

Bradford Academy Guide to Criminal Records Bureau Disclosures

1. Statement

Bradford Academy takes seriously its responsibilities in safeguarding the welfare of children and vulnerable adults. We will ensure that all those appointed, or its contractors, have had necessary and appropriate checks.

2. Introduction

1.1. The Criminal Records Bureau (CRB) was established in 2002 to disclose information on criminal convictions to organisations that employ people in positions of trust or deliver services to the most vulnerable members of society. Bradford Academy's Policy on the use and security of CRB Disclosure information contains its commitment to ensuring it complies with the CRB Code of Practice. A copy of this policy is attached as Appendix A.

1.2. This guidance document provides information and advice to ensure that Academy staff use Disclosure information in accordance with the CRB Code of Practice and Bradford Academy Policy during the recruitment process and when checking employees.

2. Information provided on Disclosure certificates

2.1. The CRB offer two different levels of Disclosures, Enhanced and Standard. All staff who work in Bradford Academy will be subject to an Enhanced Disclosure.

Enhanced Disclosure

2.2. This level of Disclosure will contain details of all convictions held on the Police National Computer (PNC) including current and 'spent' convictions as well as details of any cautions, reprimands or final warnings. In addition the Disclosure will indicate whether information is held on lists kept by the Department of Health (DoH) and Department for Children and Family Services (DCFS). These lists contain details of those people who are banned from working with children.

2.3. Enhanced Disclosures may also contain non-conviction information from local police records that might be relevant to the post the Disclosure is being requested for. Exceptionally, and 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 Countersignatory.
Additional information provided by the
police must not be revealed to the applicant.

Limitations of Disclosure information

2.4. The information provided on a Disclosure certificate is limited to basic facts, for example, the date, offence and sentence. It does not set the offence in context. If the information on the disclosure certificate gives cause for concern the applicant must be given the opportunity to discuss this information. Only then, should a final decision on the individual's appointment or employment be made. Academy staff should be aware that Disclosure certificates are an important part of the overall recruitment process, which should also include references, qualification checks and interviews. Disclosure Certificates requested by other employers should not be accepted because a Disclosure will only contain relevant information on offences up to the date it was issued.

3. Services of CEA@Islington

3.1. CEA@Islington will process all Bradford Academy's disclosure applications.

4. Responsibility within Bradford Academy

4.1. There are number of staff that will be involved in ensuring that Bradford Academy complies with the CRB Code of Practice and in making decisions using information from Disclosures on job applicants and employees. All staff involved must be familiar with Bradford Academy's policy and guidance together with the CRB Code of Practice.

4.2. All staff involved must treat all Disclosure information in the strictest confidence. It is offence under the Police Act 1997 to pass disclosure information to unauthorised persons. This means that Disclosures and the information they contain are only passed to staff that need to have access to it in the course of their duties. Members of staff that pass confidential Disclosure information to an unauthorised person will be liable to action in accordance with Bradford Academy's Disciplinary Procedure.

Countersignatories

4.3. CEA@Islington staff will undertake the role of a Countersignatory and check Disclosure application forms, submitted by Bradford Academy, and sign them on behalf of Bradford Academy. Countersignatories must follow the CRB Guidance Notes for recruiters and Countersignatories. This includes maintaining records of Disclosures requested and received, ensuring applicants complete forms correctly



and ensuring that the applicant's identity has been verified. If CEA@Islington receives a Disclosure certificate for a job applicant that gives rise to any concerns, they must inform the Principal immediately.

Recruiting Managers (including managers of agency workers)

- 4.4. All Academy staff responsible for recruiting to posts that require a Disclosure must ensure they adhere to Bradford Academy's Recruitment and Selection Standards, including its Policy on the Recruitment of Ex-offenders, at all times. Job applicants must be informed as part of the recruitment process that successful candidates will have to apply for a Disclosure. Academy staff must also ensure that agencies that provide workers to cover posts that are subject to a Disclosure provide a valid Disclosure reference number and verify the individual's identity before they perform duties on the Academy's behalf.

5. Recruiting to posts that require a disclosure

- 5.1. Recruiting managers will ensure that the recruitment documentation for the post reflects the requirement for an Enhanced Disclosure. A copy of Bradford Academy's policy on the recruitment of ex-offenders, a copy of which is attached as Appendix B, must be included in the application pack for these posts.
- 5.2. Candidates that are successful following testing and interviews must be informed that the offer of employment with Bradford Academy is subject to receipt of a satisfactory Disclosure. When sending the candidate the Disclosure Application form to complete, they must also be sent a copy of the CRB applicant's guide to completing a disclosure application and a copy of Bradford Academy's policy on the use and security of CRB disclosure information.
- 5.3. CEA@Islington will ensure that the applicant's identity has been verified when they check completed applications and sign them before sending them to the CRB. They will also keep a record of the unique application number in case the CRB need to be contacted before the Disclosure is received. On receipt of a satisfactory Disclosure, they will inform the recruiting manager so a decision can be made on the applicant's suitability. If CEA@Islington receives an unsatisfactory Disclosure certificate for a job applicant, they must inform the Principal immediately. Advice on making this decision using Disclosure information is included in section 6 below.
- 5.4. It is essential that the individual's identity is checked as usual on their first day of service to ensure that they are the person that applied for the Disclosure.



5.5. Where a person's CRB clearance has not been obtained before their proposed start date, the Principal (with advice from the school's Human Resources Provider) will conduct a risk assessment to determine whether the person should be allowed to commence working, and if so what additional supervision/systems/monitoring need to be put in place. The level of additional supervision required in such circumstances will take into account factors such as what is known of the person, their experience and the nature of their duties. For those with limited experience and where references have provided limited information the level of supervision required may be high. For those with more experience and where the references are detailed and provide strong evidence of good conduct in previous relevant work a lower level of supervision may be appropriate. For all staff without completed CRB disclosures it should be made clear that they are subject to this additional supervision. The nature of the supervision should be specified and the roles of staff in undertaking the supervision spelt out. Such arrangements will be reviewed by the Principal at least every two weeks until CRB clearance is received.

6. Making decisions using Disclosure information

Identify and discuss concerns

- 6.1. If a Disclosure reveals information that gives cause for concern, CEA@Islington should first check whether the individual has previously disclosed details of any convictions or cautions. The Principal¹ should then arrange to meet with them to discuss the convictions and cautions and to confirm that they are in fact their convictions/cautions.
- 6.2. If the individual has not disclosed the convictions on Bradford Academy's Criminal Record Declaration form, they should be asked why they had not done so. The Principal should be concerned about any applicant or employee who has failed to provide this information when they were required to do so or has provided false information.
- 6.3. If an individual denies that the convictions relate to them a further check must take place. This can be done by CEA@Islington contacting the CRB and advising that there is a dispute on the evidence submitted. The CRB will then undertake an investigation.

Factors to consider when making a decision

- 6.4. Once it is established that the convictions/cautions relate to the individual, the Principal should explore with them the circumstances surrounding the convictions/cautions and when they took place. An applicant's criminal record should be assessed in relation to the tasks

¹ The Principal may delegate this to a member of the leadership team



they will be required to perform and the circumstances in which the work is to be carried out. Factors to consider include:

- An examination of the circumstances leading up to the offence e.g. the influence of financial or domestic circumstances
 - Whether the individual's circumstances have changed since the offence was committed, making re-offending less likely
 - The degree of intent on behalf of the offender
 - The damage caused
 - Repeat offences i.e. was the offence a one-off or part of a history of offending
 - The length of time since the offence took place
 - The nature of the job i.e. does the nature of the job present any opportunities for the postholder to re-offend in the course of their work
 - The degree of risk that the offence suggests that the individual represents
 - The extent of job supervision i.e. does the job involve one-to-one contact with students and what level of supervision will the postholder receive
 - An individual's attempt to "go straight"
 - The degree of remorse, or otherwise, expressed by the applicant and their motivation to change
 - Whether the offence has been decriminalised by Parliament
- 6.5. The fact that someone has a conviction or a caution would not necessarily prevent them from taking up or continuing in employment with Bradford Academy, although serious consideration should be given to the information that has been received before a decision is made.
- 6.6. In reaching that decision the Principal will consider the nature of the conviction/caution, when they took place and whether there is a possibility of further incidents taking place together with the possible implications, if any, for Bradford Academy employing this person.

Information that will lead to a individual automatically being unsuitable

- 6.7. An Enhanced CRB Disclosure will provide details of whether the individual is included on a list of people named as being unsuitable to work with children. These lists are:
- List 99
 - POCA - Protection of Children's Act



6.8. Candidates/employees who are named on List 99 or POCA (even provisionally) are considered unsuitable to work with children and must not be employed. There is no discretion.

6.9. It is a criminal offence for a person on the POCA register to apply to work with Children. If a Disclosure reveals that a job applicant on this list has applied to work with children, Bradford Academy has a legal duty to inform the police.

Non-conviction information

6.10. In instances where a Disclosure leads to the police revealing additional non-conviction information to a Countersignatory, either on the Disclosure itself or in a separate letter, it must not be passed on to the individual, who will not be aware of it. Sharing such information with the individual would be an offence under the Police Act 1997. Non-conviction information, which may include details of an on-going investigation, can be important in determining whether someone is suitable to work in a particular post.

6.11. If a decision is made not to confirm an offer of employment to a job applicant because of non-conviction information, the individual should be informed that the offer of employment has been withdrawn. If the individual queries the decision no further justification can be given. Non-conviction information is exempt from the Data Protection and Freedom of Information Acts. In the event of Bradford Academy being taken to an employment tribunal as a result of a decision based on non-conviction information, the details will be given to the Chair of the tribunal.

7. Agency Workers

7.1. Where agency cover is used for posts that require a Disclosure certificate, the agency must be asked to provide the reference number of a satisfactory Disclosure for their worker. Disclosure reference numbers should be checked to ensure that the agency is providing references to valid certificates. If the agency is unable to provide the necessary Disclosure reference, the agency worker should not be used. The Principal who is responsible for issuing contracts to approved agencies must ensure this requirement is contained in the terms and conditions of contracts.

8. Handling and storage of Disclosure information

Storage and handling

8.1. The Principal must ensure that all disclosure certificates are securely stored in locked non-portable storage containers.



8.2. Disclosure certificates should only be passed to staff who are directly involved in the recruitment process for the post the Disclosure has been requested for. A record of those officers to whom the information is disclosed must be maintained by the Countersignatory.

Retention

8.3. Disclosure certificates should only be retained as long as is necessary to support the recruitment and employment decision making processes.

8.4. Countersignatories must ensure that the following information is retained for monitoring and record purposes only:

- The name of the disclosure subject (the applicant)
- The post applied for
- The date disclosure was issued
- The type of disclosure check sought
- The unique disclosure reference number
- The details of the recruitment decision taken. This will include the reason why the applicant was considered unsuitable for appointment but will not include details of any conviction disclosed.

Disposal

8.5. Countersignatories must ensure that all Disclosure certificates are suitably destroyed by secure means once the retention period is over. This also means ensuring that certificates are stored securely before they are sent to be destroyed by shredding, pulping, incineration etc.

Lost disclosures

8.6. Countersignatories must ensure that any loss of a Disclosure certificate and any associated correspondence is reported to the CRB immediately.

Please note this policy, and subsequently our procedures, will be amended in line with ISA requirements which are due to be implemented September 2010.



Appendix A

Policy on the use and security of Criminal Records Bureau Disclosure information

1. Introduction

- 1.1. Criminal Records Bureau (CRB) Disclosures play a key role in Bradford Academy's employment practices to safeguard children.
- 1.2. This policy sets out how Bradford Academy will comply with the CRB Code of Practice, the Data Protection Act and other relevant legislation relating to the handling, storage, retention and disposal of Disclosures and use of Disclosure information.

2. Requesting and using Disclosure information

Job applicants

- 2.1. All application packs for posts will state that an Enhanced Disclosure is required. The application pack will also contain a copy of Bradford Academy's Policy on the Recruitment of Ex-offenders.
- 2.2. An offer of employment will be subject to a satisfactory Disclosure being obtained. The information provided in a Disclosure will be considered along with other pre-employment checks such as medical, references and proof of qualifications. Bradford Academy will discuss any matter revealed in a Disclosure with the person applying for the post before any decision is made to withdraw a conditional offer of employment on the basis of the Disclosure. Where a person's CRB clearance has not been obtained before their proposed start date, the Principal (with advice from the school's Human Resources Provider) will conduct a risk assessment to determine whether the person should be allowed to commence working, and if so what additional supervision/systems/monitoring need to be put in place. The level of additional supervision required in such circumstances will take into account factors such as what is known of the person, their experience and the nature of their duties. For those with limited experience and where references have provided limited information the level of supervision required may be high. For those with more experience and where the references are detailed and provide strong evidence of good conduct in previous relevant work a lower level of supervision may be appropriate. For all staff without completed CRB disclosures it should be made clear that they are subject to this additional supervision. The nature of the supervision should be specified and the roles of staff in undertaking the supervision spelt out. Such arrangements will be reviewed by the Principal at least every two weeks until CRB clearance is received.



Agency workers

- 2.3. If a post that requires a Disclosure is to be covered by an agency worker, the agency must be asked to provide the reference number of a satisfactory Disclosure certificate for their worker. If one cannot be provided then the agency worker will not be allowed to work on Bradford Academy's behalf.

3. Handling Disclosure information

Storage and Access

- 3.1. In accordance with Section 124 of the Police Act 1997, Disclosure information will only be passed to those who are authorised to receive it in the course of their duties. Bradford Academy will maintain a record of all those to whom the Disclosure or Disclosure information has been revealed and recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.
- 3.2. Information relating to a Disclosure will not be kept on an employee's personnel file and will be 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.

Retention of Disclosures and record keeping

- 3.3. Bradford Academy will not retain Disclosure Certificates for any longer than is necessary to support the recruitment and employment decision making processes.
- 3.4. 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 will be retained for record purposes.

Disposal

- 3.5. Once there is no further need to retain a copy of the Disclosure, Bradford Academy will ensure that it is securely destroyed.

4. Complaints

- 4.1. If an individual disputes the accuracy of information contained in a Disclosure Bradford Academy will inform them to contact the CRB so an investigation can be undertaken.



Policy on the Recruitment of Ex-offenders

1. Equal Opportunities Policy Statement

- 1.1 Bradford Academy's policy towards the recruitment of ex-offenders should be read in the context of Bradford Academy's policy statement on equality and diversity.

2. Recruitment of ex-offenders

- 2.1 As an organisation using CEA@islington to access the Criminal Records Bureau (CRB) 'Disclosure' service to assess applicants' suitability for positions of trust, Bradford Academy complies fully with the CRB Code of Practice and undertakes to treat all applicants for posts fairly.
- 2.2 Bradford Academy undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
- 2.3 All application packs will contain a statement that a Disclosure will be requested in the event of the individual being offered the post and a copy of Bradford Academy's policy on the recruitment of ex-offenders.
- 2.4 All applicants are required to declare their criminal record at an early stage in the process on Bradford Academy's Criminal Records Declaration form.
- 2.5 Bradford Academy undertakes that all staff involved in recruitment and selection will be trained appropriately. They will also be made aware of relevant legislation pertaining to the employment of ex-offenders.
- 2.6 At interview, or in a separate discussion, opportunities will be pursued to ensure that all necessary evidence is collected upon which selection decisions can be fairly based. This will include the relevance and circumstances of offences.
- 2.7 Failure to reveal information which is directly relevant to the post will lead to a subsequent withdrawal of any offer of employment.
- 2.8 Bradford Academy makes every subject of a CRB Disclosure aware of the existence of the CRB Code of Practice and will make a copy available on request.
- 2.9 Bradford Academy will undertake to discuss relevant matters revealed in a Disclosure with the person seeking the post before any decision is made to withdraw a conditional offer of employment on the basis of the Disclosure.