



# **Criminal Records Check Policy and Procedure**



## **1.0 INTRODUCTION**

Broadacres uses Criminal Records Bureau (CRB) checks to safe guard vulnerable adults and young people by identifying candidates who may be unsuitable for work with these groups. A CRB Disclosure contains information held by the police and Government departments. Obtaining a CRB Disclosure offers Broadacres a means to check the background of job applicants to ensure that do not have a history that would make them unsuitable for the posts they have applied for.

## **2.0 EQUAL OPPORTUNITIES**

As an organisation using the CRB Disclosure service to assist in assessing the suitability for positions of trust, Broadacres complies fully with the CRB Code of Practice and undertakes to treat all applicants for positions fairly. It will not discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

Broadacres is committed to the fair treatment of its employees, applicants or service users/ customers, regardless of race, gender, religious belief/faith, sexual orientation, responsibilities for dependents, age, disabilities of unrelated spent criminal convictions.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select candidates for interview based on their skills, qualifications and experience.

In all cases Broadacres will bear the cost of obtaining the Disclosure.

A Disclosure is only requested after a thorough evaluation that it is relevant to the position concerned. Broadacres maintains a list of posts, which will require a CRB Disclosure to be in place.

The process set out below will be followed in all cases.

## **3.0 RECRUITMENT ADVERTISING**

Prior to an advert being placed the Human Resources Officer processing the advert requisition will confirm if the post is one that requires a CRB Disclosure to be in place. All application packs for such positions will inform candidates that the post is subject to CRB checks being conducted.

## **4.0 THE RECRUITMENT PROCESS**

All applicants will be required to provide details of their criminal record on their application form. This information will not be available to the panel when short-listing for interviews but will be available after interview.

The fact that a CRB check is to be carried out should not be seen as a substitute for normal checks done as part of the recruitment process, e.g. gaps in employment history should still be explored and references taken up.

## 5.0 OFFERING A POSITION

When a candidate is successful for a post that requires a CRB Disclosure to be in place, it must be clearly stated, both orally and in writing, that the offer is subject to a Disclosure certificate being received that supports the information supplied by the individual on their initial application form.

## 6.0 APPLYING FOR A DISCLOSURE

All successful applicants will be sent a CRB Application Form with their Employment Contract. A booklet containing guidance on completing the form and the required supporting documentation will also be provided.

A spreadsheet will be maintained detailing all forms issued and will be used to monitor the progress of requests through the various stages of obtaining a Disclosure.

The candidates will be supplied with a contact number for the Human Resources Officer who will be processing their Disclosure. Once their form is completed they should then arrange a convenient time to visit the Human Resources Department with the completed form and the required supporting documentation. A Counter-Signatory or the Lead Signatory will carry out the required checks to ensure that the form is correctly completed and that the supporting documentation is adequate and appropriate. The form will then be signed and sent to the Criminal records Bureau.

**No candidate will be allowed to start his or her employment until a Disclosure application has been completed and logged with the CRB.**

## 7.0 PROCESSING OF RETURNED FORMS

If the Disclosure is returned stating that the candidate has previous convictions, in addition to any previously declared, an initial discussion will take place between the manager, the counter signatory and the Human Resources department in order to identify whether the convictions would exclude the candidate from fulfilling the role.

- If no, a letter will be sent to the candidate to confirm the information contained within the Disclosure and the decision taken.
- If it could have a bearing on the role, a meeting will be arranged with the Candidate, relevant Senior Manager and Counter Signatory or Lead Signatory.

At the meeting the following issues will be considered and an objective assessment made:

- An examination of circumstances leading up to an offence.
- Repeat offences.
- The length of time since an offence(s) took place.
- The nature of the job, workplace environment, exposure to money, property and vulnerable people.

- The extent of job supervision.

## **8.0 IF THE APPLICANT IS SUCCESSFUL**

When a decision is made to recruit an ex-offender the confidentiality guaranteed at the start of the recruitment process should be respected. Ex-offenders need to feel confident that details of their convictions will not be disclosed to colleagues and prejudice their chance of making a fresh start. **It is a criminal offence to pass on Disclosure information to anyone who is not entitled to see it.**

## **9.0 RE-CHECKING**

Re-checks on employees will be completed every three years. A record of this will be kept with the Human Resources department and forms issued to employees in eligible posts on a three yearly basis.

Following the routine 3 yearly check any Disclosure received which contains details of convictions not previously declared a meeting would be held with an appropriate Senior Manager or and Lead Signatory / Counter Signatory. At the meeting the following issues will be considered and an objective assessment made:

- An examination of circumstances leading up to an offence.
- Repeat offences.
- The length of time since an offence(s) took place.
- The nature of the job, workplace environment, exposure to money, property and vulnerable people.
- The extent of job supervision.

If it is felt that the conviction is of a serious nature, given the work environment and other circumstances, the company's disciplinary policy should be applied and consideration given to the suspension of the employee.

## **10.0 EXISTING EMPLOYEES**

In certain circumstances, following an evaluation, it may be determined that a position for which a Disclosure was not previously required now meets the requirements.

In these circumstances the existing employees who occupy these positions will be required to complete a Disclosure form and the process described in 're-checking' above will be followed.

Any request for information from existing employees relating to these checks must be returned to Human Resources within one month of the request. Failure to provide information or intentionally concealing relevant information will lead to disciplinary action.

## **11.0 SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION**

As an organisation using the CRB disclosure service to help assess the suitability of applicants for positions of trust, Broadacres will comply fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It will also comply 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 Personal Data/Disclosure information.

Disclosure information will be kept secure, 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.

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Disclosure information is only used for the specific purpose for which it is requested and for which the applicant's full consent has been given.

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

Once the retention period has elapsed, we will ensure that any disclosure information is immediately destroyed by secure means, i.e. by shredding. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.