

## **Part 14 Recruitment of Ex-Offenders and Dealing with Disclosures from the Criminal Records Bureau (CRB)**

### **1 Recruitment of Ex-Offenders**

- 1.1 As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, Prospect Housing and Support Services complies fully with the CRB Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly on any subject of a Disclosure on the basis of a conviction or other information revealed. The purpose of this policy is to help us to decide whether a person's criminal record is relevant or not in order to ensure both the protection of children and vulnerable adults and opportunities for people with criminal records who can be safely employed. This policy has taken into consideration Commission for Social Care Inspection (CSCI) guidance (November 2005).
- 1.2 Prospect Housing and Support Services is committed to the fair treatment of its staff, volunteers, potential staff, potential volunteers and users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, disability or offending background.
- 1.3 This policy is made available to all Disclosure applicants at the outset of the recruitment process.
- 1.4 Prospect Housing and Support Services actively promotes equality and diversity with the right mix of talent, skills and potential, and welcome applications from a wide range of applicants including those with criminal records. All applicants will be selected for interview based on their skills, qualifications and experience.
- 1.5 Whilst the recruitment and vetting process is delegated to the Personnel Department, accountability remains with the registered persons, who should ensure that the requirements within Regulations issued under the Care Standards Act 2002 and those arising from other legislation such as the Data Protection Act are adhered to.

## **2 When and How to Ask about a Criminal Record**

- 2.1 All staff, workers and volunteers within Prospect Housing and Support Services could potentially be working unsupervised with vulnerable adults and/or children. Therefore, all offers of employment, work or volunteering will be subject to an Enhanced Disclosure with Protection of Vulnerable Adults check (POVA). Any new posts will be evaluated to decide whether a Standard or Enhanced Disclosure is required.
- 2.3 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.
- 2.4 Applicants must disclose all convictions\* (whether spent or unspent), cautions, reprimands, final warnings, and other non-conviction information that has a bearing on their suitability for appointment. All applicants are asked to provide this information when they submit an application form (addendum one). Applicants are asked to send this information under separate, confidential cover to the Head of Personnel at Prospect Housing and Support Services. This information will only be seen by those who need to see it as part of the recruitment process. Failure to reveal information that is directly relevant to the position sought could lead to a withdrawal of an offer of employment or volunteering. Having a criminal record will not necessarily bar people from working or volunteering with Prospect Housing and Support Services. This will depend on the nature of the position and the circumstances and background of the offences.
- \* For further information on disclosure of convictions, advice can be sought from Nacro (National Association for the Care and Resettlement of Offenders). Tel : 020 7840 6464 or e-mail : [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk).
- 2.5 Prospect abides by the CRB Code of Practice and a copy of this is available on request, or can be viewed on the CRB website at [www.disclosure.gov.uk](http://www.disclosure.gov.uk).
- 2.6 All applicants will be shortlisted against the person specification. Conviction information is only considered after an applicant has been shortlisted for interview. Envelopes detailing convictions related to applicants not shortlisted will remain unopened, and will be destroyed. The Head of Personnel shall open envelopes related to applicants shortlisted for interview.
- 2.7 If an applicant has revealed an offence, or other matters relevant to the position, they will be invited to attend an open discussion with the Head of

Personnel and Chief Executive. However, if a Schedule Four offence is disclosed (see addendum two), there will be no need to arrange a discussion, as the applicant is banned from working or volunteering with children and vulnerable adults. The applicant will be written to accordingly.

- 2.8 The applicant will only be invited to attend an interview for the position if the Chief Executive (Responsible Person) decides that the information is irrelevant to the position applied for.

### **3 Applying for Disclosure**

- 3.1 All offers of employment, promotion or work will be subject to: a minimum of two satisfactory references, medical clearance and an Enhanced Disclosure with POVA check and/or POCA check where applicable. Applicants will be written to, and asked to contact the Head of Personnel to arrange to apply for a Disclosure. If the applicant does not contact the Head of Personnel within one week of the date of the offer then a reminder letter will be sent. If there is no contact for a further week then the offer will be withdrawn.
- 3.2 Applicants will be required to submit payment to cover the cost of the Disclosure. This will be reimbursed if and when appointment is confirmed.
- 3.3 The Head of Personnel processes all applications for Disclosure. In their absence, the applications will be processed by the Lead Countersignatory (Chief Executive).
- 3.4 In case of any query arising with the application, before sending the application to the CRB, copies will be made of the form and all additional sheets, plus any type one documentation (i.e. original UK Birth Certificate, Passport, Driving Licence, Firearms Licence or National Identity Card).
- 3.5 These applications will be retained in a secure locked drawer within the Personnel office, and will be destroyed once the Disclosure has been received.

### **4 Action to take on receipt of a Disclosure.**

#### **4.1 No convictions or other information recorded**

Appointment will be confirmed (subject to probationary period of 6 months) if there are no convictions, cautions, reprimands, final warnings or other non-conviction information on the Standard or Enhanced

Disclosure, and if all other checks have been completed i.e. employer references, medical reference and verification of qualifications.

#### **4.2 Information matched that is disclosed by applicant at application stage**

Where a Disclosure confirms what the applicant has already revealed, the details will already have been considered before the job offer was made, and so the offer can be confirmed (subject to probationary period), if all other checks have been completed i.e. employer references, medical reference and verification of qualifications.

#### **4.3 Schedule Four offences**

The Standard or Enhanced Disclosure will also show whether, under Schedule Four of the Criminal Justice and Court Services Act 2000, the person is banned from working or seeking work with young people under the age of 18. Someone convicted of a Schedule Four Offence (see addendum two) will be unsuitable for work with children and vulnerable adults. If the person is banned, the organisation must contact the police, who will take appropriate action. It is an offence for a person banned from working with young people to apply for such work and for an employer knowingly to employ a banned person in such a capacity.

#### **4.4 Significant Discrepancies between the information from the applicant and the information on the Disclosure**

If there are significant discrepancies between the information that the applicant has provided and the information on the Disclosure, or if the information on the Disclosure had not been disclosed earlier (as the applicant failed to reveal it) then further consideration will be necessary. According to the Code of Practice, new matters must be discussed with the applicant before making a final decision. The applicant will be invited to a meeting with the Head of Personnel and Chief Executive. In some cases, a discrepancy may have occurred because the applicant simply did not realise they had a record, or was mistaken about the sort of conviction or sentence they received. For instance, many people are wrongly advised that their convictions will be wiped from the record when they reach the age of 21.

#### **4.5 In the interview with the applicant the Head of Personnel and Chief Executive will take into account:**

- Whether the offences were in the past – e.g. they were committed when the applicant was young or going through particular difficulties which have been resolved. Many people with recent convictions will also have reached the point where they want to put their offending behind them and put their talents to constructive use.
- If their offences are non-sexual, whether the candidate indicates they have changed (e.g. they have family and other responsibilities now and are keen to work and lead a law abiding life).
- Whether the offence is not work related, or if the post is at a level of responsibility which means that the applicant does not represent a risk, and in all other aspects, the applicant is suitable for the job.

4.6 The Head of Personnel and Chief Executive will carry out a risk assessment specific to the post that the applicant is being considered for (see addendum four).

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

## **5 Disclosure of offences committed whilst engaged by the organisation.**

5.1 All staff, workers and volunteers must disclose to the Head of Personnel, any convictions, cautions, reprimands, and final warnings\* that occur whilst they are engaged by the organisation. Any information disclosed will be treated in accordance with this policy, and with the Conduct and Discipline policy.

\* For further information on disclosure of convictions, advice can be sought from Nacro (National Association for the Care and Resettlement of Offenders). Tel : 020 7840 6464 or e-mail : [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk).

5.2 When an offence is disclosed to the Head of Personnel, the employee may be suspended whilst an investigation takes place, depending on the nature of the offence.

5.3 The Head of Personnel, Scheme Manager and the Senior Manager responsible for the scheme will meet with the employee and complete a

risk assessment specific to the post (See addendum four for the Risk Assessment Form).

5.4 An investigation will be conducted in accordance with the Conduct and Discipline policy.

## **6 Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information.**

### **6.1 General Principles**

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to help assess the suitability of applicants for positions of trust, Prospect Housing and Support Services complies fully with the CRB Code of Practice regarding the correct storage, handling, use, 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. This written policy is available, from Personnel, to those who wish to see it on request.

### **6.2 Storage and Access**

Disclosure information will 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. Disclosures will not be kept on personal files. They will be stored in a separate folder in a locked cabinet in the Personnel office. This is permitted by the Commission for Social Care Inspection. Upon receipt of the Disclosure, Pro-formas (addendum six and seven), containing the required information, will be completed by the Personnel Officer and forwarded to the scheme where the subject works. The information at the scheme will be kept in the individual's file. A record of who has accessed the Disclosures will be kept in the front of the folder found at Head Office (see addendum three).

### **6.3 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. This will be the Chief Executive, Head of Personnel, CSCI Inspector and the Registered Manager. We maintain a record of all those to whom Disclosures or Disclosure information is revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it. Anyone accessing Disclosure information, including external

people, e.g. Commission for Social Care Inspection (CSCI) inspectors, must sign the front sheet in the Disclosure folder at Head Office. (See addendum three)

#### 6.4 **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. i.e. to determine the applicant's suitability for the position applied for.

#### 6.5 **Retention**

6.5.1 Copies of Disclosures will be kept in the Central Office Personnel Department and will be destroyed once they have been signed off by CSCI inspectors (see addendum five).

6.5.2 For CSCI regulated services, Disclosures should be kept for up to 12 months or more to enable CSCI Inspector to see a sample at the next inspection.

#### 6.6 **Disposal**

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means i.e. shredding. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle. In any event, we keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the unique reference number of the Disclosure and the details of the recruitment decision taken (see addendum five).

January 2006

**Declaration on Application Form**

**DISCLOSURE OF CONVICTIONS STATEMENT**

Because of the sensitive nature of the duties the postholder will be expected to undertake, you are required to disclose details of any criminal record. 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 offence(s). The information you provide will be treated in confidence, and only taken into account in relation to this particular application and destroyed if you are not successful.

**Have you ever been convicted by the courts or cautioned, reprimanded or given a final warning by the police? (Note that the post you have applied for is excepted from the Rehabilitation of Offenders Act 1974, which means that all convictions, cautions, reprimands and final warnings on your criminal record must be disclosed.)**

**YES/NO\***

**Are you aware of any police enquiries undertaken following allegations made against you, which may have a bearing on your suitability for this post?**

**YES/NO\***

\*Please delete as applicable. If you have indicated 'yes' please give details of offences, penalties and dates, in a sealed envelope marked Head of Personnel, 'Private & Confidential', addressee only.

**Have you ever been dismissed from any employment?**

**YES/NO**

If yes, please give details, in a sealed envelope, as above.

**Are you related to any member of the Board of Management of Prospect Housing and Support Services or to a member of staff?**

**YES/NO** If yes, please state the relationship.

**I confirm that the information I have given on this form is correct and complete, and that misleading statements may be sufficient for canceling any agreements made. I understand that in the event of a successful application, an Enhanced Disclosure will be sought. This check will request details of warnings, cautions and convictions. The organisation abides by the CRB Code of Practice. A copy is available on request.**

**I agree to the details given within this application being held on file by the organisation, in connection with this employment and in accordance with the Data Protection Act 1998.**

**Signed: ..... Dated: .....**

### Schedule Four Offences

People convicted of the following offences will be unsuitable for work with children and vulnerable adults.

- Murder
- Attempted Murder
- Soliciting Murder
- Manslaughter
- Wounding or causing grievous bodily harm with intent
- Kidnapping
- Rape and attempted rape
- Intercourse with a girl under 13
- Incest by a man with a girl under 13
- Assault by penetration
- Causing a person to engage in sexual activity without consent
- Rape and attempted rape of a child under 13
- Assault of a child under 13 by penetration
- Causing a child under 13 to engage in sexual activity
- Sexual activity with a person with a mental disorder impeding choice
- Causing a person with a mental disorder impeding choice to engage in sexual activity

Source: Criminal Justice Act 2003, Chapter 44, Section 62, Schedule 4, Part 1, 1 - 18

**Addendum Three**

**Record of people who have accessed CRB information**

Please complete the table below to show details of Disclosures you have accessed.

Disclosures accessed by: (print name and position)	Date:	Disclosures checked:	Signed:

## Addendum Four

### Risk Assessment for Applicants who have disclosed offences or other matters relevant to the position applied for.

To be completed by Head of Personnel and Chief Executive, with applicant, when the applicant has been shortlisted for interview.

Name of Applicant: \_\_\_\_\_

Position applied for: \_\_\_\_\_

<b>Hazard</b>	<b>No</b>	<b>Yes</b>	<b>Comments</b>
Will the nature of the job present any realistic opportunities for the applicant to reoffend at work?			
Does this job have exemption status under the ROA 1974, or duties under the Police Act 1997 or Acts listed in Appendix A?			
To what extent do other legal restraints apply? E.g. Outreach worker with driving ban			
Does the job involve any direct responsibility for finance or items of value?			

Does the job involve any direct contact with members of the public?			
Would the offence create unacceptable risks for other employees, customers, suppliers or service users?			
What could happen at work and how serious would that be?			

**Decision:**

**I recommend that the applicant should/should not\* be invited to an interview for the position**

\*Please delete as applicable

Signature of Head of Personnel: \_\_\_\_\_

Please Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Chief Executive: \_\_\_\_\_

Please Print Name: \_\_\_\_\_

Date: \_\_\_\_\_



**Addendum Six**

**PROSPECT HOUSING AND SUPPORT SERVICES**

**Pro-forma regarding Staff Information  
[incorporating details Required under  
Regulation 17 Schedule 4 & Regulation  
7, 9 & 19 Schedule 2]**



**TO BE KEPT IN THE CARE SERVICE**

**STAFF DETAILS**

Full Name:	
Address:	
Date of Birth:	
Qualifications:	

Experience:		
Date Commenced:		
Date Ceased:		
Job Title:		
Summary of Work:		
Contracted Hours (pw):		
Job Title:		
Other personnel issues held centrally e.g. grievance, disciplinary action, medical issues, etc.:	Yes:	No:
	If yes, where kept:	

## ADDENDUM SEVEN

### STAFF INFORMATION

#### STAFF DETAILS:

References	Verified by	Position
Reference 1 Most recent employer	Date obtained	
Reference 2	Date obtained	
CRB Check incl.  POVA <input type="checkbox"/>  POCA <input type="checkbox"/>	Level: Disclosure ref number:  Date Obtained:	Checked by: (Signature)  Date:
POVAFirst (where applicable)	POVAFirst reference number:  Date:	
Proof of Identity Type:	Document Seen:  Date:	Checked by: (Signature)  Date:
	Document Seen:  Date:	Checked by: (Signature)  Date:
	Document Seen:  Date:	Checked by: (Signature)  Date:
	Document Seen:  Date:	Checked by: (Signature)  Date:
Details of registration with Professional Body (e.g.NMC, GSCC)	Registration number:  Expiry date:	Checked by: (Signature)  Date:

Full Employment History	Yes  Gaps satisfactorily explained?	Checked by: (Signature)  Date:
Verification of why left previous employment with vulnerable adults/children	Yes:  Date obtained:	Checked by: (Signature)  Date:
Proof of Qualifications seen	Yes Date Obtained:	Checked by: (Signature)  Date:

ORIGINAL DOCUMENTATION AND INFORMATION IS HELD AT:

Prospect Housing and Support Services  
Head Office  
19 Trowers Way  
Holmethorpe Estate  
Redhill  
Surrey  
RH1 LHU

COMPLETED AND VERIFIED BY (REGISTERED PERSON AND RESPONSIBLE INDIVIDUAL)	
Signature:	Signature:
Print Name:	Print Name:
Position:	Position:
Date:	Date: