



## **CableCom Training Ltd Criminal Records Bureau (CRB) Disclosure Policy**

### **Introduction**

This document provides the policy, procedures and guidance to the Authorised Officer (Quality Manager) and other managers on how to manage the recruitment, transfer and re-checking process of all employees into positions where they will typically have unsupervised access to children, vulnerable adults and those taking up positions of trust.

CableCom Training will take every step to ensure that those of its employees, who work with or otherwise come into contact with these vulnerable groups or take up positions of trust, are suitable to undertake the work.

CableCom Training is also committed to the elimination of discrimination and to equal treatment in employment. This applies at all stages of employment and prospective employment including recruitment. Although no aspects of employment are excluded, there are certain circumstances where different treatment can be shown to be justified and is appropriate in order to fulfil the Company's duty of care, outlined above.

### **The CRB Code of Practice**

All organisations who wish to use CRB checks must comply with the CRB's Code of Practice which was developed after a lengthy public consultation exercise with input from a range of organisations. The Code of Practice is intended to ensure – and to provide assurance to those applying for Standard and Enhanced Disclosures – that the information released will be used fairly. The Code also seeks to ensure that sensitive personal information is handled and stored appropriately and is kept for only as long as necessary. Anybody, who receives Standard or Enhanced Disclosure information, must abide by the Code of Practice which includes Registered Bodies, Umbrella Bodies, Recruiters and others receiving such information.

The Code of Practice states that Disclosure information should only be used in the context of a policy on the recruitment of ex-offenders, designed to protect applicants from unfair discrimination on the basis of non-relevant past convictions. The Code of Practice also states that the information revealed is considered only for the purpose for which it was obtained. It should be destroyed after a suitable period has passed – usually not more than six months.

Organisations must therefore use Disclosure information fairly, and ensure that it is handled and stored appropriately. They must also satisfy the CRB that they are complying with the Code of Practice, which means co-operating with requests from the CRB to undertake assurance checks, as well as reporting any suspected malpractice in relation to the Code or misuse of Disclosures. Failure to comply with the Code of Practice can result in the CRB refusing to issue the results of a CRB check or potential de-registration of the organisation.

## **Rehabilitation of Offenders**

The Rehabilitation of Offenders Act (ROA) 1974 applies to England, Scotland and Wales, and is aimed at helping people who have been convicted of a criminal offence and who have not re-offended since. Anyone who has been convicted of a criminal offence, and received a sentence of not more than 2.5 years in prison, benefits as a result of the Act, if he or she is not convicted again during a specified period otherwise known as the 'rehabilitation period'. The length of this period depends on the sentence given for the original offence and runs from the date of the conviction. If the person does not re-offend during this rehabilitation period, they become a 'rehabilitated person', and their conviction becomes 'spent'. Sentences can carry fixed or variable rehabilitation periods and these periods can be extended if the person offends again during the rehabilitation period. However, if the sentence is more than 2.5 years in prison, the conviction never becomes 'spent'. It is the sentence imposed by the courts that counts, even if it is a suspended sentence, not the time actually spent in prison.

Once a conviction is 'spent', the convicted person does not have to reveal it or admit its existence in most circumstances, including, for example, when applying for a job. However, there are exceptions relating to employment and these are listed in the Exceptions order to the ROA. **The two main exceptions relate to working with children or vulnerable adults and in this circumstance people are required to reveal all convictions, both spent and unspent.**

## **Policy Statement on the secure storage, handling, use, retention and disposal of Disclosures and Disclosure information**

### **General principles**

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to help assess the suitability of applicants for positions of trust, CableCom Training complies fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

### **Storage and Access**

Disclosure information is never kept on an applicant's personnel file and is always kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

### **Handling**

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

### **Usage**

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

## **Retention**

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is absolutely necessary. This is generally for a period of 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 safe storage and strictly controlled access will prevail.

## **Disposal**

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately suitably destroyed by secure means, i.e. by shredding, pulping or burning. 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, in order to maintain the Council's Criminal Records Checks Database we will 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.

## **Recruitment**

Whenever a vacancy for a position which will be subject to a CRB check arises the following will always be observed:

A suitably qualified and trained Appointing Officer (Quality Manager) designated to be responsible for the recruitment process.

The job advertisement and any supporting information sent to prospective candidates should clearly state that the post is subject to a CRB Disclosure. Short-listed candidates will be sent a PO7 form to complete and bring to interview detailing their full criminal history including both spent and unspent convictions.

## **Identity Verification**

CableCom Training will:

Accurately and comprehensively verify the identity of the applicant prior to the Submission of a disclosure application.

Ensure that any person undertaking identity verification checks on the Company's Behalf is suitable and trained accordingly.

Either at interview or at a separate meeting the candidate will be asked to discuss the circumstances around their declarations on the PO7 form and a record of this meeting kept until the return of the CRB Disclosure. A risk assessment should then be carried out to help determine if the criminal history is relevant to the role.

Only the successful candidate will be required to apply for a CRB Disclosure. A new Disclosure must be applied for; previous Disclosures are unacceptable.

Where it is determined the candidate's criminal background does not preclude employment, a conditional offer of employment can be made, subject to relevant pre-employment checks including a CRB Disclosure.

Once the CRB Disclosure is returned, if it has revealed the same information as the candidate disclosed and only if this is not considered to pose a risk following the risk assessment. Then providing all other pre-employment checks are satisfactory an unconditional job offer can be confirmed, following a meeting with the candidate.

If the CRB Disclosure contains information which was not revealed by the candidate, or additional information is received by the police, it will be necessary to hold a further discussion with the candidate and a further review against the risk assessment carried out to determine whether to confirm or withdraw the conditional offer of employment. This decision must be ratified by the Managing Director and HR advice sought.

### **Policy Statement – Recruitment of Ex-Offenders**

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess candidates' suitability for positions of trust, CableCom Training 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 subject of a Disclosure on the basis of conviction or other information revealed.

CableCom Training 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.

This policy on the recruitment of ex-offenders will be made available to all Disclosure applicants at the outset of the recruitment process.

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.

A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Where a Disclosure is to form part of the recruitment process, we encourage all candidates called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within CableCom Training and we guarantee that this information is only be seen by those who need to see it as part of the recruitment process.

Unless the nature of the position allows CableCom Training to ask questions about a candidate's entire criminal record we only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.

We ensure that all those in CableCom Training who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we 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.

We make every subject of a CRB Disclosure aware of the existence of the CRB Code of Practice and make a copy available on request.

We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record is not necessarily bar to working with us. This will depend on the nature of the position and the circumstances and background of the offences.

### **Independent Safeguarding Authority Scheme**

A new vetting and barring scheme covering those who work or volunteer, or seek to work or volunteer, with children and/or vulnerable adults was implemented from 12th October 2009. The scheme stems from the Safeguarding Vulnerable Groups Act 2006, which was implemented as a result of the Bichard Inquiry. The scheme will be implemented by the newly formed Independent Safeguarding Authority (ISA) and will be administered by the Criminal Records Bureau (CRB).

From July 2010 when we recruit someone to work with children or vulnerable adults we will need to check their ISA status which may affect their suitability for the role. It will be an offence to recruit someone to work in regulated activity who does not hold ISA registration. For existing staff there will be a 5 year roll-out period for registering with the ISA. Further information can be found at [www.isa.gov.org.uk](http://www.isa.gov.org.uk)

### **Monitoring and Review**

The Quality Manager will monitor and review this policy on a regular basis in order to ensure ongoing compliance with legislation and effective operational practice. CableCom Training reserves the right to alter or amend this policy in accordance with any recommendations resulting from consultation with relevant parties, the monitoring process; any changes in the law; or any other related legislation.

### **Procedure**

## **The Criminal Records Bureau**

### **Background to the CRB**

The Criminal Record Bureau (CRB) is an executive agency of the Home Office established under provision of the Police Act 1997 and commenced operation in March 2002. It was established to help employers in the public, private and voluntary sectors identify individuals who may be unsuitable for certain types of work, especially that involving contact with children or other vulnerable members of society, by providing controlled access to criminal records and related information through its Disclosure service.

The Disclosure service is a single focussed process and enables organisations to make safer recruitment decisions by checking the background of applicants to ensure they do not have a history that would make them unsuitable for the position for which they have applied.

### **Disclosure Level**

There are currently two levels of Disclosure available, Standard or Enhanced. The level check is dependent on the nature of the role and guidance found on the CRB website [www.crb.gov.uk](http://www.crb.gov.uk) However, CableCom Training in seeking to fulfil its duty of care, encourages all disclosure checks to be applied for at Enhanced level, as this is the only level that discloses all relevant information.

It should be stressed that, whilst CRB checks are vital in the consideration of appropriately staffing posts with access to vulnerable people, they are just one in a range of pre-employment checks which must be carried out in order to assess the suitability of candidates. Other checks include thoroughly confirming identities, qualifications, taking up references and examining dates of employment histories on application forms.

### **OFFENCES**

CableCom Training notes that it is an offence to:

- Disclose information contained within a Disclosure to any person who is not a member, officer or employee of the Company unless a relevant legal exception applies.
- Disclose information to any member, officer or employee where it is not related to that employee's duties.
- Knowingly make a false statement for the purpose of obtaining, or enabling another person to obtain a Disclosure.
- Persons guilty of such offences are liable to deregistration, imprisonment or a fine unless a relevant exception applies as outlined in CRB Guidance.



Any matter of potential concern revealed in a Disclosure must be fully discussed with the person seeking the post before a decision to either withdraw or confirm a conditional offer of employment is taken.

### **CRB Code of Practice**

The CRB Code of Practice sets out the obligations that must be met by recipients of Disclosure Information. Every subject of a CRB Disclosure will be made aware of the existence of the Code of Practice and a copy of it will be made available to that individual on request or by visiting the CRB web-site at [www.crb.gov.uk](http://www.crb.gov.uk). And go to “Quick Links”. In addition, a guide to completing the Disclosure application form can also be found at the above web site or by contacting the Records Disclosure Service.

### **Managing the Disclosure Process**

The disclosure process is managed by a nominated Authorised Officer (Quality Manager).

The Authorised Officer should ensure that the applicant receives adequate support and guidance on completing the Disclosure Application form and that they are made aware of the Company’s policy on recruitment of Ex-Offenders.

The Authorised Officer is responsible for ensuring compliance with the CRB Code of Practice during the Disclosure process.

### **Re-checking of Existing Employees**

#### **How long is a Disclosure valid?**

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

### **Existing Employee Re-checks**

As from 1st November 2008 CableCom Training introduced a corporate policy of 3 yearly re-checking for all existing employees in posts subject to CRB Disclosures. However re-checking may be carried out more frequently in some service areas where required by regulations. Existing employees who have not previously been subject to a CRB Disclosure may, as a result of changes in legislation, regulations or working practices, be required to undertake a Disclosure during the course of their employment with CableCom Training. All employees will be expected to comply and any employee refusing to comply with the request for a Disclosure will be advised that their deliberate and unreasonable refusal to carry out lawful and safe instructions issued and/or to comply with a contractual agreement, will lead to the employee being subject to a disciplinary investigation.

In addition to the standard re-checking policy CableCom Training reserves the right to ask existing employees in relevant positions to apply for a Disclosure if their actions or activities

give cause for concern. The grounds for this could include allegations of suspicious or inappropriate behaviour made by a child or vulnerable adult, or a colleague. In such instances a full investigation will be conducted and CableCom Training may ask for a new Disclosure to be carried out, only after seeking legal advice.

All existing employee re-checks should be undertaken in conjunction with the 'Managing Disclosure Information during Employment' policy. This policy underpins the CableCom Training contractual requirement for all staff in posts subject to a CRB check to disclose any pending criminal proceedings for which they have been formally charged, any criminal conviction, caution, reprimand, bind-over or final warning received during their employment or since their last CRB Disclosure or where a CRB Disclosure has never been carried out, all criminal information must be disclosed.

### **Accepting an Existing CRB Check**

CableCom Training does not accept existing CRB Disclosures from other organisations.

Tony Horridge

Managing Director  
CableCom Training Ltd

Date.....

Appendix 1

## **Appendix 1**

### **Procedure for Secure Handling of Disclosure Information**

1. CableCom Training is committed to ensuring that CRB Disclosure information is handled and stored securely.
2. Disclosure information will be securely stored, in a locked environment either within the Human Resources or Quality team areas.
3. Disclosure information, its content or any representation of the same in any format will be retained for no longer than is necessary and for a maximum of six months following the recruitment decision unless a dispute is raised or, in exceptional circumstances, Where CRB agreement is secured.
4. No reproductions of the Disclosure or its content will be made, including photocopies or Scanned images, unless with the prior agreement of the CRB.
5. Disclosure information will be shared only with relevant persons in the course of their Specific duties relevant to recruitment and the vetting processes.
6. Disclosure information will be disposed of in a secure manner by confidential waste Management or shredding in a secure environment.
7. Additional Information, including information as to its existence, will not be revealed to The Disclosure applicant and will be disposed of in the appropriate manner and at the Appropriate time.

CableCom Training will ensure that the above standards are met by:

- staff training, ensuring that all staff involvement in the handling of Disclosure information are aware of Company's CRB Code of Practice and practices which must be adopted to ensure the secure handling, storage and disposal of disclosure information.
- Staff receiving Disclosure information are instructed of the requirement that it must be stored securely in a locked storage facility, which is only accessible to staff who are trained in the CRB application process.
- Undertaking audits to assure compliance with the Code of Practice.