

CRB Checks and screening

Screening is used here to mean checking if someone has a criminal record. It is one way of reducing the risk of recruiting either staff or volunteers who may be unsuitable to work with children or other vulnerable people. Screening is a valuable tool in identifying unsuitable people, but it is not foolproof. For example, 90% of child sex offenders have no relevant criminal record. Even those with a criminal record may be able to avoid detection by giving a false or different name.

Organisations should not assume that by screening they have done enough. It is vital to always carry out effective recruitment, training and supervision. As well as this, there should be a system for anyone to raise concerns about an individual.

Does your organisation need to screen?

Not all organisations will need to screen. It will depend on what the staff or volunteer is doing and who they are working with. Except for organisations which fall under the remit of the Care Standards Act or are 'Childcare organisations' under the definition in the Protection of Children Act, the only legal obligation that organisations have to screen their volunteers is their 'duty of care'. This means that you must do everything 'reasonable' within your power to protect others from harm.

If your organisation involves paid staff or volunteers working with vulnerable people, it could be argued that part of their duty of care is to screen volunteers. Organisations need to look carefully at their client group roles to decide whether screening is necessary. You may need to do a risk assessment if it is not clear as you also should not screen people if it isn't necessary.

Roles

Under the Rehabilitation of Offenders Act most convictions become spent (old) after a period of time. The more serious the crime, the longer the rehabilitation period. Ex-offenders normally have the right not to reveal spent (old) convictions, and in many situations, potential employers or volunteer managers do not have the right to ask.

However, the Rehabilitation of Offenders Act also says that where work involves contact with 'vulnerable' people, organisations can require applicants to declare spent convictions as well as current ones. Such types of work are defined in the 'Exceptions Order' to the Rehabilitation of Offenders Act. This means that organisations should only ask volunteers to reveal spent convictions if they are recruiting for a position which falls into the Exceptions Order.

The description of vulnerable people (Section 115 (4) (a) of the Police Act 1997) is

- Anyone under the age of 18

- Anyone receiving personal or nursing care either in a residential setting or elsewhere
- Anyone who could be described as having a substantial learning or physical disability or a physical or mental illness (this includes people with drug or alcohol addiction)
- Anyone else who has substantial reduced mental or physical capacity

If people are applying for such roles, it is fairer to let them know from the outset that they will be required to reveal information about spent convictions. You will need to let people know on your application form. One form of wording is:

'Because of the nature of the work you are required by the Rehabilitation of Offenders Act 1974 to declare all criminal convictions including those which are spent.'

You will need to make clear that just because someone has a conviction, it does not mean that they are automatically unsuitable. The majority of convictions would not have any bearing on someone's suitability for either volunteering or a job. If your organisation discriminates against ex-offenders, you could well be losing out and may break the code of practice.

The Criminal Records Bureau

The Criminal Records Bureau has been set up as a 'one stop shop' for criminal record checks.

Organisations have different levels of need to access information, so two levels of check have been introduced. To make the process less threatening police checks have now been re-named 'disclosures'.

Enhanced Disclosures

For posts involving substantial contact with children or vulnerable adults regularly training, supervising or being in charge of individuals or groups. Enhanced Disclosures contain details of all convictions current or spent as well as details of cautions, reprimands or warnings. It would also detail inclusion on the Protection of Vulnerable Children Act and Protection of Vulnerable Adult lists. In addition, they will include any other 'relevant' information held by the police, including so-called 'soft' information.

Standard Disclosures

For posts involving regular contact with vulnerable people and people entering 'positions of trust' such as accountancy and veterinary professions. The Standard Disclosure will be the same as the Enhanced Disclosure but without the addition of extra 'soft' information held by the police.

Which should we be using?

The advice from CRB is that enhanced disclosure should be used for those who have regular, one to one, contact with children or vulnerable adults, with standard disclosure in other cases.

How much does it cost?

Enhanced disclosure fee: £36 for paid workers, free for volunteers
Standard disclosure: £31 for paid workers, free for volunteers

In addition, you will either need to become a registered body (fee £300) or use an umbrella organisation to access the disclosure process. Umbrella bodies are entitled to charge a reasonable administration fee for their work, which is typically £5-£15 per applicant.

If you are preparing a funding bid, the cost for disclosure is a legitimate cost that can be included in your application.

Applying for disclosures

In order to get Enhanced and Standard Disclosures, individuals must apply through an organisation and complete a form with personal details and list their addresses for the past five years. Applicants also have to present certain forms of proof of identity in order for the check to be processed. Disclosures are posted out both to the organisation and to the individual.

To get access to this you will need to register as an organisation or go through an umbrella body.

To register, your organisation will need to:

- pay a £300 fee
- meet the threshold requirement and submit a minimum of 100 applications per year
- satisfy the CRB that it is entitled to ask for the information
- show that it can meet the codes of practice

Umbrella bodies

Most smaller organisations check through an umbrella body. The umbrella body takes the overall responsibility. Because of all the extra administration, umbrella bodies have to charge organisations for checks. Charges do seem to vary so it is worth shopping around.

There is a database of umbrella bodies on the CRB website which organisations can search to find an umbrella body in their region or which specialises in working in relevant sectors. Some organisations offer a full service where they will help you with policies and support you if you have problems. You will need to think about what support you might need.

How do I find an umbrella body?

If you are affiliated to a regional or national organisation, check whether they are a registered umbrella body. This may be suitable for sports or church affiliated groups.

Locally, Volunteer Centre Glossop and Derbyshire Coalition for Inclusive Living both offer the service. Their contact details are below.

There is also a list of umbrella bodies on the disclosure website www.disclosure.gov.uk

How long does it take?

The CRB says that it is currently processing standard

disclosures in around 2-3 weeks and enhanced ones in 4 weeks. If a person has had a lot of addresses it will probably take longer and watch out for summer periods and the start of new terms where it will take more time.

Useful contact addresses

CRB Information line 0870 90 90 811 minicom 0870 90 90 344

www.crb.gov.uk

www.disclosure.gov.uk

Umbrella bodies:

- Volunteer Centre Glossop, 73 High Street West. Glossop, Derbyshire. SK13 8AZ. 01457 865722. info@gvb.org.uk www.vcglossop.org.uk
- DCIL, Park Road, Park Road, Ripley, DE5 3EF telephone 01773 740 246

Useful publications

Employing people with conviction: good practice guide on the employment of people with criminal records.

Chartered Institute of Personnel and Development, 2001.


www.cipd.co.uk

Recruiting safely: Guidance for employers and other bodies in the health and social care field on recruiting and retaining staff and volunteers with criminal records.

NACRO, 2001. www.nacro.org.uk

These publications and more information about CRB are available to borrow from the CVS resource library.

This KnowledgeBank guide was written by Jo Ward of Glossop Volunteer Centre, to whom we are grateful.



Who are we?

High Peak CVS
Community & Voluntary Support

High Peak CVS works to ensure that local voluntary and community groups can access as much support, advice and information as possible. We help groups in many different areas, such as funding and charity registration; practical services including printing, training and links to training; and with legal issues. We have resources, including a meeting room, computers digital projector and OHP for use by groups.

To find out how we can help you, please contact us on 01663 735350 or email hello@highpeakcvs.org.uk