



CRIMINAL RECORDS BUREAU CHECKS

1. Criminal Record Bureau

The role of the Criminal Records Bureau is to reduce the risk of abuse by ensuring that those who are unsuitable are not able to work with children and vulnerable adults.

The CRB - an executive agency of the Home Office - is set up to help organisations make safer recruitment decisions. By providing wider access to criminal record information, the CRB helps employers in the public, private and voluntary sectors identify candidates who may be unsuitable for certain work, especially that involving contact with children or other vulnerable members of society.

2. How much does a disclosure cost?

The fee for a Standard Disclosure is currently £29.00 and the fee for an Enhanced Disclosure is £34.00. The fee will be requested at the point of application. Standard and Enhanced Disclosures for volunteers in sensitive positions i.e. working with children and with vulnerable adults, will be issued free of charge.

A volunteer is a person who performs 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.

3. How long does it take to obtain a disclosure?

On average over 90% of Standard Disclosures are completed within 2 weeks and over 90% of Enhanced Disclosures are completed within 4 weeks (upon receipt of a fully completed and valid Disclosure application form - that is with all the information necessary to complete the application).

4. How do I know if I or my employees need a disclosure?

There are a number of pieces of legislation and other regulations that require or recommend checks be undertaken and employers must be eligible under the Exceptions Order and Police Act to ask exempted questions (an exempted question is one that asks about spent and unspent convictions).

Organisations who need to check someone against either the POCA list or List 99 will need to ask that person to obtain a Disclosure. There is no longer any other way to access these lists.

Although a definitive list of positions for which criminal record checks and/or checks of the lists are required or recommended is not available, advice can be obtained from the following sources:

The Department of Health (DH) may give guidance to NHS Trusts. The Department for Education and Skills (DfES) may give guidance to Education Authorities.

The Care Standards Commission may give guidance to Care Home establishments.

DH Helpline	0207 210 4850	www.doh.gov.uk
DfES Helpline	0870 000 2288	www.dfes.gov.uk
National Care Standards	0191 233 3556	www.carestandards.org.uk

5. Which type of disclosure do I need?

A Standard or Enhanced Disclosure is only available for positions, which are listed in the Exceptions Order 1975 to the Rehabilitation of Offenders Act 1974.

People eligible to apply for Standard and Enhanced Disclosures will include those seeking a position involving working with children, regular contact with vulnerable adults, the administration of the law and those entering certain other professions.

6. What are the different types of disclosure?

Part V of the Police Act 1997 makes provision for three different levels of criminal record checks. Once a check is complete, one of three Disclosures will be issued: Standard, Enhanced or Basic. The Basic Disclosure has not as yet been launched.

The type of check carried out will depend on the nature of the position applied for.

The Standard Disclosure

These are primarily for positions that involve working with children or regular contact with vulnerable adults. They will also be issued in other circumstances such as for those providing health services and for those entering certain professions such as accountancy. These are some of the excepted professions, offices and employments referred to in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Standard Disclosures contain details of all convictions on record (including spent convictions), plus details of any cautions, reprimands or warnings. For positions involving working with children, the Standard Disclosure will also give any information contained on government department lists of people considered unsuitable to work with children. These lists are held by the DfES and DHS.

(Spent convictions - a person convicted of all but the most serious criminal offences and who receives a sentence of no more than 2 years in prison, benefits from the Rehabilitation of Offenders Act if they are not convicted again during a specified period. This is called the rehabilitation period. In general terms, the more severe a penalty is, the longer the rehabilitation period. Once a rehabilitation period has expired and no further offending has taken place, a conviction is considered to be spent.

The Enhanced Disclosure

These are for those regularly caring for, training, supervising or being in sole charge of children or vulnerable adults. Enhanced Disclosures will also be issued in respect of other positions such as those seeking judicial appointments and certain statutory licensing purposes.

All Enhanced Disclosures involve an extra level of checking with local police force records in addition to checks with the Police National Computer (PNC) and the government department lists held by the DfES and DH, where appropriate. Local police information can be contained on both copies of the Disclosure. It is up to the Chief Constable of the relevant police force or forces to decide what, if any, information is disclosed. Chief Constables can decide that some information may be relevant to the position but do not wish the prospective employee to see the information. This information will be sent separately to the person who countersigned the application only.

The Basic Disclosure – not currently available

All employers and volunteering organisations will be entitled to ask prospective employees/volunteers to obtain a Basic Disclosure. This Disclosure will be available to all members of the public and be obtainable directly from the CRB without the need to go through an employer or volunteering organisation. The Basic Disclosure will show all convictions held at national level which are not spent as defined under the terms of the Rehabilitation of Offenders Act (ROA) 1974. This service will be introduced only when the CRB is meeting Service Level Agreements for Standard and Enhanced Disclosures, and when the regulations that were deferred back in 2002, for Care Homes, agency nurses and domiciliary workers etc, have been reintroduced.

7. Is it compulsory to apply for a disclosure?

Part V of the Police Act 1997 does not make checks compulsory. The Criminal Records Bureau replaces most of the work done by the police in carrying out criminal record checks. It is for organisations and others, including departments and authorities with responsibility for employing people in positions of trust, to lay down their own particular vetting requirements and procedures.

However, other legislation, such as the Protection of Children Act 1999, makes it compulsory for checks of the POCA list to be made. Such checks are only available from the CRB in the context of a Standard or Enhanced Disclosure. Links to the Protection of Children Act 1999, the Criminal Justice and Court Services Act 2000 and their associated guidance are available on the CRB website.

8. For how long will disclosures be valid?

Each Disclosure will contain the date the Disclosure was printed. Disclosures do not carry a pre-determined period of validity because a conviction or other matter could be recorded against the subject of the Disclosure at any time after it is issued. Organisations are advised to make recruitment decisions as soon as possible after receiving their copies of Disclosures.

9. Is there a process to query the disclosure if the information is incorrect?

Yes. The CRB has a dedicated disputes team. The team can be contacted on 0870 90 90 811 if the applicant wishes to dispute the information contained on the Disclosure www.disclosure.gov.uk

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