CRIMINAL RECORDS BUREAU POLICY AND PROCEDURAL GUIDELINES

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1 INTRODUCTION

The Trust recognises that the majority of its employees will be in a position of trust or will be working with vulnerable adults and/or children (largely in relation to Child Protection issues). It is therefore responsible for ensuring that it recruits and retains staff and volunteers in a safe and reasonable manner. With this in mind, all new staff and current staff within areas specified by legislation will be required to disclose any criminal record. It should be noted, however, that the Trust will not automatically exclude an individual on the basis of a criminal record, without proper consideration.

The Criminal Record Bureau (CRB) provides access to information across England and Wales about criminal convictions and other police records to help employers make an informed decision when recruiting staff. The information provided by the CRB is known as a ‘Disclosure’ and this shows whether or not the applicant has a criminal record.

The CRB provides two levels of disclosure – Standard and Enhanced. Standard and Enhanced checks are mandatory in the NHS for all staff who, as part of their appointment, will have regular contact with patients in the course of their normal duties. Where posts do not meet the criteria for a Standard or Enhanced check, a Basic Disclosure is recommended. A Basic Disclosure is the lowest level of disclosure and only contains details of all unspent (current) convictions.

Croydon Health Services NHS Trust recognises the need to have a policy and procedure in relation to CRB checks to provide a fair and consistent approach in recruitment and whilst employed in accordance with the NHS Employers Employment Check Standards.

Information obtained through disclosures can help the Trust to make an informed decision on whether or not to appoint a prospective employee. The decision rests with the Trust as to whether to employ a person whose CRB disclosure reveals a conviction or other information. A person’s criminal record should be considered in the light of all the relevant circumstances and judged on a case-by-case basis.

Croydon Health Services NHS Trust as a provider of healthcare is exempt from the Rehabilitation of Offenders Act 1997 for many posts. Possession of a criminal conviction does not automatically make an applicant unsuitable for employment in the NHS, but some offences (e.g. involving violence or sexual abuse) should preclude an applicant from having access to patients.

Checks should only be carried out on a prospective employee after a decision to offer them the position has been made. The Trust will make it clear to prospective employees that appointment to any position is conditional on receipt of satisfactory checks.

The Trust will inform prospective employees that any offer of appointment may be withdrawn if they knowingly withhold information, or provide false or misleading information. Existing staff could also be subject to disciplinary action and dismissal if they have failed to disclose relevant information in relation to their criminal record status.
(see Disciplinary Policy and Handling of Concerns and Disciplinary Procedures relating to the Conduct and Performance of Doctors and Dentists).

The Trust makes every subject of a CRB Disclosure aware of the existence of the CRB Code of Practice and makes a copy available on request.

Criminal record checks are only a part of the pre-employment checking process. For information on verification of identity, right to work, registration and qualification, employment history and references and occupational health checks, please refer to the Recruitment and Selection Policy as well as the Registration Policy & Procedure.

2. PURPOSE

The purpose of this policy and procedure is to identify which posts should be subject to a CRB check and to ensure that the CRB checks are undertaken for appropriate staff in line with CRB Disclosure Code of Practice and NHS Employers Employment Check Standards. The policy provides guidance to ensure that any information released will be used fairly, and handled and stored appropriately.

This policy will also ensure:

- all applicants are treated fairly and without discrimination in relation to CRB checks
- protection for patients by preventing unsuitable people working for the Trust
- a clear procedure to follow in terms of Disclosure so that Disclosure is applied in a consistent and non-discriminatory way.
- the provision of guidance to recruiting managers on identifying the appropriate level of Disclosure for individual posts and making decisions in relation to staff appointment, in accordance with the Rehabilitation of Offenders Act 1997.

2.1 Scope

This policy relates to the criminal record checks for the appointment and ongoing employment of all eligible individuals in the Trust. This includes new recruits, permanent staff, bank staff and volunteers.

Guidance on the process of ensuring that appropriate CRB checks have been undertaken for agency staff is contained in the Temporary Workforce Policy.

3 DEFINITIONS

For the purpose of this Policy, the following definitions are provided:

The definition used within legislation is:

“any employment or other work which is concerned with the provision of health services and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of their normal duties.”
3.1 Disclosures - A disclosure is provided by the CRB and is the document issued to the applicant and Registered Body when a CRB check has been completed. There are three levels of disclosure provided:

- **Basic Disclosure** – for posts which do not have access to patients in their normal course of duties e.g., board-level directors; staff with access to patient records; or positions in finance where the individual has access to public funds and/or internal budgets.

- **Standard Disclosure** - for posts that involve the individual having access to patients in the course of their normal duties. The Standard check contains details of all convictions held on the Police National Computer including current and ‘spent’ convictions as well as details of any cautions, reprimands or final warnings. If a position involves working with children, the CRB check will indicate whether information is held on government lists of those who are banned from working with children.

- **Enhanced Disclosure** - for posts that involve a far greater degree of contact with patients. In addition to the standard disclosure requirement, the type of work needing an enhanced disclosure will also involve regularly caring for, supervising, training or being in sole charge of children and/or vulnerable adults. Where local police records contain additional information that may be relevant to the post the applicant is being considered for, the Chief Officer of Police may release information for inclusion in an Enhanced check. 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 and will not be revealed to the applicant.

Enhanced is the highest level of disclosure and to qualify for this level, in addition to having access to patients in the course of normal duties the position must also meet one of the criteria set out in regulations made under Section 113B of the Police Act which states that the position must:

“regularly involve caring for, training, supervising or being in sole charge of:

- a person aged under 18;
- or a person aged 18 or over who is a vulnerable adult – as defined by the Safeguarding Vulnerable Groups Act 2006

3.2 CRB Code of Practice - 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 of Practice also seeks to ensure that sensitive personal information is handled and stored appropriately and is kept for only as long as necessary, usually for a period of six months.

3.3 Rehabilitation of Offenders Act, 1974 - The Rehabilitation of Offenders Act (ROA) 1974 enables some criminal convictions to become ‘spent’, or ignored, after a 'rehabilitation period'. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, a person with a conviction is not normally obliged to mention the conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.
NHS Trust is exempt from this act and therefore all convictions, cautions or bind overs whether spent or unspent must be declared.

### 3.4 Posts not exempt from the Rehabilitation of Offenders Act

By law, employers cannot request a standard or enhanced disclosure on any position that is not identified as exempt from the Act. For all other positions, employers may only request details of any unspent (current) convictions. This is known as a basic disclosure and is currently not a mandatory criminal records check within the NHS.

Such posts are defined as where the individual does not have access to patients in the course of the normal duties. For example, this would include administration or management staff who work in a separate building or have minimal access to patients; maintenance staff who are not required to work on ward areas; laundry staff; or catering staff who do not deliver food to patients.

Anyone working in a healthcare environment could potentially gain access to patients and it is strongly recommended that managers carry out a risk assessment to determine whether the post warrants a basic disclosure being requested. The HR Department will provide support with this process.

### 3.5 Registered Body - A Registered Body is an organisation that is registered with the CRB. These organisations are entitled to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act 1974 Exceptions Order 1975 or will countersign applications on behalf of people or organisations who themselves are entitled to ask exempted questions.

### 3.6 Countersignatory - A person within a Registered Body who is registered with the CRB to countersign applications and receive the Disclosure.

### 3.7 Portability - Refers to the re-use of a CRB disclosure obtained for a position in one organisation and later used for another position in another organisation

### 4. ASSESSING THE RELEVANCE OF CRIMINAL RECORDS

The suitability for employment of a person with a criminal record will vary, depending on the nature of the job and the details of circumstances of any conviction. Deciding on the relevance of convictions to specific posts is not an exact science. An assessment of an individual’s skills, experience and conviction circumstances should be weighed against the risk assessment criteria for the job (see Appendix C). To facilitate this process, an individual’s criminal record should be assessed in relation to the tasks he or she will be required to perform and the circumstances in which the work is to be carried out. We will therefore need to consider the following when deciding on the relevance of offences to particular posts:-

- does the post involve one-to-one contact with children or other vulnerable groups such as patients/service users or visitors?
- what level of supervision will the post holder receive?
- does the post involve any direct responsibility for finance or items of value?
- does the post involve direct contact with the patients/service users?
• will the nature of the job present any opportunities for the post holder to re-offend in the place of work?

The answers to such questions should help to determine the relevance of convictions to specific posts. For example, paedophile or child pornography offences would almost certainly disqualify any person required to work with children & vulnerable adults; some violent offences would be relevant to positions involving unsupervised contact with the public, service users and carers; fraud should be considered in relation to posts involving the handling of significant amounts of money.

In some cases, the relationship between the offence and the post will be clear enough for the Trust to decide easily on the suitability of the individual for the job. In other cases, the decision may not be so clear-cut. For shortlisted applicants who are assessed as meeting the requirements of the person specification and who then disclose a criminal record that is not related directly to the post, the relevance of each offence should be discussed with the applicant and HR Representative to ensure consistency across the Trust. It should be remembered that no two offences are exactly alike. Whilst it will not be possible to carry out a thorough risk assessment (Appendix D) on each individual, it is recommended that the following issues are taken into account as a minimum requirement:-

• the seriousness of the offence and its relevance to the safety of other employees, patients/carers, clients and property;
• the length of time since the offence occurred (this may differ depending on type of offence);
• any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example the influence of domestic or financial difficulties;
• whether the offence was a one-off, or part of a history of offending;
• whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely;
• the country in which the offence was committed; some activities are offences in Scotland and not considered in the same way in England and Wales, and vice versa;
• whether the offence has since been decriminalised by Parliament, for example, reclassification of illegal substances and associated

The Vetting and Barring Scheme

The first phase of The Vetting and Barring Scheme to be implemented by the Independent Safeguarding Authority (ISA) came into operation in October 2009. From that date some small changes to the way CRB checks are processed was introduced:

• The 3 current barred lists (PoCA, PoVA and List 99) were replaced by two new barred lists administered by the ISA, the “Children’s List” and the “Vulnerable Adults List”.
• Employers have a duty to refer information about individuals who may pose a risk to children and vulnerable adults to the ISA.
• Criminal penalties have been introduced for barred individuals who seek to undertake work with vulnerable groups and for any employers who knowingly take them on.
The eligibility criteria for Enhanced CRB checks has been extended to include anyone working in a regulated activity.

The ISA Registration stage of the VBS Scheme which was due to be introduced in October 2010 has been deferred by the Government.

5 ACCOUNTABILITIES AND RESPONSIBILITIES

5.1 Human Resources

It is the responsibility of the Human Resources Department to:

- Advise management on the suitability of a disclosure request.
- Ensure that all those in the Trust involved in the identification and assessment of the relevance and circumstances of a criminal record have received suitable guidance. The Trust will 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.
- Make every applicant who is subject to a CRB Disclosure aware of the existence of the CRB code of practice and how they can access a copy.
- Ensure that appropriate procedures are followed relating to the withdrawal of a conditional offer of employment on receipt of an unsatisfactory CRB Disclosure.
- Ensure a copy of this policy is made available to all Disclosure applicants at the outset of the recruitment process to record outcomes relating to previous convictions declared.
- To act as Counter Signatories to authorise CRB forms.
- To record and process the sending and receiving of CRB forms.
- To inform Recruiting Managers when satisfactory disclosures have been received.
- To hold central copies of disclosures as per CRB time limits.

5.2 Trust Managers

It is the responsibility of Managers to:

- Ensure that the correct level of disclosure is requested as part of the recruitment process.
- Ensure that an open and measured discussion takes place with the applicant on the subject of any offences or other matter that might be relevant to the position.
prior to making a decision to withdraw a conditional offer of employment. Support from the Human Resources Department will be provided.

- Ensure that when using agencies for temporary staff, that the agency has undertaken the appropriate level of CRB checks for the position they are temporarily filling. Further guidance on employment check assurance for agency staff is available in the Temporary Workforce policy.

5.3 **Applicants and other staff including permanent staff and volunteers**

It is the responsibility of all the above to:

- Ensure they do not knowingly withhold information or provide false or misleading information during any part of the recruitment process.
- Complete self-declaration forms accurately, without knowingly withholding relevant information.
- Complete Disclosure Applications correctly and without delay.
- Notify line management of any allegations of criminal activity, criminal offences or police investigations within 3 days of any formal action being taken.

6 **KEY PRINCIPLES**

6.1 **Recruitment**

All conditional offers of employment to the Trust will be subject to appropriate disclosure of criminal records where it is required for the post.

However, the following key principles will apply:

- Only the applicant successful at interview should be required to complete the CRB application documentation;
- Applicants must be advised of the level of disclosure required and provided with a copy of these guidelines;
- Applicants must be advised that a criminal record will not automatically exclude them;
- Full assessment of the relevance of a criminal record must be undertaken in liaison with the Human Resources Department who will keep a record of the outcomes of previous convictions to ensure a fair and consistent approach across the Trust;
- Applicants must be advised that should a conditional offer be made, it will not be confirmed (and they will not be allowed to commence employment) until the appropriate information had been received/considered. In exceptional circumstances an applicant may commence employment without CRB clearance where a full risk assessment has been carried out.

Please see Appendix A for guidance on which posts require a CRB check, and to what level and frequency.
There must be no unlawful discrimination when making checks - the requirement for a check will be based on the needs of the post, taking account of relevant legislation.

6.2 Ongoing Employment

CRB checks will be undertaken at regular intervals for all relevant posts. Employees are required to notify their line manager immediately of any criminal charges made against them, the details of those charges, and any subsequent convictions received as a result of the charges.

7 PROCEDURES

7.1 Advertising Stages

The recruiting manager will identify on the job description if the requirement for a Disclosure is deemed necessary for the post and they will also confirm the required level of disclosure. All Trust advertisements should bear a standard clause where a CRB Disclosure is necessary at either Standard or Enhanced level.

Flowchart – Guidance Process for Appointment to Posts Requiring CRB Disclosure is contained at Appendix C.

Guidance for Managers in the process of appointing to posts requiring CRB Disclosure is contained at Appendix D.

7.2 Recruitment Administration

HR Administrators will facilitate the process for CRB checks once they are informed that an applicant who requires CRB disclosure has been successful at interview. Any offer of employment will be conditional upon the standard pre-appointment checks being completed to the Trust's satisfaction. In cases where a Disclosure is required, the provisional offer letter will clearly state that any offer of employment is conditional upon satisfactory CRB Disclosure and the level required.

A CRB application form and guidance notes will be forwarded to the candidate when the provisional offer letter is despatched.

The completed Disclosure application form is returned in person to the Human Resource Department within five working days, together with the appropriate supporting documents (originals only) to verify identification and address. (The CRB has a list of acceptable documentation in this regard). This will be clearly communicated to all applicants with the guidance notes.

In cases where the candidate is unable to present the documentation in person original documents may be forwarded by recorded delivery. However this will be dependant upon the selection panel having verified the candidate’s identity (e.g. photographic evidence) at interview.

Exceptions to this process apply to applicants in the following category:
**Medical Staff**: The Human Resource Department will obtain completed CRB applications from all successful applicants where Enhanced Disclosure is deemed appropriate. Applicants will be required to bring with them the necessary ID and address documentation on the day of interview. This does not apply to candidates appointed directly by the Deanery.

All CRB applications will be countersigned by an authorised signatory or counter signatory within the Human Resource Department and despatched to the CRB for processing. The application form will be sent under confidential cover to the CRB.

### 7.3 Portability of Disclosures (Medical Staff Only)

Portability refers to the use of a CRB disclosure obtained for a position in one organisation and later used for another organisation. This is applicable to medical staff only because of the frequency with which junior doctors change post. Directorate management accepting previously issued disclosure information do so at their own risk. In these instances directorate management are required to carry out the appropriate risk assessment. Further guidance can be obtained from the Human Resources Department.

### 7.4 Doctors in Training

In cases where a doctor is appointed on an educationally approved training rotation, a risk assessment conducted by directorate management may indicate that the usual CRB checking requirement can be set aside. This would only be where evidence exists of a successful disclosure to another employing NHS organisation within the previous 3 years and where the new post does not change the status of the check required (see below). Evidence of a previous check having been carried out may be obtained from the doctor's copy of the disclosure, from ESR, from the Occupational Health Smart Card database or from other local records.

The exception to this principle is where a Doctor is appointed to a training post that changes the status of the check, for example a post in paediatrics or another position within the scope of the Vetting and Barring Scheme. These checks are a legal requirement and therefore a new CRB check must be carried out irrespective of the date of the previous check.

### 7.5 Awaiting the results of the Disclosure

The Criminal Records Bureau estimates that 90% of Enhanced Disclosures will be processed within eight weeks.

In cases where management decide that the candidate is to take-up the post with supervision pending the Disclosure outcome, all other pre-appointment checks must have been satisfactorily completed. At this stage, the Human Resources Department will send an offer letter to the candidate confirming appointment details, but clearly stating that the Disclosure remains outstanding and should any relevant information be disclosed that affects the employment position, the contract of employment may be terminated.
The Recruiting Manager will be responsible for ensuring that appropriate supervision is provided by completing a Risk Assessment Form (Appendix B) until Disclosure is received by the Trust. This must be approved by the relevant Assistant/Associate Director of Operations or Assistant Director of Nursing and a copy of the Risk Assessment Form sent to the Human Resources Department.

Agreement must be obtained from the line manager in writing before an individual can commence employment under supervision prior to the receipt of CRB clearance. The line manager should ensure that an appropriate person is designated to supervise the individual at all times and will be their responsibility until CRB clearance is gained. The Human Resources Department will notify the line manager in writing as soon as CRB clearance is received.

For positions where Recruiting Managers do not wish the candidate to commence in post prior to the Trust being in receipt of the Disclosure Certificate (e.g. where guaranteed supervision cannot be offered to the new appointee), this must be clearly communicated to the Human Resources Department in writing. Resultantly, the offer of appointment will not be confirmed until all pre-appointment checks (including Disclosure) have been satisfactorily completed.

Applicants who are due to take up a regulated childcare post cannot commence employment until the outcome of the ISA check has been received. In very exceptional circumstances a thorough Risk Assessment may be carried out to ensure that the individual is never left alone with a patient. This must be approved at Director level.

7.6 The Recruitment of Ex-Offenders

As an organisation using the Criminal Records Bureau (CRB) Disclosure Service to assess applicants’ suitability for positions of trust, the Trust will comply fully with the CRB Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

Guidance on the recruitment of ex-offenders is outlined in the Recruitment of Ex-Offenders Policy.

7.7 Recording of Disclosure Information

In compliance with the CRB Code of Practice, the Trust will ensure that Disclosures, and the information they contain, are available only to those who need to have access in the course of their duties. This information will be securely stored within the Human Resource Department and will be held for no longer than is required, up to a maximum of six months. A record of the Disclosures undertaken will be held in the Human Resource Department.

Further information is contained in the guidance on Handling and Retention of Disclosure Information.
7.8  Results of the Disclosure

The CRB will send the results of the Disclosure (the Disclosure Certificate) to both the applicant and the Trust.

7.9  No Relevant Information Identified

Where the Criminal Record Certificate Disclosure does not identify any relevant information the Human Resources Department will ensure that the Recruiting Manager is made aware that the Disclosure process is complete. This will be by means of a letter which must be held on the employee's personal file. The letter will state that a CRB Disclosure has been obtained - it will give no further details. This is in accordance with the CRB Code of Practice.

7.10  Areas of Concern

In cases where the Disclosure Certificate identifies any areas of concern, this will be explored in more detail with the applicant before a final decision on employment is made. Any offer of employment that is conditional upon the Trust receiving satisfactory Disclosure can be withdrawn if it is deemed appropriate, following discussion between the individual, the Recruiting Manager and Human Resources Department.

Where a Disclosure provides information on a person already working, that makes them unsuitable for the role, the person will be informed to immediately cease to work in that role. A full investigation will be instigated in line with the Trust’s Disciplinary policy. If considered appropriate following the conclusion of the investigation, a disciplinary hearing will be convened, the outcome of which could be up to and including dismissal.

Where a Disclosure reveals the existence of a criminal record, and this information has not been declared by the applicant (i.e. at application stage or since commencing employment), the individual's manager will be notified. The circumstances for the criminal record and the reason for non-declaration by the applicant will be investigated. The investigation may lead to disciplinary action under the Trust’s Disciplinary procedure or withdrawal of an offer of employment.

7.11  Staff Recruited from Abroad

The Trust will carry out police checks for staff recruited from abroad, where disclosure is deemed necessary for the post. This will be in line with that country’s justice system and UK requirements. A CRB check will also be carried out even if an applicant claims to have never lived in the UK. Staff from outside the UK will also be ISA checked before being appointed to a post involving direct contact with children.

Further guidance on how to obtain police checks from other countries is available from the CRB website [www.crb.gov.uk](http://www.crb.gov.uk). Further guidance can be found on the Security Industry Authority website at [www.the-sia.org.uk](http://www.the-sia.org.uk).

If the country that you are looking for is not listed on the CRB or SIA website, you may wish to contact the country’s representative in the UK. Contact details for those countries that have a representative in the UK can be found on the Foreign and Commonwealth website at [www.fco.gov.uk](http://www.fco.gov.uk) or by telephone on 020 7008 1500.
7.12 Temporary and Agency Workers

Agency workers and other locum/temporary staff should be checked as a minimum, at least once a year, in line with NHS Employers Employment Check Standards. The Temporary Workforce Policy provides guidance on how assurance of employment checks can be obtained from an agency. If the agencies cannot produce evidence that a check has been carried out, then a new check must be requested by the Trust. This requirement does not apply to bank staff that, in addition to their temporary work, also hold substantive NHS contracts.

Staff employed directly by the Nurse Bank, Administrative and Clerical Bank or any other Bank staff will come under the same arrangements as their colleagues in substantive posts. Any staff that have not completed a shift for a period of 12 months will need to re-apply and a new CRB check will be carried out.

7.13 Volunteers

Not all volunteers will need a CRB check but where they have significant and regular contact with vulnerable people in the course of their normal duties, the Trust will undertake the same CRB checks as employed staff.

8 TRAINING

8.1 Equality Impact Assessment

The Trust as a service healthcare provider and as an employer strives to ensure equality of opportunity for all. This policy has therefore been quality impact assessed to ensure fairness and consistency for all those covered regardless of individual differences. The Equality Impact Assessment for this policy is attached in Appendix E.

9 MONITORING COMPLIANCE

Overall compliance with this policy will be monitored on an annual basis through the Trust’s Internal Audit of Human Resources. Audit outcomes/actions are monitored through Trust Management Group.

Details of CRB submissions and returns are recorded on the Electronic Staff Records (ESR)/database. Monitoring reports will be generated by the Workforce Analyst and distributed to the HR Advisors/Administrators for review, who will then ensure that any CRB Disclosures which are due to expire are renewed in a timely manner.

10 REFERENCES

- Vetting and Barring Scheme
- NHS Employers Employment Check Standards – Criminal Records Check
- CRB Code of Practice
11 ASSOCIATED DOCUMENTATION

- Recruitment of Ex-Offenders Policy
- Guidance on Handling and Retention of Disclosure Information.
- Recruitment and Selection Policy
- Temporary Workforce Policy
- Disciplinary Policy

12 VERSION HISTORY TABLE

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APPENDIX A - CRB CHECKS

The following staff groups will be subject to CRB checks:

ENHANCED

- Paediatrics all staff including Administrative and Clerical (A&C) Staff
- Health Visitors all staff including A&C Staff
- School Nurses all staff including A&C Staff
- Maternity all staff including A&C Staff
- EPU all staff including A&C Staff
- Paediatric A&E all staff including A&C Staff
- A&E all staff including A&C Staff
- Theatres, Endoscopy & Anaesthetics all staff including A&C Staff
- ITU
- Community Nursing
- Chaplains
- Medical Photographers
- Allied Health Professionals working in Paediatrics
- Pharmacists and pharmacy technicians who spend a significant amount of time in patient care areas

Staff employed to work in any of the above areas must have undergone an Enhanced check.

STANDARD

- All other nursing staff
- All Administrative and Clerical staff based in patient care areas
- All other medical staff
- All porters and drivers (who transfer patients)
- Phlebotomists
- Physiotherapists
- Dieticians
- Radiographers
- Occupational Therapists
- Clinical Measurement staff – all staff including Administrative and Clerical
- Speech & Language Therapists
- Orthoptists
- Morticians
- Estates Department staff that spend a significant amount of time in patient care areas
- Any other staff not mentioned who have access to patients in the course of their normal duties
**BASIC DISCLOSURE**

May be requested for individual appointed to a position of trust, e.g., board-level directors; staff with access to patient records; or positions in finance where the individual has access to public funds and/or internal budgets.

**POSTS NOT REQUIRING CRB CHECKS**

Medical Secretaries who are not based in patient care areas  
Estates Staff who do not visit patient care areas  
Pharmacy staff who do not spend a significant amount of time in patient care areas  
Admin & Clerical staff in non clinical areas e.g. HR, Management Offices  
Pathology Staff who do not visit patient care areas

This is not intended to be an extensive list, if you are not sure if the post being advertised requires a CRB, please discuss with a member of the Human Resources team.
APPENDIX B - Flowchart

Guidance process

Offer of employment subject to Disclosure

Trust receives Disclosure

Disclosure confirms information already provided and considered to have no bearing on the post

Confirm Appointment

Disclosure reveals new information about a criminal record

HR advise Recruiting Manager

Recruiting Manager discusses with applicant

Applicant confirms information is correct but discrepancies not serious or applicant is able to provide reassurance

Confirm appointment

Applicant confirms information is correct but record is too serious and / or applicant is not able to provide reassurance

Withdraw offer of employment

Applicant disputes the information on Disclosure but the new information does not cause concern

Confirm appointment

Applicant disputes the information on disclosure

Place appointment on hold to allow information to be rechecked

The information, which is of a serious nature, is confirmed as correct and the applicant is unable to provide reassurance

Withdraw offer of employment

The information is incorrect; the applicant had given correct information

Confirm appointment
## APPENDIX C – GUIDELINES FOR MANAGERS

### PROCESS FOR APPOINTMENT TO POSTS REQUIRING CRB DISCLOSURE

1. **Vacancy identified**: Recruiting Manager forwards all standard recruitment documentation and identifies that CRB Disclosure is required to the HR Administrator.

2. **Shortlisting**: Adverts will detail that CRB Disclosure is necessary. All applicants will be able to access a copy of the CRB Policy statement on NHS Jobs. (For offline applicants, a hard copy will be sent with the standard application pack upon request.) The Trust clearly states that certain posts are exempt from the Rehabilitation of Offenders Act 1997 – therefore applicants must declare any convictions – this will be monitored by Human Resources.

3. **Interviewees**: Panel must pay particular attention to details on the application form. These include:
   - Unexplained gaps in employment
   - Frequent change of jobs with no explanation
   - Referee details – it is particularly important that candidates applying for posts requiring Disclosure are able to supply names and full contact details for referees. Referees must be current or most recent line manager/supervisor.

   If shortlisted, any areas of uncertainty/concern are to be explored fully at interview.

4. **Successful candidates**: Will be advised that CRB Disclosure will be necessary for successful candidates.

5. **Successful candidates**: Will be conditionally offered a post, subject to all pre-employment checks (including CRB Disclosure) being satisfactory to the Trust. A CRB application form and full guidance notes will be forwarded to the candidate with their conditional offer letter. Candidates will be requested to complete and return the CRB application form within five working days of receipt of the conditional offer letter.

6. **It is the policy of the Trust** that no applicant will be allowed to commence employment until they have completed the Disclosure application fully and had their identity documents verified. Applicant may commence work in the new role whilst CRB Disclosure is outstanding providing that:
   - Supervision can be provided and a risk assessment for supervision is approved
   - Contract of Employment clearly states that CRB clearance remains outstanding, and should relevant information be disclosed that poses a serious risk to the Trust it may lead to the termination of the contract.
7. If CRB Disclosure Certificate identifies potential areas of concern:
This will be discussed with the candidate by the recruiting manager with support from the Human Resources Department. A balanced and measured approach will be taken, and a decision regarding commencement/continuation of employment, based on available information. If unsatisfactory CRB has implications on the role, the offer of employment will be withdrawn or further action will be taken in line with the Trust’s Disciplinary Policy (which will include action up to and including dismissal).

8. If CRB Disclosure certificate is satisfactory:
The information will be held in the Human Resource department in compliance with the CRB’s Code of Practice. The candidate’s line manager will be notified in writing that the CRB process is complete and a note of the CRB number and date of issue will be made on the recruitment checklist form and contained within the personal file.
APPENDIX D – RISK ASSESSMENT FOR SUPERVISION

This form must be completed by the managers responsible for employees who are under supervision.

Date: __________________

It is mandatory that all staff with regular contact with children or vulnerable adults undergo a Criminal Records Bureau (CRB) check. This is a well established process across the Trust to ensure good practice and patient safety. In the period until a response is received from the CRB, a member of staff can work, but this must be under appropriate supervision.

The model for supervision that the Trust has in place is Risk-Assessed Supervision. This means that the duties/areas where the member of staff will be working will be formally assessed and appropriate arrangements made to provide a colleague as necessary. The manager of the ward/department will be expected to complete this form as an undertaking that he/she is taking the risk of employing staff who do not have full disclosure.

The following questions are aimed to help in the initial assessment when a manager is employing staffs who are awaiting the result of their CRB check. The checking process, once the application form reaches CRB, can take 6-8 weeks.

1. Will your supervised member of staff be working with:-

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Vulnerable adults</td>
<td>(1)</td>
</tr>
<tr>
<td>Children (under the age of 18)</td>
<td>(2)</td>
</tr>
<tr>
<td>Both</td>
<td>(3)</td>
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</table>

2. Where is your department/service based?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Within a busy area of the Trust?</td>
<td>(1)</td>
</tr>
<tr>
<td>In an isolated area of the Trust?</td>
<td>(2)</td>
</tr>
<tr>
<td>Visiting patients homes?</td>
<td>(2)</td>
</tr>
</tbody>
</table>

3. What work will the employee be undertaking?

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Office based admin work?</td>
<td>(1)</td>
</tr>
<tr>
<td>Office based with some patient contact</td>
<td>(2)</td>
</tr>
<tr>
<td>Healthcare professionals</td>
<td>(3)</td>
</tr>
</tbody>
</table>

4. How many staff members work within your dept.?

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<table>
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<tr>
<th></th>
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<tbody>
<tr>
<td>20+</td>
<td>(1)</td>
</tr>
<tr>
<td>10-20</td>
<td>(2)</td>
</tr>
<tr>
<td>&lt;10</td>
<td>(3)</td>
</tr>
</tbody>
</table>

5. Does your department operate a mentoring system for new staff?

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<thead>
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</thead>
<tbody>
<tr>
<td>Yes (1)</td>
<td>No (2)</td>
</tr>
</tbody>
</table>
6. **Calculating the Risk**

- Once you have completed your Risk Assessment note the relevant numbers within the brackets next to the answers you have ticked.

- Add these up.

<table>
<thead>
<tr>
<th>TOTAL SCORE:</th>
</tr>
</thead>
</table>

- The Trust considers a risk of 9 tolerable. If the score is higher than 9 you should consider the risks of having staff working within the department/service under supervision, as a score over 9 suggests that adequate supervision arrangements may be difficult (e.g. too few colleagues, isolated working areas, in a patient’s home). If supervision arrangements are not possible, the employee will not be able to start until the disclosure if received.

As a reminder, supervision means that a third party needs to be present at all times of contact with a child under 18 or a vulnerable adult. The third party can be either a member of staff or a patient (provided that they are coherent and conscious). If supervision arrangements are not possible, the employee will not be able to start work until CRB disclosure is received.

7. **Please provide details of supervision arrangements in place:**

8. **Who is the assessment for?** (Please give name of employee)

   ___________________________________________________________________

9. **Assessment carried out by:**

   Name: __________________________ Signature: __________________________

   Job title: ______________________

10. **Approved by:**

    Name: __________________________ Signature: __________________________

    Job title: ______________________

Once this form is completed, please return it to the Human Resources Administrator.
If you require any additional advice with this please contact the Human Resources Department.
APPENDIX E – EQUALITY IMPACT ASSESSMENT

To be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

<table>
<thead>
<tr>
<th></th>
<th>Yes/No</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Does the policy/guidance affect one group less or more favourably than another on the basis of:</td>
<td>The CRB process is applicable to everyone. Standard and enhanced checks are mandatory in the NHS for all staff who, as part of their appointment, will have regular contact with patients in the course of their normal duties. Where posts do not meet the criteria for a standard or enhanced check, a basic disclosure is recommended.</td>
</tr>
<tr>
<td></td>
<td>Race</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Ethnic origins (including gypsies and travellers)</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Nationality</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Gender</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Culture</td>
<td>No</td>
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<tr>
<td></td>
<td>Religion or belief</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Sexual orientation including lesbian, gay and bisexual people</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Age</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Disability - learning disabilities, physical disability, sensory impairment and mental health problems</td>
<td>No</td>
</tr>
<tr>
<td>2.</td>
<td>Is there any evidence that some groups are affected differently?</td>
<td>No</td>
</tr>
<tr>
<td>3.</td>
<td>If you have identified potential discrimination, are there any exceptions valid, legal and/or justifiable?</td>
<td>N/A</td>
</tr>
<tr>
<td>4.</td>
<td>Is the impact of the policy/guidance likely to be negative?</td>
<td>No</td>
</tr>
<tr>
<td>5.</td>
<td>If so can the impact be avoided?</td>
<td>N/A</td>
</tr>
<tr>
<td>6.</td>
<td>What alternative are there to achieving the policy/guidance without the impact?</td>
<td>N/A</td>
</tr>
<tr>
<td>7.</td>
<td>Can we reduce the impact by taking different action?</td>
<td>N/A</td>
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## APPENDIX F – CONSULTATION TEMPLATE

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Procedural Document’s Name:</td>
</tr>
<tr>
<td>2.</td>
<td>Procedural Document Author:</td>
</tr>
<tr>
<td>3.</td>
<td>Group/Committee Consulted:</td>
</tr>
<tr>
<td>4.</td>
<td>Date of Consultation:</td>
</tr>
<tr>
<td>5.</td>
<td>Comments Received:</td>
</tr>
<tr>
<td>6.</td>
<td>Highlight where policy changed following consultation or state reasoning why comments not incorporated:</td>
</tr>
<tr>
<td></td>
<td>Paragraph 3.4 rewritten</td>
</tr>
<tr>
<td></td>
<td>Document reformatted</td>
</tr>
</tbody>
</table>