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An Introduction to CRB Disclosures

Summary

The Criminal Records Bureau (CRB) was set up as a 'one stop shop' for criminal record checks. It aims to help organisations in the private, public and voluntary sectors by identifying applicants who may be unsuitable to work with children or other vulnerable members of society.

A Criminal Records Bureau Disclosure certificate will tell your organisation whether a volunteer or staff member has a criminal record. It is one way of reducing the risk of recruiting volunteers who may be unsuitable to work with children or other vulnerable people. But remember that it is not foolproof because it only provides information on people with an existing record.

This Information Sheet covers:

- What is a Criminal Records Bureau Disclosure?
- Applying for a CRB Disclosure check
 - Registered bodies
 - Umbrella bodies
- Explaining CRB checks to your volunteers
- Considerations when using CRB Disclosure checks
 - The CRB Code of Practice
 - "Portability" (or transferring and re-using Disclosure checks)
- Getting CRB Disclosure checks for people from overseas

What is a Criminal Records Bureau Disclosure?

A "CRB check" is a process for gathering information about an applicant's possible criminal activity. This includes spent and unspent convictions and other cautions, reprimands and final warnings given by the Police. The results of a check are printed on a document officially known as a "Disclosure" and copies are posted to the individual and to the organisation which they have applied to volunteer for. (No other copies are produced.) Dependent on the level of contact staff and/or volunteers have with vulnerable groups, two levels of CRB Disclosure are available: Enhanced and Standard.

Enhanced Disclosures

These are for posts involving substantial contact with children or vulnerable adults, where the volunteer is regularly training, supervising or being in sole charge of individuals or groups. Enhanced CRB Disclosures are free for volunteers and cost £36 for paid staff.

As well as providing the above mentioned information about an applicant's possible criminal activity, the CRB may also carry out POCA, POVA and List 99 checks.

- POCA: A list which names people barred from working with children (named after the Protection of Children Act)
- POVA: A list which names people barred from working with vulnerable adults (Part 7 of the Care Standards Act, 2000)
- List 99: Lists people barred from working in the education sector; either on grounds of misconduct or medical grounds

Standard Disclosures

These are for posts involving regular contact with vulnerable people. Standard CRB Disclosures are free for volunteers and cost £31 for staff.

Future changes related to the new Independent Safeguarding Authority (ISA)

A new Vetting and Barring Scheme

A national Vetting and Barring Scheme will be launched on 12 October 2009 and be administered jointly by both the Criminal Records Bureau and a new organisation called the Independent Safeguarding Authority (ISA).

The Scheme will replace the POCA, POVA and List 99 lists mentioned above and create two new lists of people who are barred from working with children or vulnerable adults.

The Scheme will also make some changes to the way that CRB Disclosures are used. From that date, Enhanced Disclosures should be requested for volunteers working regularly with children or vulnerable adults. (Standard Disclosures will continue to be available for other positions where such checks are necessary, such as employment in the Security Industry or Financial Services.)

For further information about the new Vetting and Barring Scheme and Independent Safeguarding Authority, please refer to our Information Briefing, available at www.volunteering.org.uk/isabriefing.

Applying for a CRB Disclosure

When applying for a free Disclosure as a volunteer, the role must meet the CRB's definition of a volunteer: *"a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives"*.

Individuals

Individuals must apply through the organisation which they wish to work or volunteer for. Applicants should 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 correctly and avoid mistaken identity.

Organisations

The application must be countersigned by a representative of the organisation, who is known as a countersignatory. This person will be responsible for checking the applicant's identity documents and making sure that the form has been completed correctly. They must also ensure that the applicant meets the CRB's definition of a volunteer (as stated above).

When to apply for a CRB Disclosure

Criminal Records Bureau Disclosures should only be requested in specific circumstances, such as when a volunteer's role will involve regular contact with vulnerable clients.

The countersignatory is responsible for making sure that an application is actually justified and requested for the right reason. This is done by selecting the correct 'Disclosure Access Category Code', which are listed on the CRB's website at:

<http://www.crb.gov.uk/Default.aspx?page=1855>. If an application for a check is not justified, you could be breaking the CRB's Code of Practice or breaking the law. For more information about deciding which volunteer roles to check, please read Volunteering England's Information Sheet "When To Get A CRB Disclosure". The Criminal Records Bureau website also has detailed guidance for applicants and organisations about completing the application form.

Two methods for organisations to access CRB Disclosures

There are two ways for organisations to apply for checks. An organisation can become a registered body with the CRB or it can apply through an 'umbrella body'.

Becoming a 'registered body'

To register, an organisation will need to:

- pay a £300 fee
- meet the threshold of submitting at least 100 applications per year
- nominate a lead signatory who will have overall responsibility for checks and counter-signatories

Using an 'umbrella body'

If organisations cannot meet the above criteria to register, then it is also possible to get disclosures via an 'umbrella body'. Where appropriate, an umbrella body can register and sign on behalf of other organisations, or register them as countersignatories. There is a database of umbrella bodies on the CRB website which you can search to find an umbrella body in your region or which specialises in working in sectors relevant to your work. There is a link to the database on the homepage of the CRB website: www.crb.gov.uk.

Administration charges

Due to extra administration, umbrella bodies have to charge organisations for checks. Charges vary, so we recommend comparing prices. Some voluntary sector organisations offer to process checks at a low cost, while some private companies act as umbrella bodies while hoping to operate at a profit.

If your organisation is relatively small or does not require many checks each year, you probably can't avoid using an umbrella body and paying the administration charges. But, as explained above, remember that there is no charge for the actual CRB Disclosure for a volunteer.

Explaining CRB Disclosure checks to your volunteers

Potential volunteers should be informed at an early stage that they will have to apply for a CRB Disclosure. Ideally it should be explained in the recruitment materials, application form or role description. When their volunteer application is processed, you should explain the reasons for the check and reassure them that such checks are a standard procedure when working regularly with vulnerable people. You should also give reassurance that all information will be treated with the strictest confidence and provide information on how the process will work.

You should also make it clear that having a conviction does not mean that a person is automatically unsuitable. The majority of convictions would not have any bearing on someone's suitability for volunteering. However, ex-offenders often face discrimination and might be wary about discussing their convictions with you. Anything you can do to reassure them that your organisation is fair will encourage them to be open. According to crime prevention charity Nacro, almost a quarter of men and women have a criminal record, often for minor offences committed in their youth. If your organisation discriminates against ex-offenders, you could be losing out on a valuable source of potential volunteers. When drafting your recruitment materials, you can consider inserting a phrase such as "*We undertake checks with the Criminal Records Bureau for all our volunteers who work with children or vulnerable adults. Having a criminal record will not be an automatic bar to volunteering with us, as only relevant convictions will be taken into account. We can provide a copy of our policy on recruiting ex-offenders upon request.*"

For more information, the following resources should be helpful:

- Volunteering England's Information Sheet "Recruiting Ex-Offenders"
- A free publication by Nacro and Volunteering England called "Involving Ex-Offenders in Volunteering".

(Please refer to the end of this document for website addresses)

Considerations for all organisations when using CRB Disclosures

The Code of Practice

Organisations must comply with the CRB's Code of Practice in the following ways:

- have a policy on the recruitment of ex-offenders
- show that its confidentiality policy is clear about who will need to know sensitive information
- have clear guidelines on how information from CRB Disclosures will be stored, and when it will be destroyed.

This is to ensure that all individuals are protected from unfair discrimination on the basis of past convictions which are not directly relevant to their volunteering.

A revised version of the CRB's Code of Practice was published in April 2009 and we suggest that you periodically check the CRB's online guidance for further updates.

For further information:

- Guidance on the Code of Practice and sample statement on the recruitment of ex-offenders are available on the CRB's website at <http://www.crb.gov.uk/code>
- A sample statement on the recruitment of ex-offenders is also available in free publication by Nacro and Volunteering England called "Involving Ex-Offenders in Volunteering".

Confidentiality and Data Protection

The CRB is concerned that organisations should deal with Disclosures in a safe and confidential manner. This is very important because it is a criminal offence to pass on someone's conviction details without their prior permission. There are also two pieces of legislation that a volunteer could potentially cite to sue an organisation breaching confidentiality over conviction details. Article 8 of the new Human Rights Act states the right to respect for private and family life. This will mean that individuals who feel that their privacy has been infringed can take a case forward under Article 8. The Data Protection Act also lays out clear guidelines for how personal information should be stored and dealt with.

The CRB's Code of Practice requires that organisations have clear confidentiality policies outlining how information will be stored and whom it will be shared with. Individuals should be made aware of this policy right from the beginning so that they feel able to discuss any convictions without fear of the information being passed on.

Retention and disposal procedures

The Code of Practice also states that Disclosure certificates must not be kept for longer than six months, except in exceptional circumstances. The information revealed should only be used for the recruitment decision for which it was obtained. You should only keep a record of key details such as the level of Disclosure applied for, the unique reference code printed on the Disclosure and its date of issue. For further information and a sample statement on storage, handling, use, retention and disposal procedures, please read the guidance on the CRB's website at

<http://www.crb.gov.uk/Default.aspx?page=311>

Transferring or re-using CRB Disclosures (portability)

The CRB uses the term 'portability' to describe the re-use of a CRB Disclosure, obtained for a particular role in one organisation and later used for another position in another organisation. Although the Criminal Records Bureau does not endorse portability, it has published guidance on its website explaining when an organisation might consider portability and how to weigh up the risks. It can be found at: www.crb.gov.uk/portability.

In June 2008, the Office of the Third Sector published guidance on obtaining CRB Disclosures for volunteers. It contains information on portability and a checklist for weighing up when it should or should not be considered.

The guidance can be found at

http://www.cabinetoffice.gov.uk/third_sector/news/news_stories/080604_crb.aspx

Important considerations for umbrella bodies and their members

The umbrella body has ultimate responsibility for checking that members are abiding by the CRB's Code of Practice and are dealing with Disclosure information strictly within the bounds of their confidentiality policy. Passing on information unless it is strictly necessary could be a criminal offence, and therefore organisations will need to think carefully about their relationship with the other organisations and the extra work involved before taking on the umbrella role. The CRB website has some guidance to help organisations with deciding whether to become an umbrella body.

Please refer to: <http://www.crb.gov.uk/Default.aspx?page=4353>

Getting CRB Disclosures for people from overseas

Many organisations have found it difficult to get background checks for people coming from overseas to volunteer. The CRB website has a helpful section with information on how to get criminal record information from over twenty overseas countries. However, if the person who wants to volunteer doesn't come from one of the countries listed, you will need to get in touch with the Embassy or High Commission of the country concerned for information on how to proceed. The list is available on the CRB website at

<http://www.crb.gov.uk/Default.aspx?page=2243>

It may be possible to obtain a certificate of good conduct from an official source in that country. However, do bear in mind that certain activities that are legal in the UK may be illegal in other countries, and vice versa, and will therefore be recorded in a different way from the UK's criminal justice system. For example, laws on ages of consent, homosexuality and drug use differ from country to country.

It may also be difficult to arrange CRB Disclosure checks for refugees and asylum seekers resident in the UK, as they often lack the correct combination of identity documents to present with their completed CRB application form. One refugee volunteering project in northern England has developed a pro-forma letter which enables asylum seekers to apply for a CRB Disclosure, although they need to go to their local Police station to have their fingerprints taken. The letter is available to use from: http://www.vas.org.uk/refugee_asylum_project.htm.

Using CRB Disclosures in a wider context of other recruitment methods

Remember that your organisation should not assume that checking a volunteer's criminal record is enough. It is vital to use other screening procedures during recruitment to assess the suitability of a new volunteer, such as application forms and informal interviews. You can also use training, supervision and buddying schemes to monitor and lower the risks on an ongoing basis. As well as this, there should be a procedure for anyone to raise concerns about an individual at any time. For further information, please read Volunteering England's Information Sheet called "Screening Volunteers".

Available from <http://www.volunteering.org.uk/information sheets>

The Future

The Independent Safeguarding Authority

A new Independent Safeguarding Authority (ISA) scheme will be launched and will take responsibility for vetting and barring from October 2009. Its introduction follows the Bichard Enquiry which was set up to review how CRB checks are carried out following the Soham murders in 2002. CRB Disclosures will still exist but the new ISA scheme for vetting and barring will aim to help organisations increase protection of children and vulnerable adults, by improving the current provisions for screening potential (and current) volunteers and employees. It plans to do this through a registration system, stopping people who the scheme decides are unsuitable from volunteering (or trying to volunteer) with children and vulnerable adults.

From July 2010, individuals will be able to apply for ISA registration if they wish to work or volunteer with vulnerable clients in England, Wales and Northern Ireland. From November 2010, registration with the ISA will become a legal requirement for all individuals wishing to begin working or volunteering with vulnerable clients and existing volunteers will also have to begin registering during a five year phasing-in period.

The Independent Safeguarding Authority will take responsibility for making barring decisions. The application processes for vetting and barring decisions will be run by the Criminal Records Bureau (CRB). For further information, please visit the ISA's website at <http://www.isa.gov.org.uk> Volunteering England has also written an Information Briefing which describes the new ISA scheme from the point of view of volunteer-involving organisations.

<http://www.volunteering.org.uk/isabriefing>

Further information

"Criminal Records Bureau Checks: guidance for volunteering", 2008

The Office of the Third Sector has published this guidance to help organisations that involve volunteers to be clear about when they do and don't need to apply for CRB Disclosures for volunteers.

Available to download or order from the Office of the Third Sector website
http://www.cabinetoffice.gov.uk/third_sector/news/news_stories/080604_crb.aspx

Volunteering England Information Sheets and Briefings

“When To Get A CRB Disclosure”

“Screening Volunteers”

“Recruiting Ex-Offenders”

“Independent Safeguarding Authority – Vetting and Barring Briefing”

<http://www.volunteering.org.uk/information sheets>

“Involving Ex-offenders in Volunteering”, 2006

A free good practice guide co-published by Volunteering England and Nacro, with funding from the Volunteering Hub.

<http://www.volunteering.org.uk/Resources/publications/freeguides.htm>

“Volunteers and the Law”, 2005

A readable guide to legal issues for volunteer managers. In particular, refer to chapter 3 on “safety and security” for information about CRB Disclosures. This publication is free to download, thanks to funding from the Cabinet Office.

<http://www.volunteering.org.uk/law>

Relevant legislation and guidance

A summary of legal acts such as The Protection of Children Act and the Care Standards Act is available in a publication called “Volunteers and the Law” published by Volunteering England (for further details, please read the section at the end of this Information Sheet). There is also a range of government guidance for specific sectors such as schools or care providers. Links to some of this guidance can be found in Volunteering England’s online Good Practice Bank at: www.volunteering.org.uk/goodpractice. Please visit the “core theme” called “Protection of Vulnerable Clients”.

Useful contacts

Criminal Records Bureau (CRB)

Information Line: 0870 90 90 811 <http://www.crb.gov.uk>

The Independent Safeguarding Authority (ISA) website

Contact Centre: 0300 123 1111. <http://www.isa-gov.org.uk/>

Nacro – a crime reduction charity which supports ex-offenders and their families

Telephone: 020 7840 7200 <http://www.nacro.org.uk/>

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We make every effort to ensure that our Information Sheets are correct at the time of publication. They are intended as a brief summary of relevant issues to help you plan or develop your work with volunteers. Legal advice should be sought where appropriate. Volunteering England is unable to accept liability for any loss or damage or inconvenience arising as a consequence of the use of this information.

The inclusion of other organisations in the Information Sheets does not imply any endorsement of independent bodies; all sources of further information are listed solely for signposting purposes.

For more information on managing volunteers, please visit

The Good Practice Bank at www.volunteering.org.uk/goodpractice

All of Volunteering England’s Information Sheets are available at:

www.volunteering.org.uk/information

Volunteering England Information Service

Email: Information@volunteeringengland.org

Freephone Information Line: 0800 028 3304 (M-F 10.30-12.30 & 14.00-16.00)

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