

Criminal Records Bureau and Independent Safeguarding Authority Policy

Summary

The council, through its managers and staff, has a duty of care to protect the wellbeing of the people of Gloucestershire and, in particular, those groups or individuals in its care who are vulnerable or at risk, such as children, older people and those with disabilities.

The law requires checks be carried out to ensure that people who may pose a threat to those at risk are not given positions of trust where they could exploit the children or adults entrusted to their care.

Quick Glance

- [Who does this policy apply to?](#)
- [What is a Criminal Records Bureau \(CRB\) check?](#)
- [What is a regulated activity?](#)
- [What is the definition of frequent and intensive activity?](#)
- [Who decides if a post requires a CRB?](#)
- [How do I get a CRB check?](#)
- [When would I need a new CRB check?](#)
- [I work at a school and have an ER200 and a List 99 check, do I need a CRB check?](#)
- [Will spent convictions appear on a CRB check?](#)
- [What is 'locally held information'?](#)
- [Will I get a copy of the CRB check?](#)
- [Can I start working without a Gloucestershire County Council \(GCC\) CRB check?](#)
- [I am a social work student who has a CRB check through a university – do I require a GCC CRB?](#)
- [I am an agency worker/seconded from another organisation – do I need a new CRB check?](#)
- [Will the employment agency provide the school with a copy of my CRB check?](#)
- [Will I require an additional check if I was born abroad, travelled extensively or lived overseas?](#)
- [What happens if my CRB check reveals any convictions or additional information?](#)
- [What happens to the CRB disclosures received by the council?](#)
- [What happens if the ISA bar me from working with children or adults?](#)
- [I am a school governor; do I need a CRB check?](#)
- [Will the head teacher keep a copy of the recruitment documentation I have checked?](#)
- [I am visiting a school, do I need a CRB check?](#)
- [I am part of a team of contactors who will be working at a school; will I need a CRB check?](#)
- [Will I be asked for photographic ID when I visit a school?](#)
- [Will the school receive a copy of my CRB Disclosure?](#)
- [Can the head teacher take a copy of a CRB Disclosure I have provided?](#)
- [I am a supply teacher; will the school undertake recruitment checks including a CRB Disclosure?](#)
- [I am an examination invigilator; do I have to have a CRB check?](#)
- [I am a parent volunteer; do I need a CRB check?](#)
- [I have been dismissed from my job working with children and young people; does my employer have to inform the ISA?](#)

HR Policy and Guidance | Criminal Record Bureau and Independent Safeguarding Policy

Who does this policy apply to?

All employees working with children and vulnerable adults

It also applies to foster carers, blood relatives and the biological parents to establish access to a Looked After Child.

In the context of this policy 'working' includes volunteers as well as paid staff.

What is a Criminal Records Bureau (CRB) check?

There are currently two levels of Disclosure available, Standard or Enhanced. The level check is dependant on the nature of the role and guidance found on the CRB website www.crb.homeoffice.gov.uk

All those working with children and vulnerable adults require a check at an Enhanced level.

An Enhanced check includes information about convictions, cautions, reprimands and warnings held on the Police National Computer. It will also include information held on the barred lists and any [locally held police force information](#) considered relevant to the job.

What is a regulated activity?

An individual is involved in regulated activity if they:

- **Undertake an activity of a specified nature, which includes but is not limited to:** teaching, training, instruction, care, supervision, treatment, therapy or transport.
- **Undertake any activity allowing frequent or intensive contact with children and vulnerable adults in a specified place:** schools, childcare premises - including nurseries, residential homes for children, children's hospitals, children's detention centres and adult care homes.
- **Undertake fostering and/or childcare.**
- **Occupy a defined position of responsibility as set out in the Safeguarding Vulnerable Groups Act (SVGA) 2006.** This includes:
 - Director of Children's Services of a local authority in England.
 - Director of Adult Social Services of a local authority in England.
 - Member of the Youth Justice Board for England and Wales.

- Member of a Local Safeguarding Children Board.

What is the definition of frequent and intensive activity?

Frequent activity is defined as:

- Once a week or more for most services, but once a month or more for health and social care services involving personal care.

Intensive activity is defined as:

- Three occasions in any 30-day period **or** overnight between 02.00 am to 06.00 am

Who decides if a post requires a CRB?

Please see [Appendix 1](#) for information about posts that require a CRB check.

The Safeguarding Vulnerable Groups Act, 2006, and the Rehabilitation of Offenders (Exceptions) Order 1975 set out jobs that need a CRB. Your manager will decide if the job meets the requirements for a CRB check and/or registration.

If you think that you should have a CRB check, speak to your manager.

How do I get a CRB check?

The Business Service Centre (BSC) CRB team manage GCC CRB checks, therefore if your post requires a check, you will be sent a form. Full information about the application process is available from the council's website www.gloucestershire.gov.uk/crb.

When would I need a new CRB check?

You will need a new check if you:

- Have a break in service of three months or more if you work in a school or a GCC job.
- Work in a job or service that requires three yearly rechecks. The criteria for jobs that require a three yearly recheck is available in [Appendix 2](#).
- Are employed via the Temporary Staff Register, remain on the register, and do not work for three months or more.
- Return from an agreed career break.
- Are working with a different service user group.
- Move to a job that has more direct access with children or vulnerable adults.
- Move to a job that has a greater responsibility for Safeguarding children or vulnerable adults.

- If your actions or activities give cause for concern.

I work at a school and have an ER200 and a List 99 check, do I need a CRB check?

All school based staff are required to have a CRB check, however, if you have been continuously employed in the same role before 2002 and have an ER200 and List 99 check, then you do not need a CRB check unless you change roles. The school will need documentary evidence of these checks recorded on the single central school record.

Will spent convictions appear on a CRB check?

Yes – for the purpose of a CRB check, no conviction, caution, reprimand or warning is spent.

What is 'locally held information'?

If you have ever been the subject of a police investigation that did not lead to a conviction, caution, reprimand or warning the police will hold this information. This information is released at the discretion of the Chief Police Officer if it is relevant to your job.

(This is sometimes referred to as 'soft' information.)

Will I get a copy of the CRB check?

Yes. The CRB will send you a copy of the CRB check to your home address.

Can I start working without a Gloucestershire County Council (GCC) CRB check?

The CRB check forms part of a wider Safer Recruitment Process and you would not normally be able to start in post without a completed check.

For GCC employees you may be able to start if:

- all other recruitment checks have been satisfactorily completed; and,
- you hold an Enhanced CRB check, for a similar job role, that is less than 12 months old and a copy is available to the council; and,
- you have remained in continuous service with the employer who carried out the check, and they can confirm that no additional information was sent to them with the disclosure; and,
- you have completed a new application form; and,
- a business case and risk assessment has been completed by the manager and appropriate permission gained from a director or head of service; and,
- you are supervised at all times.

For school employees:

- all other recruitment checks have been satisfactorily completed
- you have completed a new CRB application form
- you have had a List 99 (ISA 1st) check which shows you are not barred from working with children or vulnerable adults
- you are appropriately supervised. The amount of supervision required is dependent on your history, your experience, your responsibilities and the nature of your duties

If allowed to start in your new job, it is subject to a satisfactory CRB check.

I am a social work student who has a CRB check through a university – do I require a GCC CRB?

A GCC CRB check is not required, if you:

- are a student from the Universities of Gloucestershire, Bristol or the West of England or Bath University and
- have an Enhanced CRB through the university that covers work with both adults and children, and
- the check is less than three years old, and
- have a relevant overseas check, if required

I am an agency worker/seconded from another organisation – do I need a new CRB check?

All agency workers and seconded employees would be subject to the same checks as if they were directly employed employees.

If you do not have the required checks with your employer or agency for the placement, you will be required to have new ones.

Will the employment agency provide the school with a copy of my CRB check?

If you are an agency worker, the school does not need to see a copy of your CRB check but they do need written confirmation from the employment agency that you do have a cleared CRB Disclosure. This should include the date the disclosure was issued and the serial number of the disclosure document.

I am a consultant engaged to undertake a piece of work for GCC – do I need a new CRB check?

If you are self employed you cannot apply for a CRB check yourself. However, as the council has engaged you to undertake a piece of work and if a CRB check is required, your manager can process a CRB check for you.

Alternatively, if you are registered with an employment agency, the agency can arrange to process your CRB check.

Will I require an additional check if I was born abroad, travelled extensively or lived overseas?

You will require an additional check if:

- This is your first job in the UK. At this stage, a CRB check will not be carried out unless you have been living in the UK for six months or more.
- You moved to the UK after your 18th birthday, and have been here for less than five years.
- You have lived abroad, for any period, in the last five years.
- The CRB Panel deem an overseas check is necessary.

In all the above circumstances, a record search must be carried out in your home country or the country where you lived. The BSC CRB Team will provide advice on this.

For school employees:

If you have lived overseas you must undergo the same checks as for all other staff. This includes a CRB Disclosure and List 99 (ISA 1st) check. In addition, the school must make such further checks as they consider appropriate. e.g. additional references from employers overseas.

In addition, if you have lived overseas and were recruited since March 2002, you should have a CRB Disclosure where this has not been done before, unless you have within three months before your appointment worked in:

- A school in England in a post which brought you in regular contact with children or any post they were appointed to since 12 May 2006; or
- An Further Education (FE) college in England in a position which involved the provision of education and regularly caring for, training, supervising or being in sole charge of children or young people under the age of 18.

What happens if my CRB check reveals any convictions or additional information?

The council complies fully with the CRB Code of Practice and undertakes to treat all candidates for positions fairly. The council will not discriminate unfairly against any candidate subject to a Disclosure based on conviction or other information revealed.

The council is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for

dependants, age, physical/mental disability or offending background.

Set out below is a [Policy Statement on the Recruitment of Ex Offenders](#).

Information on a CRB Disclosure is risk assessed and, if necessary, sent to the CRB Panel. If further information is needed you will be contacted. The panel will make the decision as to whether you can start in your job and you will be notified of the decision.

The process for managing unclear disclosures is available in [Appendix 3](#).

A separate document is available that details the Decision Making Process that the CRB panel use. <http://www.gloucestershire.gov.uk/index.cfm?articleid=96304>

What happens to the CRB disclosures received by the council?

The CRB set very strict standards for handling such sensitive information and the council complies with this Code of Practice. Full information about the handling of this information can be found at www.gloucestershire.gov.uk/crb.

What happens if the ISA bar me from working with children or adults?

You cannot continue to work directly with vulnerable groups in a [regulated activity](#) if you are or have been barred by the ISA from working with them. If barred, we would need to remove you from that post and assess whether or not there is an opportunity to redeploy you.

I am a school governor; do I need a CRB check?

You are not required to undergo a CRB check unless you have regular contact with children in your role as a governor which meets the definition of a regulated activity. However, you will be required to sign a declaration regarding any criminal convictions you have. You may be asked to complete a CRB Disclosure form if you give us cause for concern or you are unable to sign the declaration.

Will the head teacher keep a copy of the recruitment documentation I have checked?

The school will not keep a copy of all the recruitment checks carried out; however, they are required to maintain a single central record. On this record, they will record what documentary evidence you have provided, who checked the documentation and the date it was checked.

The single central record should record the following:

- name/date of birth
- identity checks carried out, what was seen, who saw it and when

I am visiting a school, do I need a CRB check?

- address
- right to work in the UK for all non EU Nationals
- GTC registration/qualifications; what was seen, who saw it and when
- list 99 check (ISA 1st check)
- CRB Disclosure
- further overseas checks

It is not necessary to obtain a CRB Disclosure for visitors who will only have contact with children on an ad hoc or irregular basis for short periods of time, or secondary pupils undertaking voluntary work or work experience in other schools. However, it is good practice to ensure they sign in and out and are not left unsupervised with children.

Examples of people who do not need to apply for a CRB Disclosure are as follows:

- Visitors who have business with the head teacher, principal or other staff or who have brief contact with children with a member of staff present.
- Visitors or contractors who come on site only to carry out emergency repairs or service equipment and who would not be expected to be left unsupervised on school premises.
- Volunteers or parents who only accompany staff and children on one off outings or trips that do not involve overnight stays, or who only help at specific one off events e.g. a sports day, school fete or college open day.
- Secondary pupils on Key Stage 4 work experience in other schools, FE colleges or nursery classes; secondary pupils undertaking work in another school or FE college as part of voluntary service, citizenship or vocational studies; or Key Stage 5 or sixth form pupils in connect with a short careers or subject placement. In these cases the school placing the pupil should ensure that they are suitable for the placement in question.

I am part of a team of contactors who will be working at a school; will I need a CRB check?

- People who are on site before or after school or college hours and when children are not present, e.g. local groups who hire premises for community or leisure activities, contract cleaners who only come in after children have gone home, or before they arrive.

There is no requirement on the school to undertake a CRB Disclosure in this situation. However, a school will follow best practice guidelines in this situation, such as:

- you will be asked to sign in and sign out
- you will be asked not to engage with children at the school
- you will be asked to wear your uniform/company logo at all times or some form of identification
- you will be provided with a copy of the Child Protection Policy and informed of the Child Protection Officer's contact details
- one person from your team will have a cleared CRB Disclosure and will be responsible for the whole team of contractors

Will I be asked for photographic ID when I visit a school?

There is no requirement for a school to ask for a photo ID. However, they must satisfy themselves that you are who you say you are.

Will the school receive a copy of my CRB Disclosure?

Once the local authority has cleared your CRB Disclosure, a GCC clearance certificate is produced for the school to retain. This should be kept on your personal file. The CRB Disclosure remains with GCC and is destroyed securely after six months.

Can the head teacher take a copy of a CRB Disclosure I have provided?

The photocopying of a CRB original Disclosure is forbidden by the CRB. If the head teacher needs to keep a record of the CRB Disclosure, they will be required to record the relevant information.

I am a supply teacher; will the school undertake recruitment checks including a CRB Disclosure?

If you are employed directly by the school, they will be required to undertake the normal recruitment checks. If you have had a break of three months or more between jobs, then a new CRB Disclosure will be undertaken.

If you are employed via an employment agency, then the agency will have carried out all the recruitment checks which

I am an examination invigilator; do I have to have a CRB check?

the school requires. In this case, the school will ask for written confirmation that the checks have been undertaken. They will also ask the agency to confirm that a cleared CRB Disclosure has been obtained. This confirmation will be used as evidence on the school's Single Central Record for Ofsted.

Invigilators (paid and voluntary) are required to have Enhanced CRB check recorded on the central record. Invigilators will require repeat CRB disclosures if they have a break of more than three months in their employment.

It is recognised that because of the nature of exam invigilation work (short term with lengthy gaps) this is likely to mean repeat CRB disclosures are necessary for most if not all invigilators.

I am a parent volunteer; do I need a CRB check?

Volunteers and parents who accompany staff and children on one off outings or trips, that do not involve an overnight stay or help out for specific one off events e.g. sports day or school fete do not require a CRB check.

If you volunteer on a regular basis and the work you carry out involves working with children, then taking up a CRB check may be considered by the Headteacher. Regular for this purpose means three or more times in a 30 days period or once a month or more or where it involves an overnight stay.

I have been dismissed from my job working with children and young people; does my employer have to inform the ISA?

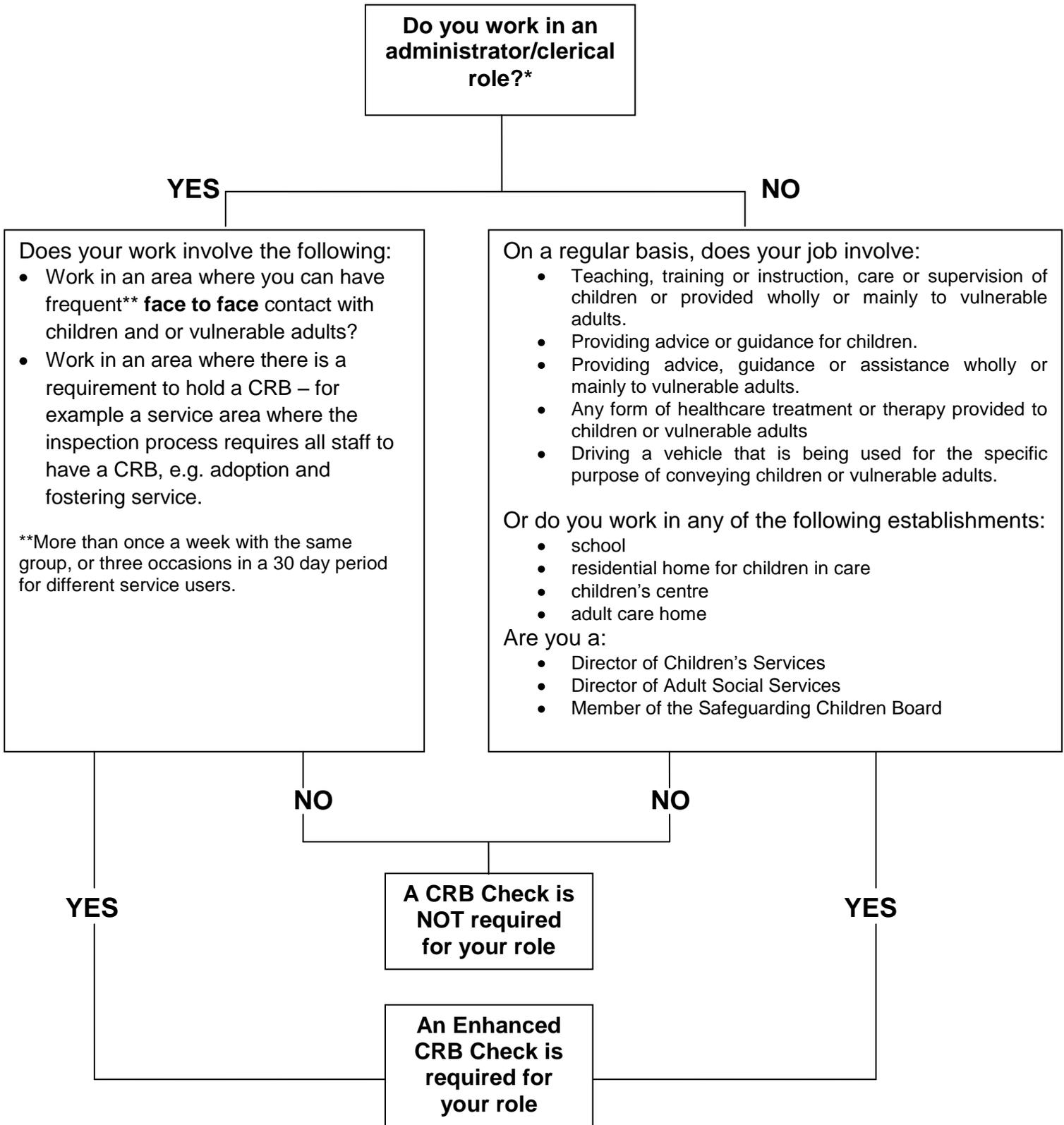
If you have been dismissed because you have caused harm to a child or vulnerable adult, the council has a legal obligation to inform the ISA.

Details about the referral process can be found at the following link
<http://www.isa.homeoffice.gov.uk/Default.aspx?page=379>

Policy Statement on the Recruitment of Ex-Offenders

- GCC complies fully with the CRB Code of Practice and undertakes to treat all candidates for positions fairly. It undertakes not to discriminate unfairly against any candidate subject to a Disclosure on the basis of conviction or other information revealed.
- GCC is committed to the fair treatment of its employees, potential employees or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- This policy statement on the recruitment of ex-offenders will be made available to all Disclosure applicants on request.
- 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 all candidates for interview based on their skills, qualifications and experience.
- All positions working with children, families and vulnerable adults and, in certain circumstances their information are subject to a satisfactory Criminal Records Bureau (CRB) check. For those positions where a Disclosure is required, all job adverts and recruitment information will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
- All applicants applying to work with Children and Vulnerable adults will be asked to declare if they have ever been convicted of a criminal offence or if there are offences pending.
- Applicants who are applying for work which does not involve working with Children and Vulnerable adults will be asked about “unspent” convictions only as defined in the Rehabilitation of Offenders Act 1974.
- At interview we will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- Disclosures that reveal convictions are subject to the CRB Panel procedures that are outlined in Appendix 3.
- We ensure everyone subject of a CRB Disclosure aware of the existence of the CRB Code of Practice and make a copy available on request.

Who Requires a CRB Check?



*An administrator or clerical role is defined as one that supports a team(s) or department(s). Tasks can include, but are not limited to, answering & directing telephone calls and correspondence (including email) from internal and external customers, setting up & maintaining filing systems, taking & typing minutes, updating databases (including those for external customers), administering financial transactions, managing diaries etc

Three Yearly Rechecks:

Three yearly rechecks should be applied where it is a requirement of legislation or inspecting bodies to carry out three yearly rechecks, e.g. Adoption and Fostering, Children's Residential and Youth Support Service.

Criminal Records Bureau (CRB) Disclosure Process

