

Equal Opportunities Policy

Part B Criminal Records Bureau Disclosures Policy & Procedure

1. INTRODUCTION

Trowbridge Town Council (“the Council”) uses the Criminal Records Bureau (“CRB”) Disclosure service to help assess the suitability of employees, volunteers and outside staff, who are likely to come into contact with children, and/or vulnerable adults during their work.

This document has been developed with reference to the CRB’s Code of Practice (revised April 2009):-see *Appendix 1*. As well as detailing the Council’s policy regarding obtaining disclosures it covers the recruitment of ex-offenders, the use, handling, storage, retention and disposal of disclosure information, and the role of the Council as an “Umbrella Body”.

2. POLICY

To indicate an individual’s suitability to work, with children, and/or vulnerable adults, it is Council policy that employees, volunteers, councillors and outside staff undergo checks, either by self assessment and/or via the CRB. Any costs incurred in obtaining a disclosure required by the Council from the CRB will be met by the Council.

The Head of Corporate Services will, in consultation with the appropriate line manager, decide if;

- any variations to the disclosure requirements are necessary
- the Council’s disclosure requirements have been met

3. CRB REQUIREMENTS

3.1 Employees, Volunteers and Councillors.

Persons undertaking specific roles (detailed below) on behalf of the Council are required to obtain a satisfactory CRB disclosure at enhanced level within three months of joining the Council. An updated disclosure will be required every two years, with a Criminal Records Self Certification being completed in the interim year.

Disclosures which were obtained for a position in another organisation cannot be accepted for a role within the Council, unless the individual concerned has been undertaking the role for a period of 2 years, during which time they have received satisfactory enhanced CRB disclosures. In instances where an employee is required to obtain an updated enhanced disclosure (i.e. after 2 years) the Council will accept a full disclosure obtained for an alternative body (e.g. OFSTED, Carnival) if it has been obtained within the last three months.

Failure to provide a satisfactory disclosure when requested may result in employment being terminated.

3.1.1 Active Trowbridge

Persons undertaking roles which require the supervision of children and/or vulnerable adults as part of the activities provided by Active Trowbridge, including sports coaching, holiday fun days, road-show activities, etc. require an enhanced CRB. This includes but is not limited to

the department Manager, Supervisors, Team Leaders, Coaches and administrative support staff, including casual staff, freelance staff and contractors.

3.1.2 Trowbridge Museum

Persons undertaking roles which require the supervision of children and/or vulnerable adults as part of the education activities provided by Trowbridge Museum, including school visits, regular activities, holiday fun days, and outreach activities, etc. require an enhanced CRB. This includes but is not limited to the Education Officer, Education Assistant, Volunteers and support staff, including casual staff, freelance staff and contractors.

3.1.3 Licence Holders and Security Industries Association (SIA) badge holders.

Persons undertaking roles which require the employee to obtain a Personal Licence or and SIA badge require an enhanced CRB. This includes but is not limited to the Facilities Manager and Civic Centre Supervisors, including casual staff, freelance staff and contractors.

3.1.4 Others

Persons employed or in a voluntary position, including Councillors, who undertake a role likely to give substantial access to children will also be required to obtain an enhanced disclosure before starting such a role.

4. UNSATISFACTORY CRB

If a CRB disclosure is returned to the Council with a previously undeclared conviction, the following steps will be taken:

- 4.1** The employee's Manager should discuss the details from the disclosure with the Town Clerk to determine the action that should be taken.
- 4.2** If any concerns are raised by the Town Clerk, then a meeting between the employee, the Manager and the Town Clerk should take place to discuss the matter. The employee may be accompanied at the meeting by a representative or friend.
- 4.3** The employee will then be advised of the outcome.

5. EXCEPTIONAL CIRCUMSTANCES

In exceptional circumstances it may be possible for outside staff to be hired to provide support in areas where they might otherwise be excluded i.e. play areas, museum activities, children's fun days. In such circumstances the following procedure should be followed:

- a risk assessment form should be completed by the relevant departmental manager
 - Note:** the risk assessment should be annotated to include:
 - time on site
 - time off site
 - date of event
 - name of individual(s) carrying out work
 - name of supervisory staff member (see below)
- the Child Protection Officer should be notified of the requirement in writing
- a member of staff who has suitable CRB clearance should constantly supervise the individual(s) while they undertake their work

6. RECRUITMENT OF EX-OFFENDERS

As an organisation using the CRB Disclosure service the Council undertakes to treat all applicants for positions fairly. In line with its Equal Opportunities Policy it promotes equality and welcomes applications from a wide range of candidates, including those with criminal records.

The Council will not discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information revealed.

Disclosures are requested for specified permanent, temporary, full or part time positions. Recruitment documentation and job adverts for such roles will contain a statement that a disclosure will be required in the event of the individual being offered a position.

As a disclosure forms part of the recruitment process, applicants are asked to provide details of their criminal record at an early stage in the application process. The Council requests that this information is sent under separate, confidential cover, to the Administration Officer and guarantees that the information will only be seen by those who need to see it as part of the recruitment process.

The Council will ensure that;

- this statement on the recruitment of ex-offenders is made available to all disclosure applicants at the outset of the recruitment process
- anyone who is subject to a disclosure is aware of the existence of the CRB Code of Practice and that a copy is available on request
- all those involved in the recruitment process are suitably trained to identify and assess the relevance and circumstances of offences
- all those involved in the recruitment process receive appropriate guidance and training in relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 (see also Appendix 2)
- candidates for interview are selected based on their skills, qualifications and experience
- at interview, or in a separate discussion, an open and measured discussion takes place on the subject of any offences or other matter that may be relevant. **Note:** failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment
- any matter revealed in a disclosure will be discussed with the person seeking a position before withdrawing a conditional offer of employment

Having a criminal record will not necessarily bar anyone from working with the Council.

This will depend on the nature of the position and the circumstances and background of the offences. Please refer to additional information in Appendix 2 which relates to the Rehabilitation of Offenders Act.

7. HANDLING AND USAGE OF INFORMATION

CRB disclosure information will only be used for the specific purpose for which it was requested and the Council recognises that it is a criminal offence to pass any information related to a disclosure to anyone not entitled to receive it.

Information should only be passed to those who are authorised to receive it in the course of their duties, namely;

- an employee acting as a counter-signatory on disclosure applications (see *Section 9*)
- the Administration Officer, who has responsibility for recording CRB disclosure numbers and issue dates, as well as advising staff/volunteers when subsequent disclosures are due
- an appropriate member of the Council's Operational Management Team (*in instances when disclosure information gives cause for concern*)

Disclosure information should not be revealed to any external organisations (e.g. schools may enquire with regard to Sports Coaches) unless the holder has given their consent and authorisation has been given by the Town Clerk or Head of Corporate Services. In such circumstances only the disclosure number and issue date should be made known.

8. STORAGE & RETENTION

7.1 Employees, Volunteers and Councillors.

No copies of a disclosure or its content, in any format, will be made, unless it is done so with the prior agreement of the CRB.

Details of disclosure numbers and issue dates are held, on a password protected spreadsheet, maintained by the HR department.

Once details of the disclosure number and issue dates are recorded, the Registered Body copy of the disclosure is returned to the applicant.

In instances when disclosures give cause for concern the Registered Body may be kept on file for a maximum of 6 months (to allow for consideration and resolution of any disputes complaints or complaints).

7.2 External Organisations

On receipt of a Registered Body copy of a disclosure for an individual outside of the Council (see *Section 9, Umbrella Body*) the counter signatory will forward it directly on to the applicant.

If they feel that the content of the disclosure gives cause for concern they may choose to contact the individual's employer/organisation to advise them that the disclosure has been processed (without giving details of the content)

In instances where it is necessary to hold disclosure information on file it will be kept securely in a lockable cabinet (non-portable), with access limited to those entitled to see it as part of their duties (see *Section 3*).

9. DISPOSAL

In instances where disclosures are held on file they will, once the retention period has elapsed, be destroyed in a secure and confidential method, i.e. shredding.

10. AN UMBRELLA BODY

In its capacity as an Umbrella Body, the Council will take all reasonable steps to ensure that any organisation, on whose behalf we are countersigning applications and receiving Disclosure information, can fully comply with the CRB Code of Practice (see *Appendix 1*).

All reasonable steps will be taken to ensure that the information provided by the Council to these organisations will be handled, used, stored, retained and disposed of in full compliance with the CRB Code of Practice and in accordance with this policy.

In addition the Council will ensure that any body or individual at whose request applications for Disclosure are countersigned has a written policy and, if necessary, will provide this policy for that body to use or adapt for this purpose.

Any Council employee who applies to become a counter-signatory will be issued with a copy of the CRB Code of Practice for information/guidance.

APPENDICES

- Appendix 1** CRB Code of Practice
Available to download from: www.crb.homeoffice.gov.uk

- Appendix 2** The Rehabilitation of Offenders Act 1974 (guidance)
Available to download from:
www.crb.homeoffice.gov.uk/about_crb/what_is_the_roa.aspx

Lance Allan – Town Clerk & Proper Officer

Signed :..... Date:.....

*This document was approved by the Policy & Resources Committee on 28 February 2012.
It will be reviewed and updated on a bi-annual basis or more frequently if legislation or the size and nature of the Council changes.*

Appendix 2

Information taken from the Criminal Records Bureau website: www.crb.homeoffice.gov.uk/default.aspx

WHAT IS THE REHABILITATION OF OFFENDERS ACT (ROA) 1974?

The Rehabilitation of Offenders Act (ROA) 1974 applies to England, Scotland and Wales, and is aimed at helping people who have been convicted of a criminal offence and who have not re-offended since.

Anyone who has been convicted of a criminal offence, and received a sentence of not more than 2.5 years in prison, benefits as a result of the Act, if he or she is not convicted again during a specified period otherwise known as the 'rehabilitation period'. The length of this period depends on the sentence given for the original offence and runs from the date of the conviction. If the person does not re-offend during this rehabilitation period, they become a 'rehabilitated person', and their conviction becomes 'spent'.

For example, if a person receives a sentence of imprisonment or detention in a young offenders institute of between 6 months and 2.5 years, the rehabilitation period is 10 years, or 5 years if the individual was under 18 at the time of conviction. For an absolute discharge the rehabilitation period is six months.

Sentences can carry fixed or variable rehabilitation periods and these periods can be extended if the person offends again during the rehabilitation period. However, if the sentence is more than 2.5 years in prison the conviction never becomes 'spent'. It is the sentence imposed by the courts that counts, even if it is a suspended sentence, not the time actually spent in prison.

Once a conviction is 'spent', the convicted person does not have to reveal it or admit its existence in most circumstances. However, there are some exceptions relating to employment and these are listed in the Exceptions order to the ROA. The two main exceptions relate to working with children or working with the elderly or sick people. If a person wants to apply for a position that involves working with children or working with the elderly or sick people they are required to reveal all convictions, both spent and unspent.