Foreign and Commonwealth website www.fco.gov.uk (new window) or telephone 020 7008 1500.

Counties Carrying Out Criminal Record Checks

Australia	Latvia
Canada	Malaysia
Czech Republic	Malta
Denmark	Netherlands
Finland	New Zealand
France	Phillipines
Germany	Poland
Hungary	South Africa

Irish Republic	Spain
Italy (excluding Vatican City)	Sweden
Jamaica	

If an applicant is from one of the countries listed above, then they should be asked to follow the procedure for that country. Details can be found at www.crb.gov.uk/overseas

The CRB is not involved in the processing of applications made by individuals to overseas authorities and therefore will not be responsible for the contents or the length of time taken for information to be returned. The information provided by overseas authorities may be in the language of the country to which the application was made. It may therefore be necessary for customers to have this information translated. The CRB does not provide information about translation issues.

If the applicant is from a country not listed on the CRB website then they should be requested to obtain a Certificate of Good Conduct from their own Embassy.

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Acting as an Umbrella Body

North Yorkshire County Council is registered with the national Criminal Records Bureau as an Umbrella Body. It is therefore entitled to carry out disclosure checks for any agreed Contractor who provides a service to the County Council or where a Contractor requests the NYCC carries out disclosure checks on it's behalf.

In order to comply with CRB Regulations any Contractor using the County Council CRB service must agree to adhere to the following conditions:

1. The Contractor must observe and fully comply with the CRB Code of Practice.
2. The Contractor must make Disclosure applicants aware of the existence of the Code of Practice at the start of the recruitment process and make copies available on request.
3. The Contractor must have a satisfactory written policy on the Recruitment of Ex-Offenders and issue a copy of the policy to all applicants at the start of the recruitment process.
4. The Contractor must have a written policy on the Handling, Secure Storage and Retention of Disclosure Information and must make copies available on request.
5. The Contractor must include a statement on its application forms, or accompanying documentation, that a Disclosure will be requested in the event of an applicant being offered a position
6. The Contractor must include a statement on its application forms, or accompanying documentation, that a criminal record will not necessarily be a bar to obtaining a position
7. Details of the person(s) who will verify the identity of the applicant, and the identity validation will be done in accordance with CRB guidelines ie on a face to face basis
8. The Contractor must adhere to the decision made by North Yorkshire County Council on the suitability of employing an applicant to work

under a County Council Contract. This procedure will be carried out in accordance with guidance set out in the CRB Code of Practice

9. The Contractor will be aware of the contents of a Disclosure Certificate and in particular to any 'additional information. Under no circumstances can this information be divulged to an applicant (or person who is not authorised to have access to this information) and to do so would constitute a criminal offence
10. North Yorkshire County Council reserves the right to carry out audits / assurance visits to the Contractor in order to ensure that all terms of the contract and the CRB Code of Practice are fully compliant.

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NORTH YORKSHIRE COUNTY COUNCIL
CRIMINAL RECORDS BUREAU DISCLOSURES
ON BEHALF OF OUTSIDE ORGANISATIONS and OTHER GROUPS

Name of Organisation / Group	
Lead Contact for CRB Checks	
Contact Details	

An organisation that requires North Yorkshire County Council to obtain a Disclosure on its behalf shall:

1. Have read, understood and agreed to comply with the process as described in the guidelines supplied by North Yorkshire County Council.
2. Have read, understood and agreed to abide by the CRB Code of Practice.
3. Have a policy that defines the posts/volunteers for which checks will be sought and what level of check (standard or enhanced) will be requested.
4. Developed and published a policy on the employment of ex-offenders.
5. Have clearly laid down procedures to deal with records in accordance with the Data Protection Act 1998 and the CRB Code of Practice.
6. 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 North Yorkshire County Council within the Operating Framework for the Provision of a Disclosure Service

Signature	
Print Name	
Date	

Please return this form together with a compliments slip or headed notepaper for your organisation to:

Barbara Walton
Senior Administrative Officer
CRB Unit
Financial & Central Services
County Hall Northallerton
North Yorkshire
DL7 8AL

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USEFUL CONTACTS

Criminal Records Bureau

Customer Services
CRB
PO Box 110
Liverpool
L69 3EF

Web www.crb.gov.uk
Disclosure Information www.disclosure.gov.uk

CRB Unit (NYCC)

Barbara Walton
CRB Unit
Finance & Central Services
County Hall
Northallerton
North Yorkshire
DL7 8AL

Tel: 01609 533165
E.mail Barbara.walton@northyorks.gov.uk

Community Resource Centres – NB. An appointment must be made in advance to enable appropriate document checks to be made.

**CRB Verification
Community Resource Centres**

Name	Location	Opening Hours
Sue Pittham	Market Place Easingwold Tel: 01347 821 706	Mon 10.00am - 1.00pm 2.00pm - 5.30pm Tues, Thurs 2.00pm - 7.00pm Fri 10.00am -5.30pm Sat 9.30am - 1.00pm Closed Wed & Sun
Denise Styryn (Harrogate Team Base)	Victoria Avenue Harrogate Tel: 01423 720320	Mon - Thurs 8.30am - 5.00pm Fri 8.30am 4.30pm Closed Sat & Sun
Mary Whitfield	Main Street Ingleton Tel: 015242 41758	Mon & Wed 2.00pm - 7.00pm Fri 10.00am -1.00pm & 2.00pm - 7.00pm Sat 10.00am - 1.00pm Closed Tues, Thurs & Sun

Sue Farrington (Malton Team Base)	St Michael Street Malton Tel: 01653 696069	Mon - Thurs 8.30am - 5.00pm Fri 8.30am - 4.30pm Sat & Sun Closed
Charlotte Archer (Northallerton Base Team)	1 Thirsk Road Northallerton Tel: 01609 533829	Mon -Thurs 8.30am - 5.00pm Fri 8.30am - 4.30pm Sat &Sun Closed
Liz Midgley	The Ropery Pickering Tel: 01751 472185	Mon, Fri Sat 9.30am 5.00pm Tues & Thurs 9.30am - 7.30pm Wed 1.00pm - 5.00pm Sun 11.00am - 4.00pm
Pat Todd	Queens Road Richmond Tel: 01748 823120	Mon, Tues &Fri 9.30am - 7.00pm Thurs 9.30am 5.00pm Sat 9.30am - 4.00pm Closed Wed & Sun
Pat Rumbold	The Arcade Ripon Tel: 01765 604799	Mon & Fri 9.30am - 8.00pm Tues 9.30am - 1.00pm Wed & Thurs 9.30am - 5.30pm Sat 9.30am - 5.00pm Closed Sun
Christine Spencer (Skipton Team Base)	Water Street Skipton Tel: 01756 793 751	Mon - Thurs 8.30am -5.00pm Fri 8.30am - 4.30pm Closed Sat & Sun
Catherine Rooney (Scarborough Team Base)	Vernon Rd Scarborough Tel: 01726 383400	Mon - Thurs 8.30am - 5.00pm Fri 8.30am - 4.30pm Sat & Sun Closed
Christine Wright	Finkle Hill Sherburn-in-Elmet Tel: 01977 682306	Mon, Thurs Fri 9.30am - 7.30pm Tues 9.30am - 5.30pm Sat 9.30am - 1.00pm Wed & Sun closed all day
Amanda Hardy	52 Micklegate Selby Tel: 01757 702020	Mon 9.30am - 7.30pm Tues Wed & Thurs 9.30am - 5.30pm Fri 10.00am - 7.30pm Sat 9.30am - 4.30pm Sun 11.00am - 4.00pm
Bridget Watson and Liz Littlewood (Selby Base Team)	Finkle Hill Sherburn-in-Elmet Tel: 01977 681903	Mon -Thurs 8.30am - 5.00pm Fri 8.30am - 4.30pm Sat & Sun Closed

The POCA (Protection of Children Act) list exists to prevent abusers obtaining work with vulnerable children. The address for referrals to POCA is:-

The Manager
The Protection of Children Act List
Department of Health
Room 134 Wellington House
133 - 155 Waterloo Road
London
SE1 8UG

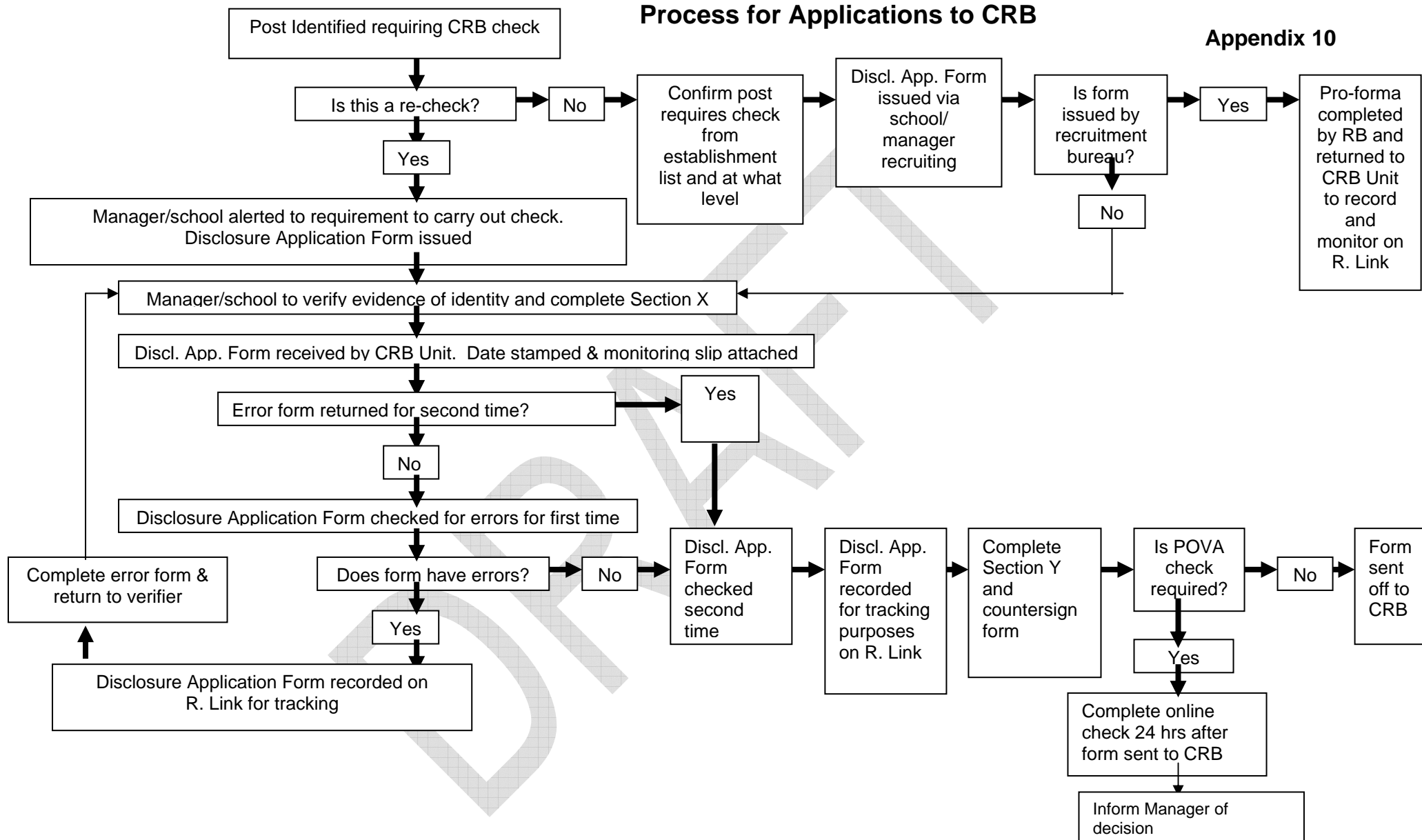
The POVA (Protection of Vulnerable Adults) List was launched by the DOH in July 2004. The POVA scheme was implemented for registered providers of care homes and domiciliary care agencies and agencies who supply care workers. The address for referrals to POVA is:-

The Manager
The Protection of Vulnerable Adults List
Department for Education and Skills
Ground Floor
Area E
Mowden hall
Staindrop Road
Darlington
DL3 9BG

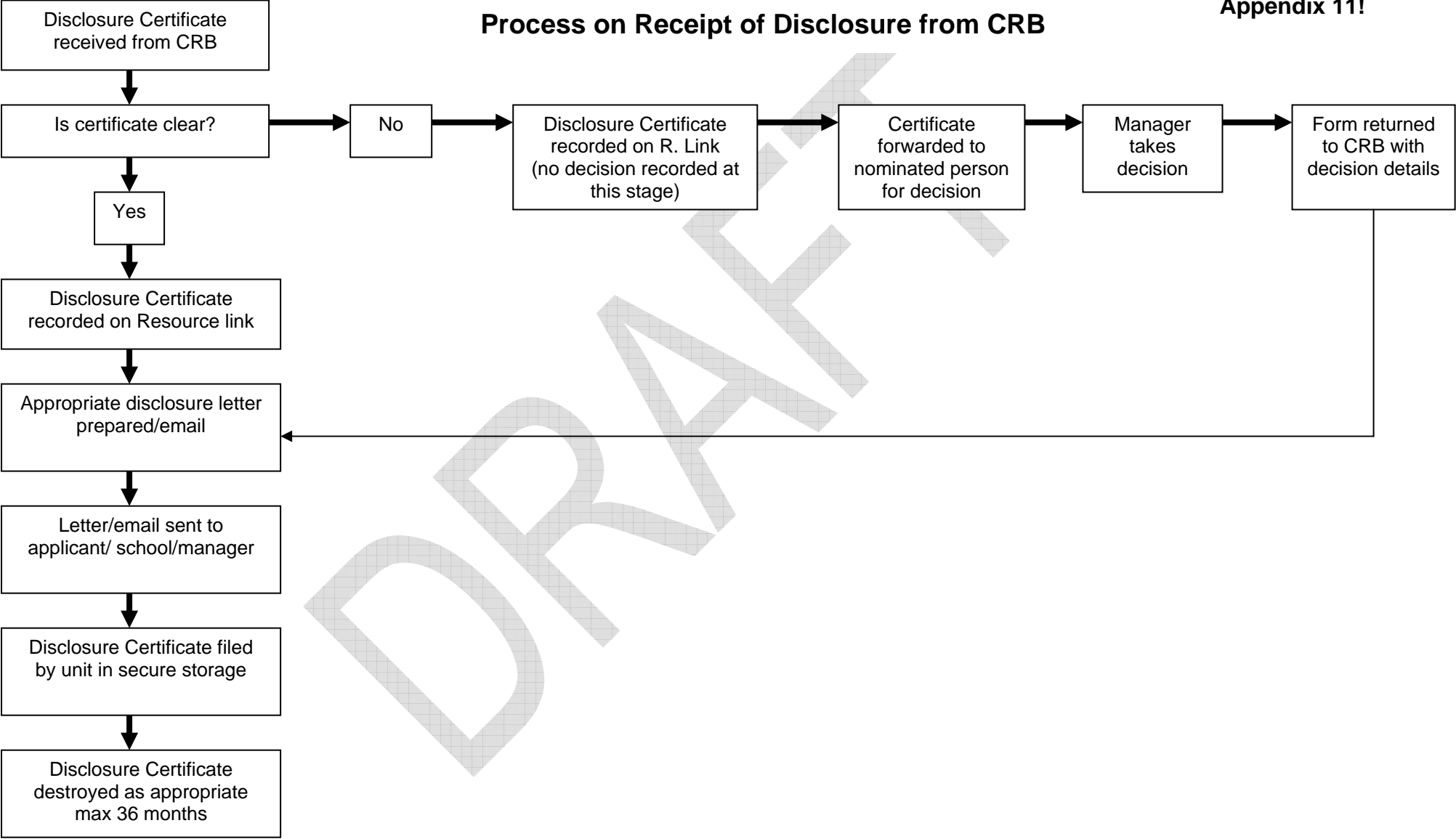
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Process for Applications to CRB

Appendix 10



Process on Receipt of Disclosure from CRB



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