

This document is based on the information supplied in the guidance notes provided by the Criminal Records Bureau (CRB) but has been adapted to support the specific needs of the ITEC Training Solutions. ITEC complies fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation.

Purpose

- To ensure, as far as is reasonably possible, that all young people, and vulnerable adults, are fully protected from risk and exposure to inappropriate, unsolicited, or immoral behaviour on the part of any existing or future member of staff, or those associated with the delivery of training, or services, on behalf of the ITEC Training Solutions.
- To ensure fairness and equality is applied during the Disclosure of Information process to potential and existing staff, subcontractors, volunteers or any one providing services on behalf of ITEC Training Solutions.

Guiding Principles

- Application for the Disclosure of Information is made solely on the expressed written authority of the employee, prospective employee, or individual engaged to undertake work on behalf of ITEC.
- Disclosure Information indicates the suitability of an individual to undertake a role that will involve working with young people under the age of 18 or vulnerable adults.
- Disclosure Information is a means of determining whether or not an individual has a 'record' that does not permit them to work with young people or vulnerable adults, or undertake responsibilities that may bring into question the persons honesty and/or integrity.
- Disclosure of Information is not a legal requirement; it is additional information used in order to satisfy pre-determined appointment criteria.

Definitions

A **child** is anyone who has not yet reached their 18th birthday.

For the purpose of the ROA 1974 (Exceptions) Order 1975, the definition of 'working with children' includes any work that is:-

- in a regulated position
- in a further education institution where the normal duties of that work involve regular contact with persons aged under 18

A **vulnerable adult** is defined as person who is 18 years of age or over, and who is (or may be) in need of community care services by reason of mental or other disability, age or illness and who is (or may be) unable to take care of themselves, or unable to protect themselves against significant harm or serious exploitation.

The main categories covered by this definition include people who:-

- receive any form of health care
- live in residential accommodation including sheltered housing, nursing home
- receive domiciliary care or have support, assistance or advice to help them live independently
- are expectant/nursing mothers in residential accommodation provided by the Local Authority or the National Health Service
- receive any service or participates in activity provided specifically because of age or disability
- are detained in lawful custody
- are on probation
- have a learning or physical disability
- has a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or a reduction in physical or mental capacity
- has a dependency upon others in the performance of, or a requirement for assistance in the performance of, basic physical functions
- has severe impairment in the ability to communicate with others
- Impairment in a person's ability to protect him or herself from assault, abuse or neglect

Recruitment and Selection Checks

ITEC Training Solutions adopts safer recruitment practices when appointing individuals to work with children and / or vulnerable adults.

ITEC Training Solutions will:-

- focus on a person's abilities, skills, experience and qualifications
- consider the nature of the conviction and its relevance to the job in question
- identify the risks to the organisation's business, customers, clients and employees
- recognise that having a criminal record does not always mean a lack of skills, qualifications and experience
- always be based on confidentiality and discretion when requesting and handling criminal records
- encourage applicant honesty by stating that applicants will be considered on merit and ability
- comply with the data protection law
- ensure access to criminal record information is only on a need-to-know basis
- state on job adverts if the role is subject to CRB or any other checks

As part of the selection process the HR department will check the following:-

- verification of identity
- confirmation of the right to work in the UK
- verification of qualifications
- references
- Criminal Records Bureau check
- if required complete a risk assessment (for example, when considering offering employment in cases where the CRB disclosure shows a conviction)

Additional information can be found on ITEC Training Solutions recruitment policy and safer recruitment policy

Job Roles

All job roles that involving working with children and vulnerable adults will require the employee to have a CRB. The type of report sought from the CRB is essentially based on levels of responsibility in relation to working with, caring for or authority over, young people under 18 or vulnerable adults.

If an employee changes job roles or the job role duties and responsibilities change, the new role and duties maybe subject to a CRB Check. The HR department will administer the CRB checks.

Review of Disclosure Information

Disclosures are designed for use immediately after issue. Employees falling within the Enhanced Disclosure Type (Category level 3 only) will have a further check at 3 yearly intervals; this will be administered via the HR Department.

Convictions whilst in the employment of ITEC

It is the sole responsibility of an individual to notify ITEC of any Convictions that have occurred during their employment. Failure to do so may result in disciplinary action leading to dismissal. This is also outlined within the Code of Conduct. Convictions whilst in the employment of the ITEC will have a risk assessment completed and maybe dealt with through Disciplinary Procedures depending on the severity of the conviction, relevance to the post and risk to others.

Criminal Record Declared

Where a Disclosure indicates a criminal record for an applicant, ITEC will contact the individual concerned. The individual maybe required to provide a written statement as to the offence(s) that have been declared against their name.

The HR Manager will then consider the statement along with other supporting information and will then decide whether the applicant is suitable or unsuitable.

They are responsible for assessing the suitability of applicants who's Disclosure contains information regarding criminal offences. These offences will be assessed against pre-determined criteria (see below) and a decision made as to whether an application should be confirmed, withdrawn or whether a re-Interview is required, the individual will be notified.

Criteria for risk assessment of criminal offences

Assessing the risk of employing a person with a criminal record means keeping an open mind and comparing an applicant's skills, experience and conviction circumstances against risk criteria identified for the job. In making a decision ITEC Training Solutions will take the following factors into consideration when making a decision:-

- the seriousness of the offence and its relevance to the safety of other employees, customers, clients and property
- relevance to the job requirements
- the nature of the crime and circumstances involved
- the length of time since the offence occurred
- any relevant information offered by the individual about the circumstances which led to the offence being committed, for example the influence of domestic or financial difficulties.
- if the offence was a one-off or part of a history of offending
- if the individual'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 in England and Wales, and vice versa.
- whether the offence has since been decriminalised by Parliament.
- the degree of remorse, or otherwise, expressed by the individual and their motivation to change

Managing sensitive information

ITEC Training Solutions will ensure that:-

- information regarding offences is kept confidential, information about convictions will not be disclosed to anyone unless there is a specific reason for doing so.
- only the people directly responsible for recruitment, whether or not in the HR department are informed of an employee's criminal record.
- the successful applicant is informed who in the organisation knows of the conviction and the reasons why the information has been disclosed.
- offence information is kept securely in lockable filing cabinets. Access to keys should be restricted to individuals responsible for recruitment and those in personnel who need access.

Categories

The following categories indicate the 'suitability' of individuals to undertake specific duties related to previous convictions:

Category A:

Applicants with major criminal convictions including any of the following will normally be rejected irrespective of time lapse between conviction and application.

Evidence of any criminal offence involving child abuse, sexual abuse, sexual or pornographic offences

Category B:

Applicants with minor criminal offences (convictions and or cautions) including any of the following may be rejected without interview or may be interviewed before a final decision is made.

Drug related offences, offences showing evidence of lack of honesty, trust-worthiness and driving with excess alcohol.

The company will consider the seriousness of the offence, the number of offences, the period between the last offence and application, the pattern of convictions, changes in circumstances since conviction and whether the offence has been disclosed by the applicant or via CRB Disclosure.

Category C:

Applicants with minor criminal offences, provided the applicant has disclosed the offence, applicants with evidence covering any of the following may be accepted or invited for interview before a final decision is made.

A single minor offence showing dishonesty, untrustworthiness e.g. petty theft, fraud, drunk and disorderly, driving offences (caution/conviction more than nine years).

Re-interview guidance

If, after assessing the information on a Disclosure, it is decided that the applicant either is unsuitable for a specific post or that more information is needed to make a decision, the applicant will be invited to attend a re-interview to discuss the situation. Notification on the re-interview will detail the purpose of this meeting and the possible outcome, i.e. the withdrawal of the offer of employment if the outcome is that offences committed by the applicant make them unsuitable for the position.

The aim of conducting a re-interview is:-

- to ascertain the facts surrounding the criminal offences
- to identify any effects the offences may have upon obtaining practice placements for the applicant
- to clarify any points raised during the risk assessment process
- to identify the attitude of the applicant to the offence(s), will be taken into account

The outcome of the interview will be communicated to the applicant in writing.

Storage and Access

Disclosure information is never kept on an applicant's personnel file, and is kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. ITEC maintains a record of all those to whom Disclosures or Disclosure information has been revealed and it recognises it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, ITEC do not keep Disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the CRB about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once retention period has elapsed, we will immediately destroyed Disclosure Information by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle. ITEC will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

Data Protection Action 1998

ITEC is also fully committed to comply with the Data Protection Action 1998. Further information can be viewed in the Company Data Protection Policy on the Quality Manual

Supporting Policies

This policy should be read in conjunction with the following ITEC Training Solutions documents:

- Equality and Diversity Policy
- Grievance and Disciplinary Procedures
- Recruitment, Recruitment of Ex-offenders and Safer Recruitment Policy
- Code of Conduct
- Data Protection Policy