

Staff CRB Checks and Employing Ex-offenders: Guide to Policy and Procedure for Managers of Applicants

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1 Introduction

The Criminal Records Bureau (CRB) is an executive agency of the Home Office which provides access to criminal records and other information through a service called Disclosure. The University uses this service to make informed decisions when recruiting staff or the placement of students into positions of trust which involve regular contact with children and/or vulnerable adults.

This policy outlines the University's approach to recruiting ex-offenders and provides procedural guidance for conducting staff CRB checks. This policy will be made available as part of the recruitment process to all job applicants who are subject to a CRB check as a condition of employment.

2 Recruiting ex-offenders

Having a criminal record will not necessarily bar an applicant from working at the University. The University complies fully with the Criminal Records Bureau Code of Practice available at <http://bit.ly/xYjqZt>

and undertakes not to unlawfully discriminate against any subject of a CRB check on the basis of a conviction or other information revealed on the Disclosure documentation issued by the CRB. Any action taken on the basis of such information will depend on the nature of the position and the circumstances and background of the offence.

CRB checks do not substitute any of the full range of existing pre-appointment checks, including taking up references and enquiring into the person's previous employment history. CRB checks are seen as complementary to existing recruitment practices and will only be sought after a candidate has been approved with a provisional offer of employment. However, where a CRB check 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 the information is sent under separate, confidential cover, to the University's CRB Lead Signatory (based in Human Resources Equality and Diversity Office) and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

As an educational institution with a variety of roles, the University uses CRB checks as appropriate to the nature of the post.

A CRB check can provide access to a range of different types of data, such as, information:

- held on the Police National Computer (PNC), including convictions¹, reprimands, cautions, and warnings in England and Wales, relevant convictions in Scotland and Northern Ireland may also be included. (The CRB has reserved the right to add new data sources);
- held by local police forces and other agencies, relating to relevant non-conviction information;

¹ Under the Rehabilitation of Offenders Act 1974, criminal convictions have a specified rehabilitation period, after which they become spent and the slate is wiped clean. After this period, you are not normally obliged to disclose the conviction to others unless you are applying for a role which is exempt because it involves working with children and/or vulnerable adults. Rehabilitation periods depend on the sentence given and the age of the offender-custodial sentences of over 2 ½ years can never become spent; cautions, reprimands and final warnings are considered spent the moment they are administered. A suspended sentence is treated as one that has taken effect and the rehabilitation period is the same as for the full sentence.

- held on lists maintained by the Independent Safeguarding Authority (ISA)²;
- other data sources such as [British Transport Police \(new window\)](#); the [Royal Military Police \(new window\)](#); the [Ministry of Defence Police \(new window\)](#);
- [Scottish Criminal Records Office \(SCRO\)](#) (new window) - if you have spent any time living in Scotland.

(See CRB website (www.crb.homeoffice.gov.uk))

What information is available through a CRB check?

For positions where a CRB check is required, job adverts and recruitment briefs will contain a statement that an offer will be subject to such a check. Recruiting managers will liaise with Human Resources to ensure that this procedure is fully implemented. We ensure that all Chairs of recruitment panels have received appropriate training in equality and diversity and the relevant legislation relating to the employment of ex-offenders i.e. the Rehabilitation of Offenders Act 1974.

All staff are obliged to declare any ‘unspent’ convictions as defined in the [Rehabilitation of Offenders Act \(ROA\) 1974](#) in the recruitment process. When recruiting for roles which are not subject to a CRB check we only ask about ‘unspent’ convictions in accordance with the ROA 1974.

If an applicant refuses to consent to an Enhanced CRB check for a position identified as subject to such a check, which are posts involving contact with children and/or vulnerable adults, the University will not take the job application any further.

It is the responsibility of the recruiting manager in consultation with Human Resources to determine whether an individual’s conviction(s) may present a genuine risk. Normally, we will undertake to discuss any matter revealed via a CRB check with the person seeking the position before withdrawing a conditional offer of employment. 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.

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

- Whether the conviction or other matter revealed is relevant to the position in question
- The seriousness of any offence or other matter revealed
- The length of time since the offence or other matter occurred
- Whether the applicant has a pattern of offending behaviour or other relevant matters
- Whether the applicant’s circumstances have changed since the offending behaviour or the other relevant matters and

² The Independent Safeguarding Authority (ISA) has been created to help prevent unsuitable people from working with children and vulnerable adults. Since 31 March 2008, the ISA has been providing advice on barring decisions for List 99, the Protection of Children Act (PoCA) list and the Protection of Vulnerable Adults (PoVA) list to the Secretaries of State for Children, Schools and Families (DCSF) and Health (DH).

- The circumstances surrounding the offence and the explanation(s) offered by the convicted person.

Recruitment decisions based on ongoing investigations

In a small number of cases, an Enhanced CRB check may result in the local police force disclosing non-conviction information to the University only and not to the individual. This may be because the information relates to an ongoing investigation. This information must not be disclosed to the individual under any circumstances. If the information is deemed to show that the individual would present a genuine risk if they were to be employed or were to continue with employment, legal advice should be sought on how to proceed.

Schedule 4 Offenders and individuals banned from working with children and/or vulnerable adults

Under the Criminal Justice and Court Services Act 2000 it is a criminal offence for people with certain convictions (including various kinds of violence and sexual offences) to apply for and work with children and vulnerable adults. It is also an offence to knowingly offer work to such an individual.

If such information is received as a result of a CRB check the individual must be reported to the police immediately. In such circumstances, the existing member of staff would be subject to disciplinary action (up to and including dismissal).

Fraudulent misrepresentation of conviction details

All staff are obliged to declare any unspent convictions in the recruitment process regardless of whether or not their position is subject to a CRB check. If it becomes apparent (through a CRB check or otherwise) that an individual has fraudulently misrepresented their conviction history or other relevant information, by not disclosing it when given the opportunity to do so on application, the applicant's job offer will be withdrawn or the member of staff will be subject to disciplinary action (up to and including dismissal). Such action would be proportionate to the nature and significance of the misrepresentation and all circumstances would be taken into account.

Allegations of criminal behaviour and/or convictions

Claims made by a third party regarding the alleged criminal behaviour and/or conviction history of an individual should be viewed with caution. Managers are advised to speak to Human Resources should they receive such information.

3 Criminal Records Bureau checks - procedural notes

3.1 Instructions for staff subject to a CRB check

A CRB application form will be sent to all relevant new staff along with the employment contract and covering letter. Please review the CRB application form and accompanying instruction materials and complete the CRB application form as directed. For further guidance on completing the CRB form, the CRB offers an Application Form e-guide available at ww35.crbguide.co.uk. Once you have completed the form please contact Julia Marsh as soon as possible on 0118 378 6249 j.m.marsh@reading.ac.uk to arrange an appointment to show your identity documents, discuss the forms of ID which the University can accept and clarify any queries you may have on the process.

The CRB will send the results of the CRB Disclosure to the individual named on the form and to the Lead Signatory/Countersignatory. You may keep your copy for your records.

3.2 Frequently asked Questions

How much does a Disclosure cost and who pays for it?

The current fee for an Enhanced CRB check is £44.00. The relevant University department will pay for this fee for staff CRB checks.

How long does a CRB check take – what safeguards should be put in place whilst the check is being carried out?

The CRB tries to ensure that Disclosures are issued in the shortest time possible (the CRB service standard is to complete Enhanced Disclosures within 4 weeks). Some Disclosures take only a matter of days, whilst others can take considerably longer.

Arrangements for staff who have not yet received CRB clearance but are in contact with children and/or vulnerable adults must be organised at management level with advice from Human Resources. It may be that temporary supervision is needed or that a project must wait until clearance has been received for example.

What if I am not from the UK or have lived abroad for a substantial period of time?

The CRB can only access criminal records (convictions, cautions, reprimands and warnings) held on the UK PNC. Therefore, when recruiting an overseas applicant or an applicant with a substantial period of overseas residency a CRB check may not provide a complete picture of their criminal record that may or may not exist. Therefore, it is at the discretion of the University to ask that applicants obtain a 'Certificate of Good Conduct' from the relevant country/countries where available. Although procedures for different countries vary, this information may usually be obtained from the relevant Embassy or appropriate authority. The [CRB website](#) provides a country listing with information on what evidence is available from them, but the list is not exhaustive. Extra references should be requested for applicants from countries which do not provide criminal record checks.

The Lead Signatory based in Human Resources will be able to advise individuals on how such a certificate can be obtained. Please note that neither the CRB nor the University are involved in the processing of applications made to overseas authorities and that it will be an arrangement between the applicant and the relevant authority.

For how long is a CRB Disclosure valid?

Each CRB Disclosure will show the date on which it was printed. CRB Disclosures do not carry a pre-determined period of validity because a conviction or other matter could be recorded against the subject of the CRB check at any time after it has been issued. An Enhanced CRB check could also involve additional information being provided by the relevant Chief Police Officer which the applicant will not have seen. Therefore, it is possible that the CRB check alone does not provide a full picture of an individual's suitability for employment. It is therefore the policy of the University not to accept CRB Disclosures which the applicant has previously been issued.

What if the information on my disclosure is incorrect?

If you believe the information on the CRB Disclosure is not yours or is incorrect in any way you should contact the CRB's dedicated Disputes Team and the Lead Signatory. Consideration of the CRB Disclosure should be deferred until the issue has been resolved.

How can I get the information in an alternative format or in a different language?

All CRB publications and guidance documents are available in the following formats from the CRB:

- Audio cassette
- Large print
- Braille.

A mini-com facility is available at all times and for people who do not have English as their first language. The CRB 'Language Line' facility allows applicants to speak to CRB staff in over 100 different languages.

The CRB also provides translations of all publications and guidance material in the following languages on request:

- Arabic
- Bengali
- Chinese (Cantonese)
- Gujarati
- Hindi
- Punjabi
- Urdu.

What is the procedure for CRB checking students?

For information on student policy and procedure please access the *Guidelines on the Management of Student Check of Criminal Convictions in the Context of Volunteering and Placement Learning* in the 'Guide to policies and procedures for teaching and learning, section 6d (ii)' available at:

<http://bit.ly/zA3t02>

4 Secure storage, handling, use, retention and disposal of Information

The University complies fully with the CRB Code of Practice <http://bit.ly/xYjqZt> regarding the correct handling, use, storage, retention and disposal of CRB Disclosure information. It also complies fully with its obligations under the [Data Protection Act 1998](#). The University will ensure that information contained in CRB Disclosures is available only to those who need to have access in the course of their duties.

All recipients of CRB Disclosure information must treat such information with care and responsibility. Where additional information has been released (as a separate letter from the Chief Police Officer) this additional information must be handled, stored, retained and used in exactly the same way as any other CRB Disclosure information in accordance with the Code of Practice. **However, the information contained within this letter must never be revealed to the applicant or be shown to any other person not involved in the recruitment decision.**

Storage and access

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

Handling

In accordance with [section 124 of the Police Act 1997](#), CRB Disclosure information is only passed to those who are authorised to receive it in the course of their duties (e.g. Human Resources and recruiting managers). It is a criminal offence to pass this information to anyone who is not entitled to see it.

Usage

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

Retention

Once a recruitment (or other) decision has been made, we do not keep criminal records information contained in a CRB Disclosure for any longer than is necessary. This is generally for a period of up to six months, to allow for consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the CRB about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

However, we will keep an electronic record on the Human Resources database of the date of issue of an Enhanced disclosure, the name of the subject, the type of CRB check carried out (i.e. Enhanced), the position for which the CRB check was requested and the unique reference number of the CRB Disclosure. **We do not record the contents of the individual Disclosure but we do record the fact that a check has been undertaken.**

The same principles apply for international certificates of good conduct where information on offences committed outside of the UK have been obtained from the relevant embassy or authority (see 4.3).

Disposal

Once the retention period of six months has elapsed, we will personally ensure that all CRB Disclosure information is destroyed by secure means i.e. by shredding. While awaiting destruction, CRB 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 CRB Disclosure or its contents.

5 Sources of further information

If you would like more information about the CRB or its Disclosure service please visit the CRB website (www.crb.homeoffice.gov.uk)

or call the CRB on the following numbers:

- General Enquiries: **0870 90 90 811**
- Registration Information Line: **0870 90 90 822**
- CRB Check Application Line: **0870 90 90 844**
- Dispute: **0870 90 90 778**
- Welsh Language Line: **0870 90 90 223**
- Minicom Line: **0870 90 90 344**
- **Overseas Enquiry Line: 08700 100 450**

(Telephone calls are charged at national rate. Calls will be recorded for security and may be monitored for training purposes.) Alternatively, you can contact the University's CRB Lead Signatory via Julia Marsh at 0118 378 6249 or by e-mail j.m.marsh@reading.ac.uk.

Owner(s): Equality and Diversity Office - Human Resources 2012 02 07

Committee(s): Staffing Committee