

## **1. Executive Summary**

- 1.1 This report informs members about the implementation of the Independent Safeguarding Authority's Vetting & Barring Scheme and the consequential impact on the Council's current recruitment and employment policies and procedures. It seeks members approval of the Council's new Safer Recruitment and Employment Policy which incorporates and replaces the Council's existing Criminal Records Bureau (CRB) Disclosure Policy.

## **2. Background**

### **2.1 Bichard Inquiry**

The Vetting and Barring Scheme is one of the Government's key responses to the murders of Holly Wells and Jessica Chapman by Ian Huntley. The events in Soham focused public attention on the way in which people who work with children are vetted. The resulting Bichard Inquiry recommended a new scheme that everyone working in regulated activity with children or vulnerable adults is checked and registered.

### **2.2 Safeguarding Children and Vulnerable Adults Legislation**

After full consultation, the Bichard Inquiry led to the Safeguarding Vulnerable Groups Act (SVGA) 2006 and the Safeguarding Vulnerable Groups (Northern Ireland) Order (SVGO) 2007, which provide for the establishment of a vetting and barring scheme in England, Wales and Northern Ireland. A parallel scheme is being developed in Scotland.

The Safeguarding Vulnerable Groups Act 2006 provides the legislative framework for a new Vetting and Barring Scheme (VBS) for people working with children and vulnerable adults. The Act is being phased in over time and is partly implemented. The overall purpose of the Act is to minimise the risk of harm to children and vulnerable adults by workers who might seek them harm.

For the purposes of the Act:

- "children" are people under the age of 18.
- "vulnerable adults" are people with disabilities, elderly people, expectant and nursing mothers, people who are in residential accommodation or sheltered housing, people who receive domiciliary care or any form of health care, and those detained in lawful custody.

### 2.3 **Vetting System**

From 12 October 2009 the Act created a centralised vetting system for people barred from working with children and/or vulnerable adults, in paid and unpaid work. The new scheme covers employees and volunteers in the education, care and health sectors.

### 2.4 **Integrated Barring Lists**

Under the Act, the two previous children's barred lists (List 99 for teaching jobs and the Protection of Children Act List (POCA) for childcare jobs) have been integrated from 12 October 2009. This new integrated list has been aligned with the list of people barred from working with vulnerable adults (the Protection of Vulnerable Adults (POVA) list). Individuals who were barred under the previous arrangements were included, or considered for inclusion, on the new barred lists.

### 2.5 **Checking Barring Lists for Employment in Regulated Activity**

Employers in the relevant sectors that are proposing to employ an individual in a regulated activity must check whether or not the individual is on one of the new barred lists (this is done via an Enhanced CRB Disclosure). Regulated Activity could be for example, a job involving frequent, intensive or overnight contact with children under 18 or vulnerable adults. "Frequent" contact is contact that is once a month or more, whereas "intensive" contact is contact on three days or more in a single 30 day period.

### 2.6 **End of Standard CRB Checks for Regulated Activity**

Standard CRB checks no longer reveal information on the Barred Lists but an Enhanced CRB Check will. This means that a Regulated Activity Provider (which includes local authorities and schools) will have to ask for an Enhanced CRB check in all cases where they are recruiting someone to work or volunteer in a Regulated Activity. An Enhanced CRB Check additionally gives any local police information relevant to the specific job which the person being checked has applied for.

### 2.7 **Non-Compliance**

Since 12 October 2009, it has been a criminal offence for barred individuals to offer to, seek to, or actually engage in a regulated activity. Further, employers that knowingly permit barred individuals to engage in a regulated activity are committing a criminal offence and will be liable to fines of up to £5,000 and/or up to six months imprisonment.

### 2.8 **Barring Decisions**

The Independent Safeguarding Authority (ISA) is responsible for the decision making and maintenance of the two barred lists: the ISA Adults' Barred List and the ISA Children's Barred List. The ISA works in partnership with the Criminal Records Bureau (CRB), with the ISA making the barring decisions and CRB administering the vetting and barring scheme. Decisions are based on relevant information from various sources, including the police and regulatory bodies.

### 2.9 **Regulated Activities**

**Regulated activities in relation to working with children** include teaching, any form of childcare or child supervision, the provision of advice or guidance to children, health care/therapy and the transportation of children (for example to school). Schools, hospitals, children's institutions, care homes and childcare and childminding businesses are all in scope. Anyone proposing to engage someone in a private

capacity as, for example, a nanny, care worker, private tutor or music teacher, can also check if the individual is barred from working with children.

**Regulated activities in relation to work with vulnerable adults** include any form of training or instruction provided to adults, all forms of care or supervision, the provision of assistance, advice or guidance, health care/therapy and the transportation of vulnerable adults.

#### 2.10 **Controlled Activities**

The 2006 Act also defines “controlled” activities” which are jobs carried out by support workers such as cleaners, caretakers, shop workers, receptionists and catering staff, and workers with frequent access to sensitive records about children or vulnerable adults. From 1 April 2010, employers that do not know whether or not a new entrant in a controlled activity is barred from regulated activity may ask the CRB to carry out a check of the barred lists on their behalf. This is being reviewed, please refer to No.3 below.

#### 2.11 **Referrals**

From 12 October 2009, under the Safeguarding Vulnerable Groups Act 2006, employers, local authorities and employment businesses and agencies are under a duty to pass information about certain individuals to the ISA. The duty to refer information will arise where an employee has resigned or has been dismissed, or would or could have been dismissed, because he or she has harmed, or may harm, a child or vulnerable adult.

#### 2.12 **ISA Registration**

From 26 July 2010 the ISA’s plan was for all employees and volunteers who were new entrants or job movers working in Regulated Activity for a new Regulated Activity Provider (RAP) to apply to the ISA for registration. Once the individual was registered their status would be updated continuously.

From 1 November 2010, individuals applying to work or volunteer in regulated activities would be required to register with the ISA and RAPs would have to check the individual’s ISA Registration status was satisfactory before appointing them.

Further to this, from April 2011 existing employees already in post prior to 26<sup>th</sup> July 2010 and working in regulated activity would be required to gain ISA Registration. This would have been managed over a four year period up until 2015.

#### 2.13 **Review of Vetting and Barring Scheme – ISA Registration**

On 20<sup>th</sup> May 2010, the government published a statement which stated that the Vetting and Barring Scheme would be reviewed. The elements of the Vetting and Barring Scheme already implemented from 12 October 2009 such as the duty to refer and the new barred lists would remain. However, the ISA Registration element, the first phase of which was scheduled to be implemented from 26<sup>th</sup> July 2010 has been halted until further notice.

## 2.14 Preparation for Changes

In preparation for the implementation of the Vetting and Barring Scheme, the following has been delivered;

- An Action Plan devised for all related activities.
- Merged the Authority's 3 CRB Registered Bodies into 1 CRB Registered Body.
- A review of the existing CRB Disclosure Policy and developed the draft Safer Recruitment and Employment Policy and supporting Framework.
- A review of Post's CRB Disclosure Levels, eligibility categories and access to Children and/or Vulnerable Adults.
- Identified Posts subject to ISA Registration and access to Children and/or Vulnerable Adults (using the definition originally provided in the ISA's guidance).
- A review and revision of existing processes and documentation for CRB Disclosures.
- HR staff trained and Counter signatories on the new CRB Application Form and Processes.
- Transition made to the new CRB Disclosure Application Form (July 2010).

## 2.14 CRB disclosures

The Council will continue to comply with existing requirements for obtaining a satisfactory Enhanced CRB disclosure when it is proposed to offer an individual a post in a Regulated Way.

## 3 Safer Recruitment and Employment Policy

- 3.1 A new Safer Recruitment and Employment Policy (attached at Appendix A) has been developed to ensure that the Council complies with new legislation and to incorporate and replace the existing CRB Disclosure Policy.

The Safer Recruitment & Employment Policy demonstrates the Council's commitment to safer recruitment and employment. It is underpinned by a commitment to the principles of safeguarding children and young people, the protection of vulnerable adults and a duty of care to the Council's employees, prospective employees and volunteers.

The Council is striving to develop and maintain an environment that deters and prevents the appointment or further employment of unsuitable people and challenges inappropriate behaviour. Safeguarding and promoting the welfare of children and vulnerable adults is an essential part of creating 'safer' environments.

### **Safer Recruitment and Employment Policy Recommendation**

The recommendation is for members to approve the new Safer Recruitment and Employment Policy and the following Policy Statement:

**'Wirral Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all employees and volunteers to share this commitment.'**

## 3.2 Safer Recruitment & Employment Framework

The Safer Recruitment & Employment Policy is also supported by a Framework of associated procedures (attached at Appendix B).

### 3.3 CRB Renewal Process

The timescales for CRB renewal are not specified in statute and the CRB's policy guidance is 'Organisations can determine their own rechecking policy.' However the Employers Organisation recommends a three year renewal process as good practice and some services have statutory requirements to recheck on a regular basis, for example, Adult Social Services are governed by Care Regulations and the Care Quality Commission.

The timescales are not applied consistently across the organisation at present. It is recommended that a three year renewal process is applied consistently for non-school based staff. The costs of implementing this are show in at appendix 1.

## 4 Consultation and Communication

The draft Safer Recruitment and Employment Policy and supporting Framework have already been shared and discussed with Senior HR Managers, the Trade Unions and those Heads of Service with specific responsibility for safeguarding children and vulnerable adults.

Upon approval the new policy and framework will be published on the Council's Human Resources Intranet Handbook and a series of briefings will take place.

## 5. Financial implications

The current fee for a Standard CRB check is £26.00 and an Enhanced CRB check is £36.00. Standard and Enhanced CRB checks are free of charge to volunteers (who meet the volunteer definition).

The Council's policy is to pay for CRB Disclosures where applicable for the successful candidate during recruitment (pre-employment checks) and for existing employees.

The projected costs for the next 3 years are detailed in the table below. The costs will be paid out of existing staff / service budgets.

2010/11	£51,925
2012	£61,920
2013	£46,980

## 6. Staffing implications

- 6.1 The administration of the CRB Disclosure process will continue to be met from within existing resources.

## 7. Equal Opportunities implications

- 7.1 The purpose of the ISA's decision making process is to ensure that all barring decisions follow a standard process which affords a fair, rigorous, consistent, transparent and legitimate assessment of whether an individual should be prevented from working with children and/or vulnerable adults.

This will assist with ensuring that the Council is promoting equality and diversity and is taking all necessary steps to prevent the possibility of unlawful discrimination whilst also safeguarding children and vulnerable adults.

An Initial Equality Impact Assessment has been carried out on this Policy.

## **8. Community Safety implications**

- 8.1 The Vetting and Barring Scheme has been established to reduce the risk of harm to children and vulnerable adults. It will do this by barring those (where the information shows they pose a risk of harm) people who wish to work in regulated activity with these vulnerable groups.

## **9. Local Agenda 21 implications**

- 9.1 There are none arising from this report.

## **10. Planning implications**

- 10.1 There are none arising from this report.

## **11. Anti-poverty implications**

- 11.1 There are none arising from this report.

## **12. Human Rights implications**

- 12.1 The Human Rights Act 1998 provides that no public authority may breach a person's human rights as provided in the European Convention on Human Rights and Fundamental Freedoms ("the Convention"). The Convention protects key freedoms including the right to respect for a person's private and family life, their home and correspondence, freedom of thought, conscience, expression and religion and the right of freedom of assembly and to found and be a member of a trade union, amongst others. Article 14 of the Convention provides that no person should be discriminated against on any grounds in relation to their rights under the Convention.

The Council's new Safer Recruitment and Employment Policy aims to ensure that people who work/apply to work for the Council or use its services are not discriminated against in their work or in their access to those services.

## **13. Social Inclusion implications**

- 13.1 There are none arising from this report.

## **14. Local Member Support implications**

- 14.1 Members (and Chief Officers) may be subject to CRB Disclosure. The Vetting and Barring Scheme covers individuals who, by virtue of the authority and responsibility inherent in the posts they hold, might be expected to be suitable to work with children or vulnerable adults. There are specified positions within the children's workforce and

the vulnerable adults workforce which includes members of local government bodies (for example, local councillors).

## **15. Background Papers**

- 15.1 The following sources were used in the preparation of this report.
- HM Government – The Vetting & Barring Scheme Guidance (March 2010)
  - XperthHR

## **16. Recommendations**

- 16.1 That members note the requirement for the Council as a Regulated Activity Provider (RAP) to comply with the Safeguarding Vulnerable Groups Act (SVGA) 2006.
- 16.2 That members approve the Council's new Safer Recruitment and Employment Policy.
- 16.3 That members approve the recommendation to renew CRB checks every 3 years across the Council, excluding Schools (in line with most statutory timescales).
- 16.4 That any further changes to the Independent Safeguarding Authority's Vetting & Barring Scheme and the subsequent impact on the Council's Safer Recruitment and Employment Policy are reported to this Committee.

**Bill Norman**  
Director of Law, HR and Asset Management

## **Safer Recruitment & Employment Policy**

### **1. Policy Statement**

**Wirral Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all employees and volunteers to share this commitment.**

### **2. Background**

#### **2.1 Safer Environments**

The Council strives to develop and maintain an environment that deters and prevents the appointment or employment of unsuitable people and challenges inappropriate behaviour. Safeguarding and promoting the welfare of children and vulnerable adults is an essential part of creating 'safer' environments.

In order to achieve this the Council has robust recruitment and employment practices which comply with the following statutory duties:

- Rehabilitation of Offenders Act (ROA)
- Criminal Records Bureau Code of Practice
- Independent Safeguarding Authority (ISA) Vetting & Barring Scheme (VBS)
- Safeguarding Children and Vulnerable Adults Legislation

### **3. Commitment to Equality**

One of the main purposes of the Policy is to ensure that all recruitment and employment decisions follow a standard process which affords a fair, rigorous, consistent, transparent and legitimate assessment of whether an individual should be prevented from working with children and/or vulnerable adults.

It aims to ensure that people who work/apply to work for the Council or use its services are not discriminated against in their work or in their access to those services.

### **4. General Principles**

The Safer Recruitment & Employment Policy is designed to demonstrate the Council's commitment to safer recruitment and employment.

It is underpinned by a commitment to the following principles:

- Safeguarding children and young people and the protection of vulnerable adults
- A duty of care to the Council's employees, prospective employees and volunteers
- Adherence to a system of safeguarding that is proportionate, balanced and effective



- Maintaining confidentiality standards about individual's CRB Disclosure information
- Any abuse of the procedures within this policy will be dealt with through the Disciplinary policy

## 5. Aims and Objectives of the Policy

- To demonstrate our commitment to safer recruitment and employment.
- To comply with current legislation, statutory duties and codes of practice.
- To protect the children and vulnerable adults within our community.
- To give assurance that unsuitable people are deterred and prevented from working or volunteering with children or vulnerable adults within our community.
- To make clear the standards to which the Council is expected to work to.
- To complement the Recruitment and Selection Policy.
- To ensure that employees and prospective employees understand what information in relation to criminal offences needs to be disclosed.
- To ensure that pre-employment checks are satisfactorily completed prior to appointment.
- To undertake CRB Disclosure rechecks on a regular basis.
- To deal with Positive CRB Disclosures on a case by case basis in a fair and indiscriminate manner.
- To monitor procedures and to ensure that vigilance is retained in recruitment and employment practices.

## 6. Awareness

All employees and volunteers **must** be made aware of, and understand the need for, the Council's policies which relate to the wellbeing and safety of children, young people, vulnerable adults, employees/prospective employees and volunteers.

The Council will send out a clear message about its commitment to safer recruitment and employment and ensure that there is an ongoing culture of vigilance within the organisation.

## 7. Monitoring and Review

The Safer Recruitment and Employment Policy will be reviewed every three years as part of the Human Resources & Organisational Development Policy Review Programme. However, the Policy may be reviewed as and when required, for example, due to legislative changes or if an issue arises around its effectiveness.

Policy owned by:	Head of Human Resources & Organisational Development
Policy written by/updated by:	Andrea Morrell-Foulkes, Human Resources & Organisational Development
Date policy written/updated:	Final Version: August 2010
Policy due for review:	2013

**Complemented by Safer Recruitment and Employment Framework**

## **Safer Recruitment and Employment Framework**

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# **Access to Criminal Records**

## **Introduction**

Local Authorities have access to criminal records for those potential and existing employees whose posts would involve responsibility for children and/or other vulnerable groups (regulated activities) or posts which are also exempt from the Rehabilitation of Offenders Act 1974. This is referred to as a Disclosure.

Disclosure information is highly confidential and must be considered only by those eligible to receive it. Breaches of confidentiality or abuse of the Safer Recruitment & employment Policy may result in disciplinary action.

## **Legislation**

The Council has robust recruitment and employment practices which comply with the following statutory duties:

### **Rehabilitation of Offenders Act (ROA)**

The Rehabilitation of Offenders Act (ROA 1974) provides that, after a period of time, people who have been convicted of criminal offences and who have served their sentences are, with some exceptions, not obliged to disclose those convictions.

The length of time which must elapse before a person's conviction becomes 'spent' in this way depends upon the nature of the sentence imposed and runs from the date of sentence.

Certain sentences can never become spent, such as:

- imprisonment or custody for life,
- sentences of imprisonments,
- youth custody or detention in a young offender institution, or;
- corrective training for a term exceeding 30 months, and;
- detention during Her Majesty's pleasure.

An offender whose conviction has become spent is known as a 'rehabilitated person'.

Subject to certain exceptions for example, regulated activities, a rehabilitated person is to be treated for all purposes in law as a person who has not committed or been charged with or convicted of the offence in question.

### **Criminal Records Bureau Code of Practice**

The Criminal Records Bureau (CRB) is a Central Government Agency, which provides information on criminal records.

As an organisation using the Criminal Records Bureau (CRB) disclosure service to assess applicants' suitability for positions of trust and as part of its registration agreement with the CRB, the Council complies fully with the CRB Code of Practice.

### **Safeguarding Children and Vulnerable Adults Legislation**

After full consultation, the Bichard Inquiry led to the Safeguarding Vulnerable Groups Act (SVGA) 2006 and the Safeguarding Vulnerable Groups (Northern Ireland) Order (SVGO) 2007, which provide for the establishment of a vetting and barring scheme in England, Wales and Northern Ireland.

## **Safeguarding Vulnerable Groups Act**

The Safeguarding Vulnerable Groups Act 2006 provides the legislative framework for a new Vetting and Barring Scheme (VBS) for people working with children and vulnerable adults. The Act is being phased in over time and is partly implemented. The overall purpose of the Act is to minimise the risk of harm to children and vulnerable adults by workers who might seek them harm.

For the purposes of the Act:

- “children” are people under the age of 18.
- “vulnerable adults” are people with disabilities, elderly people, expectant and nursing mothers, people who are in residential accommodation or sheltered housing, people who receive domiciliary care or any form of health care, and those detained in lawful custody.

## **Independent Safeguarding Authority (ISA) Vetting & Barring Scheme (VBS)**

From 12 October 2009 the Act created a centralised vetting system for people barred from working with children and/or vulnerable adults, in paid and unpaid work. The new scheme covers employees and volunteers in the education, care and health sectors.

The Council has a statutory duty to check that individual’s applying for posts with access to children and/or vulnerable adults are not barred from working with them and not to employ anyone who is barred.

The Council also has a statutory duty to refer to the ISA any relevant information concerning an individual working with children or vulnerable adults in a regulated or controlled activity where that person has caused harm or poses a risk of harm to children and/or vulnerable adults.

The Independent Safeguarding Authority works in partnership with the Criminal Records Bureau, with the ISA making the barring decisions and the CRB administering the vetting and barring scheme.

## **Roles and Responsibilities**

**Wirral Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all employees and volunteers to share this commitment.**

### **Employees**

- Must share the commitment to safeguarding and promoting the welfare of children, young people and volunteers and uphold safer working practices.
- Have a responsibility to inform the Council of any criminal charge that is made against them and also to disclose any criminal convictions.
- Must maintain confidentiality standards about individual's CRB Disclosure information (any abuse of the procedures within this policy will be dealt with through the Disciplinary policy).

### **Managers**

- Must proactively promote and nurture safer working practices and exercise a duty of care towards employees in providing a safer environment in which to work.
- Understand the rules and procedures for safer recruitment and employment and be clear about their responsibilities for ensuring compliance.
- ensure that employees understand what information in relation to criminal offences needs to be disclosed.
- Must deal promptly and appropriately with any disclosures from an employee during the course of their employment.
- Are supported by Human Resources and the Council's CRB Countersignatories.

### **Heads of Service**

- Must ensure that Managers apply the Safer Recruitment & Employment Policy and associated procedures fairly and consistently.
- Are responsible for making safer recruitment and employment decisions.
- Must deal with Positive CRB Disclosures (supported by the Council's CRB Countersignatory) on a case by case basis in a fair and indiscriminate manner.

### **Recruitment Panels**

- The Chair of the Panel should undertake the Managing Recruitment & Selection Training.
- Must comply with the standards outlined in the Recruitment Policy and the Safer Recruitment & Employment Policy.
- Give assurance that unsuitable people will be deterred and prevented from working or volunteering with children or vulnerable adults within our community.

- ensure that prospective employees understand what information in relation to criminal offences needs to be disclosed.
- Establish the true identity of the prospective employee, through the examination of a range of documents using guidance provided by the CRB.
- Ensure that pre-employment checks are satisfactorily completed prior to appointment.
- Are responsible for facilitating safer recruitment decisions.

### **Human Resources & Organisational Development**

- Will monitor procedures and ensure that vigilance is retained in recruitment and employment practices.
- Will provide support to Managers in respect of individual cases.
- Will provide advice, briefings and training to employees, managers, and trade union representatives, where appropriate, on all aspects of safer recruitment.
- Will maintain Post CRB data on the Human Resource Management System and provide reports as appropriate.
- Will administer and maintain records of employees CRB Disclosures and provide reports as appropriate.

### **CRB Registered Body (Wirral Council)**

- The Council must be registered with the CRB to enable it to receive Disclosures.
- Must adhere to the Registration Regulations made under sections 120ZA, 120AA and 125 (1) and (5) of the Police Act 1997 and amended by the Registration Regulations 2006 (Statutory Instrument 750) which set out the Registration conditions.
- Must comply with the CRB's Code of Practice and undertake Assurance Visits.
- The Registered Body must have a Lead Signatory and a number of Counter-Signatories.
- Registered Bodies are entitled to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974 Exceptions Order 1975.

### **Umbrella Bodies**

- Some Registered Bodies may also undertake checks (for a fee) for other organisations that provide eligible positions but which are not themselves directly registered with the CRB. This is referred to as an Umbrella Body.
- Wirral Council is **NOT** currently an Umbrella Body but this may be reviewed to meet the needs of the organisation.
- Wirral Council does however, have some service level agreements with (voluntary) partner organisations to undertake their CRB Disclosures on their behalf.

### CRB Counter-Signatories

- Will provide a single point of contact and advice and support for Managers, departments and trade unions on safer recruitment issues.
- Will provide advice and support to Managers/Heads of Service in respect of individual recruitment and/or employment cases.
- Check and validate the information provided by the applicant on the application form and ensure the application form is fully completed and the information it contains is accurate.
- Countersign applications to confirm that the Council has an entitlement to access criminal record information.
- Take reasonable steps to ensure that applications for free of charge Disclosures fall within the definition of a volunteer as described in the Police Act 1997 (Criminal Records) (Registration) Regulations 2002
- Must deal with Positive CRB Disclosures on a case by case basis in a fair and indiscriminate manner.

### Processes

The following Flowcharts which also show roles and responsibilities in more detail throughout various processes are available on the Human Resources Handbook or from Human Resources.

- CRB Application Process for Recruitment
- CRB Disclosure Process (Recruitment)
- CRB Application Process for Employee Renewals
- CRB Disclosure Process (Employees)

Details of the CRB Countersignatories are listed below.

<b>Registered Body: Wirral Council</b>		
<b>Lead Signatory</b>	Christine Dunn (Hyams)	Head of Human Resources & Organisational Development
<b>Counter-Signatories</b>	Andrea Morrell-Foulkes Frank Games Susie Warwick Tony Williams Marie Fisher Carol Pilgrim Caroline Reed-Clayton Simon Cuerden Kim Bennett Shelby Loudon Dawn Coxon Nigel Jenkins	May sign on behalf of the Council
	Margaret Calvert Richard Leyland	May sign on behalf of Licensing (Private Hire)

## **Criminal Records Bureau Disclosures**

CRB was established in 2002 and employees recruited to the Council are CRB checked (if it is a post requirement).

There is no requirement to check existing employees unless they move post or there is a statutory/funding requirement. If following a risk assessment, the risk is identified as high, then the employees consent must be sought (please refer to [Existing Employees Procedure](#)).

The implementation of the ISA Vetting & Barring Scheme will assist with safeguarding for new recruits.

### **Purpose of Disclosure**

The purpose of Disclosure is to facilitate safer recruitment decisions. It will help to prevent unsuitable people having access to jobs and positions that provide opportunity to harm children and vulnerable adults. It will provide information to help recruiters make more informed decisions about the suitability of those seeking work in positions of trust.

### **Types of Disclosure**

There are two levels of Disclosure:

#### **Standard**

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.

#### **Enhanced**

Enhanced Disclosures are for posts involving contact with children or vulnerable adults (regulated activity). In general the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Examples include a teacher, scout or guide leader. Enhanced Disclosures are also issued for certain statutory purposes such as gaming and lottery licences.

This level of Disclosure involves additional levels of checks to those carried out for the Standard Disclosure. An Enhanced Disclosure includes a check of the Independent Safeguarding Authority's Barred Lists and a search of 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.

Exceptionally, in a very small number of circumstances (typically to protect the integrity of current police investigations), additional information may be sent under separate cover to the Counter-signatory and will not be revealed to the applicant. Advice on how to deal with this information is contained within [Dealing with Positive Disclosures](#).

#### **Fees**

There is a one-off fee when an organisation registers with the CRB to enable it to receive Disclosures. This includes the cost of the Lead Countersignatory. There is also a one-off fee for each additional Countersignatory.



The fee payable by a registered body for each Disclosure is:  
£36 Enhanced  
£26 Standard

Organisations can ask the applicants to pay them for the Disclosure.

The fee is waived for volunteers. However, Countersignatories must take reasonable steps to ensure that applications for free of charge Disclosures fall within the definition of a volunteer as described in the Police Act 1997 (Criminal Records) (Registration) Regulations 2002

### **Payment of Disclosure Application Fees**

The application for Disclosure is made and paid for by the Council to the CRB, who undertake to issue a response as quickly as possible. The response is in the form of a Certificate of Disclosure.

### **Risk Assessment and Identification of Posts**

A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned.

# Disclosures for Recruitment

## Introduction

This procedure explains the Council's approach to Disclosures during recruitment, the recruitment of ex-offenders, what candidates for employment must disclose; how disclosed information will be considered and how it will affect employment; and who will consider this information. It also indicates how disclosed information will be handled and destroyed.

The 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 a conviction or other information revealed.

The Council is committed to the fair treatment of its employees, potential employees, volunteers or users of its services. Candidates are selected for interview based on their skills, qualifications and experience.

## Compliance

In order for the Council to maintain a safer culture for children, young people, vulnerable adults, employees/prospective employees and volunteers then the Safer Recruitment and Employment Policy and associated policies and procedures **must** be adhered to.

## Post Requirements

Prior to advertising a post, it must be ascertained whether the nature of the post makes it subject to a Criminal Records Bureau check.

This information is held on the Council's Human Resource Management System (HRMS). If a manager thinks that the role has changed and therefore the level of CRB check required then they must contact a CRB Countersignatory and any changes agreed prior to processing for advertising.

## Recruitment Advertising

All recruitment advertisements **must** indicate (where applicable to the post) that a Criminal Records Bureau Disclosure is required and which level.

## Recruitment Packs

The [Safer Recruitment & Employment Policy](#) and the [Disclosures for Recruitment Procedure](#) must be issued with the Job Application form if the post is deemed to be subject to a CRB Disclosure.

## Job Application Form – Declaration of Criminal Offences

Anyone applying for a post where Disclosure applies is required to disclose the detail of **all convictions on record on their application form** (including 'spent' convictions – those that happened some time ago and normally no longer need to be revealed as specified in the Rehabilitation of Offenders Act 1974), **plus details of any cautions, reprimands or warnings.**

## Failure to Disclose

The failure to disclose such convictions could be seen as a deliberate attempt to gain employment by deception, and as such would result in the withdrawal of any conditional offer of employment.

Where an employee fails to disclose a criminal conviction received prior to commencing employment with the council, where such disclosure is required, the matter may be dealt with under the terms of the Disciplinary Procedure.

## **Consent**

If a candidate is successful in their application for a post requiring Disclosure, they will be required to authorise the Council to apply for disclosure of information from the Criminal Records Bureau (CRB). This authorisation must be given at the time the application is made. No check will be made, however, until an appointment is conditionally offered.

## **Portability - Transfer of Disclosures**

Portability refers to the re-use of a CRB Disclosure, obtained for a position in one organisation and later used for another position in another organisation.

Each Disclosure will show the date on which it was printed. They do not carry a pre-determined period of validity because a conviction or other matter could be recorded against the subject of the Disclosure at any time after it is issued.

Therefore, the CRB no longer facilitates portability, organisations that choose to accept a previously issued Disclosure do so at their own risk (see limitations).

If the Council wishes to consider accepting a previously issued Disclosure then a full risk assessment must be carried out. Advice must be sought from one of the Council's CRB Countersignatories. More detailed [Guidance on Portability](#) is available in the Safer Recruitment and Employment Framework.

## **Persons from Overseas**

If a candidate is from overseas, a Disclosure may not provide a complete picture of their criminal record which may or may not exist. This is because the CRB cannot currently access criminal records held overseas; however in a small number of cases overseas criminal records are also held on the Police National Computer and these would be revealed as part of a Disclosure.

The CRB provides guidance on how to get further information from overseas.

Where an applicant is from a country where criminal record checks cannot be made for child protection purposes, the Council must take extra care in taking up references and carrying out other checks on a person's background.

## **Transgender Applicants**

The CRB has a Confidential Checking Process for Transgender Applicants who do not wish to reveal details of their previous identity to the person who asked them to complete an application form for a CRB Disclosure.

For further information please contact the CRB Customer Services Team on 0151 676 1452, or you can email [CRBSensitive@crb.gsi.gov.uk](mailto:CRBSensitive@crb.gsi.gov.uk)

The Council also has a [Gender Identity Policy](#) which is available from Human Resources.

## **Positive Disclosures**

If an applicant has past convictions and discloses them consideration will be given to the nature of the offence stated and its relevance to the post applied for. This will be considered by a Countersignatory who has been trained to identify and assess the relevance and circumstances of offences and the Head of Services responsible for the area of employment concerned.

**Past convictions will not necessarily be a bar to obtaining a position.**

The Countersignatory will consider the following:

- Whether the convictions or other matters revealed is relevant to the position in question,
- The seriousness of any offence revealed,
- The length of time since the offence or other matters 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 other relevant matters

Disclosure will only affect an applicant obtaining employment where the particulars of the offence make them an unsuitable candidate.

### **Opportunity to explain**

At interview, or in a separate discussion, the Council will ensure that an open and measured discussion takes place on the subject of any offences or other matter relevant to the position revealed by disclosure that will affect a recruitment decision. These will be discussed with the candidate prior to a decision being made. Ultimately, it is the responsibility of the Head of Service with the advice of the Countersignatory to decide whether to offer the candidate a position.

### **Barred Individual's**

If an individual's disclosure shows that they are barred from working or volunteering with children and/or vulnerable adults they **must under no circumstances be appointed**.

It is a criminal offence for barred individual's to work or volunteer with children and/or vulnerable adults in regulated activities.

### **Employment Offers**

Initially, **conditional** offers of employment subject to the completion of satisfactory pre-employment checks will be made.

Offers of employment **must not** be made to individuals until **all** of the pre-employment checks have been undertaken, completed and are deemed satisfactory.

Pre-employment checks may include satisfactory References, CRB Disclosure, Medical, Right to Work in the UK etc. Please refer to the Council's Recruitment & Selection Policy and associated documents.

### **Fees for Criminal Records Bureau Disclosure (CRBD) during Recruitment**

Organisations can ask applicants for CRBD to pay them for the Disclosure application/certificate.

The Council's current policy is to pay the fee for CRBDs on behalf of prospective employees who have been given provisional job offers subject to satisfactory pre-employment checks.

### **Tracking Applications**

The CRBs online tracking service ([www.crb.homeoffice.gov.uk](http://www.crb.homeoffice.gov.uk)) provides customers with a facility to track the progress of Disclosure applications.

To track an individual application for Disclosure two pieces of information are required:

- The CRB application form reference number
- The applicant's date of birth

### **Disputes over Disclosure Information**

If an applicant receives the results of their Disclosure and there is an error on it or they wish to dispute any of the information revealed, they must contact the CRB immediately. Disputes should be raised with the CRB within 3 months of the date of issue of the Disclosure.

Recruitment decisions cannot be made until the dispute has been settled and an 'accurate' Disclosure received. Under no circumstances should the candidate be employed until the Disclosure has been deemed satisfactory.

### **Confidentiality and Security**

Disclosure contains sensitive personal data, which must be handled carefully, and only by those in the organisation who are entitled to see them in the course of their duties - the Countersignatories and Head of Service.

As part of the agreement for access the CRB will provide information at the request of, and to, specific officers, who are registered with them by the Authority, referred to as Countersignatories.

The Countersignatories must store disclosure and other confidential documents issued in secure conditions. Documents must be kept in lockable and non-portable containers. Keys or combinations for such storage units must not be freely available within the organisation and access must be restricted to named individuals.

**Disclosure information is highly confidential and must be considered only by those eligible to receive it. Breaches of confidentiality or abuse of the Safer Recruitment & employment Policy may result in disciplinary action.**

**It is an offence to disclose information provided by the Criminal Records Bureau.**

### **Retention and destruction of Information**

Once a recruitment decision has been made the disclosure certificate and associated correspondence will be retained for a maximum of six months. This period allows for any disputes about the accuracy of a certificate or a recruitment decision to be made and considered. In the case of a dispute, certificate information may be retained for a period of six months after resolution of the dispute. The usual conditions in respect of storage and access remain in place during this period.

Disclosures will be destroyed by suitable secure means, for example, shredding, pulping or burning. They should not be kept in any insecure receptacle (eg waste bin or confidential waste sack) whilst awaiting destruction.

**No photocopy or other image of the disclosure may be retained nor must any copy or representation of the contents be made or kept.**

A record of the date of a Disclosure, the name of the subject, the type of Disclosure, the position in question, the unique number issued by the Bureau and the recruitment decision taken will be retained.

## **Disclosures for Existing Employees**

### **Introduction**

Prior to 2002, access to police checks was mainly confined to organisations in the statutory sector for employees who had 'substantial unsupervised access' to children. There were many other organisations that could not access these checks and yet had employees with similar access to vulnerable groups. The establishment of the Criminal Records Bureau in 2002 enables many more organisations to access these checks as part of good recruitment practice.

Under current legislation there is no requirement to check existing staff unless they move post or there is a statutory/funding requirement.

Advice and approval must be sought from the Lead Signatory/Counter-Signatory before undertaking any checks for existing staff that fall outside of the recruitment or recheck procedure.

Upon approval the policy and procedure for checking existing employees must be followed (approved by Employment & Appointments Committee on 11 March 2004, Minute No. 95).

### **Consent**

In accordance with the CRB Code of Practice the Council will need to seek the existing employee's consent (form CRB3) before completing an application form for Disclosure.

### **Positive Disclosures**

In the event of a 'Positive' Disclosure being received for an existing employee this will have to be dealt with on an individual basis taking into consideration the nature of the offence, in the same way that it would have been at the time of recruitment.

However, if it is discovered that the employee failed to disclose a criminal conviction received prior to commencing employment with the council, where such disclosure is required or, during the course of their employment the matter may be dealt with under the terms of the Disciplinary Procedure.

Risk Assessments of Positive Disclosures will be recorded on the Positive CRB Disclosure Decision Form (CRB4) by the receiving CRB Countersignatory and retained in a confidential area on the employees personal file for future reference.

### **Non-consent**

In the event of an employee's refusal to consent to apply for a Disclosure then it may be necessary to start disciplinary proceedings on the grounds that the request that a Disclosure be obtained was a reasonable management request and is deemed to be a breach of trust.

## **Criminal charges and criminal convictions received during the course of employment**

Any Council employee, regardless of whether their role requires a CRB disclosure, who is charged with a criminal offence, must inform their manager at the first possible opportunity. This includes motoring offences where the employee is required to attend court.

In addition, to disclosing criminal convictions, employees who work with children or other vulnerable groups are required to disclose details of any police caution, criminal charge, involvement in a police investigation or disciplinary action by a professional or regulatory body occurring either prior to commencing or during employment with the Council.

Employees must also inform the Council of the outcome of any court appearance that they have attended to face charges.

The employing department will give consideration to whether the alleged or proven offence is of a serious nature and the relevance of the offence to the employment relationship between the Council and the employee.

An employee will not automatically be disciplined solely because they have been charged with or convicted of a criminal offence and in many cases there will be no disciplinary action for the employer to take.

In all cases where disciplinary action is being contemplated due to an alleged or proven criminal offence, the matter will be investigated as thoroughly as the circumstances permit.

Where investigations reveal insufficient information to justify holding a disciplinary hearing, consideration of the case will be deferred until further information is available. In these circumstances, and where the alleged offence may constitute Gross Misconduct, the employee may be suspended on full pay until further notice.

Where an employee fails to disclose a criminal charge or criminal conviction, the matter may be dealt with under the terms of this Disciplinary Procedure.

### **Manager's Responsibility**

Upon receipt of information from an employee who has been charged with a criminal allegation or been convicted of an offence, managers should make a record of the information and contact their departmental CRB Countersignatory and Head of Service for advice where appropriate.

A Risk Assessment of the Disclosure must be carried out and recorded on the Positive CRB Disclosure Decision Form (CRB4) and retained in a confidential area on the employees personal file for future reference.

## **Disclosures for Non-Council Employees**

### **Volunteers**

Wirral Council has some service level agreements with (voluntary) partner organisations to undertake their CRB Disclosures on their behalf.

Details of the (voluntary) partner organisations are available from the Human Resources Helpdesk.

Please note that the Council is **NOT** an Umbrella Body and does not administer Disclosures for other organisations.

Volunteers who provide services in regulated activities must be checked for Disclosure and the Voluntary Organisation must ensure that the appropriate checks have been undertaken and are satisfactory.

Service Managers who directly engage Volunteers are responsible for ensuring that the appropriate checks have been undertaken and are satisfactory.

### **Agency Workers**

If a worker is supplied by an agency, the requirement to check CRB Disclosures and that the level and checking of barred lists is appropriate initially lies with the Agency Supplier. The engaging officer of the Council must still satisfy themselves that the CRB Disclosure is satisfactory in accordance with the Council's safer recruitment procedures. Please refer to the [Guidance on Portability](#).

If a positive disclosure is received then advice should be sought from the CRB Countersignatory.

### **Contractors / Independent Providers**

Wirral Council has some contract arrangements with (contractors) to undertake their CRB Disclosures on their behalf.

Details of the contractors are available from the Human Resources Helpdesk.

Please note that the Council is **NOT** currently an Umbrella Body and does not administer Disclosures for other organisations.

Contractors who provide services in regulated activities must be checked for Disclosure and the Contracting Manager must ensure that the Contract provider has undertaken the appropriate checks.

### **Adoption and Fostering**

Because the Council needs to make sure that only the right people are given the opportunity to become Adopters and Foster Carers the Council will carry out a number of checks as part of the assessment on an individual's suitability. This will include an Enhanced Criminal Records Bureau Disclosure.

For further information in relation to Adoption and Fostering please contact the Council's Adoption Service or Wirral Fostering Service.

### **Licensing - Private Hire**

Any person who wishes to work as a private hire driver is required by law to hold a licence, issued by the Council.



Before granting a licence the Council requires the applicant to undergo a Criminal Records Bureau referral process. For further information in relation to Licensing please contact the Licensing Section.

## **CRB Disclosure Rechecks/Renewals**

### **Validity of Disclosures**

CRB Disclosures do not carry an expiry date and there is no formal period of validity.

- Each Disclosure will show the date on which it was printed.
- The information contained on a Disclosure reflects the information available as of the date of its issue.
- CRB checks 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 is issued.

The requirement for CRB rechecks is not written into statute but when CRB was established the guidance for organisations was to recheck every 3 years.

Since then the CRB have changed their policy guidance to '**Organisations can determine their own rechecking policy**'.

Some organisations/services do though, have statutory requirements to recheck on a regular basis. For example:

- Adult Social Services – Care Quality Commission, Care Regulations etc

### **Renewal Periods**

The Council's current policy is to renew CRB Disclosures every 3 years across the whole Council (in line with most statutory timescales). This is to ensure a consistent and co-ordinated approach to safeguarding.

Please note that the Children & Young Peoples Department can only advise Schools in accordance with the Department for Children, Schools and Families (DCSF) guidance. The DCSF does not uphold regular CRB rechecks and requires Schools to only recheck CRBs when an employee moves post/school.

(Please contact the Children and Young Peoples Department for advice regarding Posts in Schools.)

### **Renewal Requests**

CRB requirements for Posts and Employees are held and maintained by Human Resources & Organisational Development on the Human Resource Management System (HRMS). This data is used by Human Resources to produce standard management reports and generate automatic CRB renewal requests directly to employees (excluding schools) when they are approaching the 3 year expiry date.

Managers/departments are responsible for following up any employees who do not respond to the renewal request within the given timescale and must take appropriate action.

### **Regulatory Body Inspections**

On some occasions there will be requirements to satisfy Regulatory Body Inspectors that a Registered Body has undertaken CRB Disclosures for individuals in the Council's employment. Details of the level, date and number of disclosure are retained on the employee's record on the HRMS and standard management reports are available to satisfy these requirements.

## Guidance on Portability

It should be recognised that the information held on a Disclosure Certificate is only valid at the time of printing and as such, should not be treated as a record of someone's continuing good character without carrying out further checks and assessments. A new Disclosure must be sought if it is in excess of three years.

### Limitations of Portability

- The Disclosure may not be at the level required - Standard or Enhanced. If an Enhanced Disclosure is needed a Standard Disclosure must not be accepted.
- The Disclosure may not have included a check of the ISA Adults Barred and ISA Children Barred lists.
- A Disclosure carries no formal period of validity and the older a check the less reliable the information is, as the information it contains may not be up to date. The date of the issue (on the individual's copy) should be used as a guide as to when to request a new Disclosure.
- Information revealed through a Disclosure always reflects the information that was available at the time of its issue.
- There may be a legal requirement to carry out a fresh check with ISA Adults Barred Lists and ISA Children Barred Lists. In certain circumstances, portability cannot be used e.g. care workers need a new check of the ISA Adult barred lists each time they change employment.
- An original Disclosure, not a photocopy, contains a number of security features to prevent tampering or forgery.

An understanding of the meaning of the wording that appears in the information boxes on Disclosure is required. 'None recorded' means no information was found, 'Not requested' means that that check was not done.

<b>BOX 1</b>	Police Records of Convictions, Cautions, Reprimands and Warnings
<b>BOX 2</b>	Information from the list held under Section 142 of the Education Act 2002
<b>BOX 3</b>	ISA Childrens Barred List
<b>BOX 4</b>	ISA Vulnerable Adults' Barred List information
<b>BOX 5</b>	Other relevant information disclosed at the Chief Police Officer(s) discretion.

### Risk Assessment Framework

Any risk assessment should take into account the following:

- Are there any legal requirements to get a new Disclosure?
- Is the level of Disclosure the same as the level required?
- How old is the Disclosure?
- Is the position for which the previously issued Disclosure was obtained similar to the position for which a Disclosure is required?
- Have all checks that are required been carried out?
- Has the person's identity been validated and authenticated to ensure that the person presenting the Disclosure is the person on whom the check was done? For instance, has a range of identity documents that confirm their name, address, date and place of birth been seen?
- Is the applicant still living at the same address as the one printed on the Disclosure?

- If it is an Enhanced Disclosure, has it been confirmed from the previous Countersignatory if any additional information was released by way of a separate letter?
- Has the consent of the applicant been obtained to approach the other organisation?

If an applicant/employee offers a previously acquired Disclosure Certificate, a copy should be taken of the full Certificate that includes details of the original Counter-signatory.

It should be noted that not all Countersignatories will participate in validating previously issued Disclosures and some have a time limit based upon the date of issue as to when they will release information.

If a Disclosure cannot be validated then a new Certificate of Disclosure must be sought.

### **Code of Practice**

The CRB's Code of Practice sets out the circumstances when the details of a Disclosure can be passed to a third party.

The Code states that information revealed through a Disclosure can only be passed to individuals who need to see it as part of the recruitment decision, for which the Disclosure was requested.

This also applies to any additional information provided by the police under cover of a separate letter. If the Council is contacted by another organisation about a previously issued Disclosure, the Countersignatory can only:

- Confirm or not, whether the information provided reflects that which appears on the Council's copy of the Disclosure.
- State if the police did or did not issue additional information issued under cover of a separate letter.

On 1 September 2006, regulations were introduced which allow the passing of Disclosures between agencies supplying staff to schools or further education institutions and those schools or institutions themselves.

## **Dealing with Positive Disclosures**

Positive Disclosure is the CRB's term for a Disclosure that contains information relating to cautions, convictions etc.

### **Confidentiality**

Disclosure information is highly confidential and must be considered only by those eligible to receive it. Breaches of confidentiality or abuse of the Safer Recruitment & Employment Policy may result in disciplinary action.

It is an offence to disclose information provided by the Criminal Records Bureau.

### **Record of Risk Assessment and Decision Making**

On receipt of a Positive Disclosure the CRB Countersignatory must create a record of the decision making process on the CRB4 Form. This will not detail any specific conviction information but will detail the risk assessment and who was involved in the decision making process.

The CRB Countersignatory may either make an independent decision or to aid the decision making process they may discuss it with other Countersignatories or the Recruitment Panel Chair/Service manager or Head of Service. This may be to determine the level of risk and confidentiality will be maintained at all times.

In some cases it may be necessary to contact the individual to discuss the nature and detail of the conviction.

### **Positive Disclosure Following Renewal**

If a positive Disclosure is received following a renewal request then the following must be taken into consideration:

- Was the positive information dated before the previous Disclosure?
- Is there a record that any previous issues have been discussed and resolved?

If the positive Disclosure is for an employee a risk assessment will need to be undertaken and the Head of Service contacted.

In some cases it may be necessary for the Head of Service/Nominated Officer to suspend the employee and initiate an investigation.

If the positive Disclosure is for a volunteer then the CRB Countersignatory will need to contact the Voluntary Organisation and advise them of the Positive Disclosure. The responsibility for Risk Assessment and Decision making will remain with the Voluntary Organisation.

However, if the volunteer is directly engaged by the Council then the Countersignatory should follow the same procedure that it does for employees.

**In all cases a CRB4 must be completed and retained on one of the following:**

- the employee's file
- the volunteers file
- the recruitment file

## **Handling Police Force Information**

This guidance only relates to Enhanced Disclosures.

Enhanced Disclosures may contain 'approved' information. This is non-conviction information provided by the police from their local records. The Chief Police Officer in each force will decide what, if any, information to provide. The CRB will print this information on both the applicant's and the Countersignatory's copy.

Occasionally the Chief Police Officer may, if thought necessary in the interests of the prevention or detection of crime, release 'additional' information to the Countersignatory only, in the form of a separate letter.

Where the police issue a separate letter, the Countersignatory's copy of the Enhanced Disclosure will contain the following words 'Please refer to letter sent under separate cover', printed under the 'date of issue' on the Disclosure.

Please note, the applicant's copy of the Disclosure will not refer to this information. This information must not be shared with the applicant.

### **Confidentiality**

The letter, containing the additional information, should be handled, stored, retained and used in exactly the same way as any other Disclosure information and in accordance with the Code of Practice and other guidance.

However, in addition to this, the information contained within the letter must never be revealed to the applicant or be shown to the applicant or to any other person not involved with the recruitment decision.

### **Criminal Offence**

It is a criminal offence under the Police Act 1997 to reveal the information contained within the letter to the applicant or another person who is not involved with the recruitment decision, without the written permission of the Chief Police Officer.

### **Making an informed decision**

If, after receiving a letter containing the additional information from a Chief Police Officer, The Council decides to withdraw the conditional offer of appointment, the applicant will need to be informed of that decision.

It may be that this decision can be justified based on the information contained on the Enhanced Disclosure; or it may be that it is the information contained in the separate letter that makes the person unsuitable. In this circumstance, the conversation with the applicant may be difficult to conduct and Countersignatories/recruiters may wish to take professional advice before proceeding.

It will perhaps be sufficient for recruiters to explain that, having taken up a number of references and enquiries, it has been decided not to confirm their offer.

## Duty to Refer

### Independent Safeguarding Authority (ISA)

The Council has a statutory duty to refer to the Independent Safeguarding Authority (ISA) any relevant information concerning an individual working with children or vulnerable adults in a regulated activity where that person has caused harm or poses a risk of harm to children and/or vulnerable adults. The duty to refer information will arise where an employee has resigned or been dismissed, or would or could have been dismissed, because he or she has harmed, or may harm, a child or vulnerable adult.

All allegations, referrals, disciplinary hearings and their respective outcomes **must** be consistently monitored and recorded.

### Council's Referral Procedure

Before any referral is made to the ISA then the following officers must be contacted:

Children	Local Authority Designated Officer (LADO)	Suzanne Cottrill
Vulnerable Adults	Adult Protection Co-ordinator	Amanda Kelly

### ISA Referral

The ISA has a referral procedure which is available on [www.isa-gov.org.uk](http://www.isa-gov.org.uk)

### Professional Standards/Regulatory Positions

In some cases it may also be necessary to inform a governing body or related professional organisation such as the General Teaching Council (GTC) or General Social Care Council (GSCC). This will usually be a condition of initial and ongoing registration to practice.