

Huntingdonshire Regional College

Further Education Corporation

POLICY AND PROCEDURE FOR CRIMINAL RECORDS BUREAU CHECKS (STAFF)

1. POLICY STATEMENT

1.1 Huntingdonshire Regional College has a duty to provide a secure and safe environment in which learners and staff can obtain the best possible benefit from studying or working at the College.

1.2 Part of the College's duty is to ensure that it does not employ or make use of the services of a person who has a criminal conviction or record of behaviour that could pose a threat to the safety and well being of learners and staff. This procedure will ensure that appropriate checks are made on College governors, employees and those carrying out services for the College, as required.

1.3 Huntingdonshire Regional College has Criminal Records Bureau registered body status.

2. CRIMINAL RECORDS BUREAU DISCLOSURE

2.1 The Criminal Records Bureau (CRB) disclosure is a facility whereby an employer can request that a check is carried out on an employee/prospective employee to confirm his/her suitability for certain types of work, particularly work involving contact with children (under 18) or other vulnerable members of society. The disclosure service provides access to records held by

- the police, for checks relating to cautions and convictions
- the Department for Health, for records relating to suitability to work with children
- the Department for Children, Schools and Families, to ascertain if a person has been judged to be unsuitable to work with children

2.2 There are two levels of disclosure, standard and enhanced. Standard Disclosures are primarily for posts that involve working with children or vulnerable adults. The Standard Disclosure contains details of all convictions held on the Police National Computer including current and 'spent' convictions as well as details of any cautions, reprimands or final warnings. If a position involves working with children, the Disclosure will indicate whether information is held on government department lists, held by the Department for Health and the Department for Children, Schools and Families, of those who are banned from working with children. The Disclosure also includes information on those considered unsuitable to work with vulnerable adults.

Enhanced Disclosures are for posts involving a far greater degree of contact with children or vulnerable adults. In general the type of work will involve regularly caring for, supervising, training or being in sole charge of such people eg. a teacher. An Enhanced Disclosure includes a check on local police records. Where local police records contain additional information that might be relevant to the post the applicant is being considered for, the Chief Officer of police may release information for inclusion in an Enhanced Disclosure.

2.3 Where a CRB check is required the employee/prospective employee will be asked to complete a CRB Disclosure Application Form, and to produce evidence of identity to one of the Colleges countersignatories or a nominated member of the Human Resources Department.

2.4 The CRB check may take several weeks to complete. When completed the CRB sends the disclosure to the individual who has applied and a copy to the registered body/employer. The disclosure will give details of criminal record or other related matter which has been recorded.

3. RECRUITMENT OF NEW EMPLOYEES

3.1 It will be a condition of all offers of employment in staff categories listed below that a satisfactory CRB disclosure is obtained. All applicants for posts at the College will be informed of the necessity of a check through the CRB disclosure system. At interview all applicants will be told that a refusal to agree to such a check being carried out, or the outcome of the check being unsatisfactory, will lead to any offer being withdrawn. This will be reiterated when an offer is made.

3.2 The College will require a CRB enhanced disclosure for the following staff:-

- All Lecturers, Instructors and Assessors of students under 18 years old or vulnerable students of any age.
- Nursery Nurses
- Learning Mentors
- Student Tutors
- Learning Support Assistants
- Technicians
- Student Services Staff
- Work-Based Learning Staff
- Fitness Factory Staff
- Childrens ACL Tutors/Assistants
- Any other staff considered to be in regular contact with persons aged under 18 or vulnerable people of any age.

The College will require a CRB standard disclosure for the following staff:-

- Senior Executive Team
- Library Staff
- Caretakers

3.3 All new casual staff and new agency staff under the above categories will be required to have a satisfactory CRB disclosure. Voluntary workers will also be required to have obtained a satisfactory CRB disclosure where the work involves regular contact with persons aged under 18 or vulnerable adults.

4. PROCEDURE FOR CRB CHECKS: NEW APPOINTMENTS

- 4.1 The CRB disclosure form and guidelines on completing the form will be sent to all new appointees with the offer letter. The prospective employee will be required to complete the form and provide evidence of identity in accordance with CRB requirements. The completed disclosure form and evidence will be checked by a counter-signatory or nominated member of the Human Resources Department, who will then request the CRB check in accordance with CRB procedures.
- 4.2 When the disclosure has been obtained from the CRB the Human Resources Manager will consider if the disclosure is satisfactory to enable the prospective employee to commence their employment with the College. If the individual has already commenced employment and there are issues raised in the disclosure the Human Resources Manager will pass the disclosure to the Principal who may invite the individual to meet to discuss the disclosure form and its content.
- 4.3 There may be occasions where an employee commences work before the CRB disclosure has been returned from the CRB, in which case a risk assessment will be carried out by the appropriate College manager before the commencement of the employment. The manager will assess the level and nature of contact with children and vulnerable adults and will ensure that the new employee will not be dealing on a one to one basis with children and/or vulnerable adults until a satisfactory CRB disclosure has been received.
- 4.4 In determining if the employment should commence/continue the following factors will be taken into account:
- whether the conviction or other matter revealed is relevant to the post offered
 - the seriousness of any offence or other matter revealed
 - the length of time since the offence or other matter occurred
 - whether the individual has a pattern of offending behaviour or record that relates to another relevant matter
 - whether the individual's circumstances have changed since the offending behaviour
 - the circumstances surrounding the offence or other matter and the explanation offered by the individual
- 4.5 If it is determined that the employment should not commence, or should not continue, the individual will be given written reasons for this. If the individual has not commenced employment the Human Resources Manager will write to him/her withdrawing the offer and explaining the reasons. Where the individual has commenced employment pending the CRB check, there will be an opportunity for the individual to meet with the Principal setting out his/her reasons why he/she believes he/she should not be dismissed. In this instance, there will be a right of appeal as in 6. below.

5. PROCEDURE FOR CRB CHECKS: EXISTING EMPLOYEES

- 5.1 In accordance with guidelines supplied by the Criminal Records Bureau the College will require all existing employees to submit to CRB checks every five years. However, if an employee has had a break in service of more than 3 months then a new CRB check will be required prior to the commencement of re-employment.
- 5.2 The CRB disclosure form and guidelines on completing the form will be sent to any existing employee for whom the College is seeking checks. The employee will be required to complete the form and provide evidence of identity in accordance with CRB

requirements. The completed disclosure form and evidence will be checked by a countersignatory or nominated member of the Human Resources Department, who will then request the CRB check in accordance with CRB procedures. Refusal to agree to the disclosure process may result in the employee being unable to continue in his/her employment.

- 5.3 Once the disclosure has been obtained from the CRB the Human Resources Manager will consider if the disclosure is satisfactory following the procedure in 4.3 and 4.4 above.
- 5.4 Following the meeting the Principal may decide on any of the following courses of action:
 - that the employee may continue in his/her current post
 - that the duties of the employee's post may be amended to enable continuation in his/her current post
 - that the employee should be transferred to another College post which does not involve working with children or vulnerable adults
 - that the employee shall be dismissed
- 5.5 The Principal will notify the employee in writing of his/her decision within five working days of the meeting taking place. If the Principal's decision is that the employee shall be dismissed there will be the right of appeal to a panel of governors.

6. Appeal to Principal's decision to Dismiss

- 6.1 Written notification of the appeal, setting out the basis for appeal, must be submitted to the Clerk to the Corporation and copied to the Principal within ten working days of the employee's receipt of the Principal's decision.
- 6.2 The Clerk to the Corporation shall, within ten working days of receipt of notification of appeal, establish a meeting of the Appeal Body to hear the appeal.
- 6.3 Each of the parties should be present throughout the proceedings. However, a refusal by either party to attend shall not invalidate the proceedings.
- 6.4 The employee has the right to be accompanied by a representative of their choice; the Appeal Body has the right to be accompanied by an adviser of their choice and the Clerk to the Corporation.
- 6.5 The decision of the Appeal Body shall be final.

5. Equality and Diversity Impact Statement

The College believes that this policy will not adversely affect any minority group.

HUNTINGDONSHIRE REGIONAL COLLEGE

CRIMINAL RECORDS BUREAU DISCLOSURE

Recruitment of Ex-Offenders

- As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, Huntingdonshire Regional College 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 a conviction or other information revealed.
- Huntingdonshire Regional College 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.
- We have a written policy on the recruitment of ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process.
- We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
- Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within Huntingdonshire Regional College 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 Huntingdonshire Regional College to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- We ensure that all those in Huntingdonshire Regional College who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to 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.

HUNTINGDONSHIRE REGIONAL COLLEGE

CRIMINAL RECORDS BUREAU DISCLOSURE

Handling and Safekeeping of 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, Huntingdonshire Regional College 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 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 should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and 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 shredded immediately however may be retained 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 the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by shredding. 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 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 a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

Criminal Records Bureau Applications

Frequently asked Questions

1. When is a CRB Required?

If a member of staff has a position in one of the following categories:-

- All Lecturers, Instructors and Assessors of students under 18 years old or vulnerable students of any age.
- Nursery Nurses
- Learning Mentors
- Student Tutors
- Learning Support Assistants
- Technicians
- Student Services Staff
- Work-Based Learning Staff
- Fitness Factory Staff
- Childrens ACL Tutors/Assistants
- Any other staff considered to be in regular contact with persons aged under 18 or vulnerable people of any age.
- Senior Executive Team
- Library Staff
- Caretakers

2. When should a CRB Check be done?

a. New Staff

Prior to the commencement of employment (see 3. below if this is not possible).

b. Existing Staff

- Every five years. HR will inform staff member when a new check is required.
- Upon promotion into a role that requires a CRB check.
- If there has been a break in service of more than 3 months (see 4. below).

3. What if I need somebody to start work immediately and I cannot wait for the CRB check to come through?

You will need to complete a risk assessment on the staff member to assess the level and nature of contact with children and vulnerable adults. You will ensure that the new employee will not be dealing on a one to one basis with children and/or vulnerable adults until a satisfactory CRB disclosure has been received.

4. I employed an hourly-paid lecturer between September and December in this academic year and they completed a CRB check but they haven't worked for the college since. I am hoping to offer them some work in May, do they need another CRB check?

Unfortunately, yes. If there is a break in service of more than 3 months then a new CRB check is required.