

## **Appendix: D 8**

### **Guidance Notes on Criminal Records Bureau Disclosure Criteria for Schools and children Centre Lead Agencies:**

The following guidance is to help Schools / Lead Ageincies ensure that all staff and volunteers within the School who either work directly with children or with access to information regarding services users, have satisfactory Enhanced CRB checks and references **prior to** appointment. This should apply to all external organisations commissioned by the School.

#### **Enhanced Disclosure**

An Enhanced CRB check is a HCC requirement. This is the highest level of check available to anyone involved in regularly caring for, training, supervising or being in sole charge of children or vulnerable adults. Enhanced Disclosures contain the following checks:

- Protection of Children Act (POCA) List
- Protection of Vulnerable Adults (POVA) List
- Information that is held under Section 142 of the Education Act 2002 (formerly known as List 99)
- Relevant and proportionate information held by the local police forces.

#### **Examples of types of convictions and what you should do:**

If the external organisation 's CRB checks are processed by an umbrella organisation other than Hertfordshire County Council (HCC), they must use the same criteria as HCC when deciding whether the outcome of CRB checks is satisfactory and that the individual concerned are suitable to work with children and young people:

- Sexual offences against a child – Offer of employment should not be made.
- Other sexual offences - the circumstances, age of the conviction, the type of job they are to be doing and the specific duties and the client group they are working with. If any doubt an offer of employments should not be made.
- Recent serious violent crimes and supply of drugs, or a pattern of possession which is recent would usually result in an offer of employment not being made.
- One off possession of cannabis, especially if some years ago - offer of employment would usually be made.
- Any convictions for theft, fraud, criminal damage etc are taken more seriously if the person has access to money, equipment or property or works in people's homes. An offer of employment would depend on the circumstances and the age of the conviction.
- Drink driving offences – this would be an issue where the applicant will be driving children as part of their duties, or there is a pattern. A one off drink driving offence where the appointing officer is happy there is no longer an issue an offer of employment would be made.
- One off minor violence which can be explained, employment is usually offered but will depend on what the job is and the person's attitude towards the offence.
- Speeding tickets and parking fines do not appear on Disclosures.

If a disclosure comes back with criminal information declared, then a thorough risk assessment needs to be undertaken. They as the potential employer must look at both the job and the person and weigh up whether there is a risk to the service user(s) against possible safeguards and precautions. Remember our foremost duty is the safety of our children and young people.

The set of questions below from 'NACRO' can be used as an aid when entering discussion with an applicant and when making a decision of employment:

- How does the offence impact on the role that the person has applied for?
- The nature of the crime?
- Is the offence a one off or are there a number of offences?
- How long ago it occurred?
- Is it a juvenile or adult offence?
- The circumstances involved?
- Is the behaviour behind the crime a concern?
- Is the context behind the crime a concern?
- Has the situation leading to the crime changed?
- What evidence is there of change?
- What is the Person's attitude to the crime?
- Job requirements?
- Safeguards against offending at work - is the role supervised or does it involve unsupervised work?

### **Spent & Unspent Convictions**

If an offender stays on the right side of the law for the specified time after their conviction, it becomes 'spent', hence the convicted person does not have to reveal it or admit its existence in most circumstances. However, there are some exceptions relating to employment and these are listed in the Exceptions order to the Rehabilitation of Offenders Act 1974. The two main exceptions relate to working with children or working with vulnerable adults, where CRB checks will reveal both spent and unspent convictions.

### **Further Guidance**

Rachel Batchelor / Penny Constantinou - Senior Human Resource Officers, Children, Schools and Families 01992 556147

[www.disclosure.gov.uk](http://www.disclosure.gov.uk)

[www.opsi.gov.uk](http://www.opsi.gov.uk)

[www.nacro.org.uk](http://www.nacro.org.uk)

[www.everychildmatters.gov.uk/vettingandbarring](http://www.everychildmatters.gov.uk/vettingandbarring)