

## Staffordshire LINK: Criminal Records Bureau Policy

### 1. Purpose

It is a requirement of the CRB's Code of Practice that all registered bodies must treat disclosure applicants who have a criminal record fairly and do not discriminate because of a conviction or other information revealed. It also obliges registered bodies to have a written policy on the recruitment of ex-offenders; a copy of which can be given to disclosure applicants at the outset of the recruitment process.

To ensure the protection of the public, and justify public trust and confidence, the LINK is required to ensure that only suitable candidates are allowed to hold such positions. The LINK uses the Criminal Records Bureau (CRB) Disclosure service to assess the suitability of such applicants.

Failure to reveal information that is directly relevant to the position sought could subsequently lead to the LINK rejecting an application or the withdrawal of an offer of Authorised Representative. The LINK Co-ordinating Group Chair and Vice Chair together with a nominated member of the LINK Support Team undertakes to discuss any matter revealed in a Disclosure with the applicant before withdrawing an offer of Authorised Representative status. Having a criminal record will not prevent you from being an Authorised Representative, it will depend on the nature of the disclosure.

Staffordshire LINK uses CRB disclosures as one of several tools in assessing suitability of applicants who wish to be an Authorised Representative in order to conduct enter and view visits. There will be a nominated member of the LINK Support Team who will check Disclosures and advise the Chair and Vice Chair of the Co-ordinating Group in the first instance.

### 2. Compliance with statutory policy

Use of the CRB disclosure service to help to assess people's suitability for visiting rights to health and social care establishments requires full compliance with the following:

- CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of CRB disclosures and disclosure information;
- The Data Protection Act 1998;
- The Policy Act 1997 regarding handling of disclosure information.

### **3. Information provided**

There is a range of information available through the CRB check including that which is:

- On the Police National Computer including convictions, cautions, reprimands and warnings;
- Held by local police forces and other agencies relating to non-conviction information;
- From the Government's Protection of Children Act list, where applicable;
- From the Government's Protection of Vulnerable Adults list, where applicable;
- Held by the Department for Children, Schools and Families under Section 142 of the Education Act 2002 (formerly known as List 99) where applicable.

The CRB check does not check whether an applicant is permitted to work in the UK; this is an employer's responsibility to check. This may not apply to volunteers in the aspect that they are not paid, however may be an issue in consideration of payment of expenses.

### **4. Storage and Access**

Disclosure information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are authorised to see it as part of their duties.

The principles of handling disclosure information should accord with the principles of the Data Protection Act 1998 and the Policy Act 1997 (section 24) as follows:

Data Protection Act 1998:

- Personal information will only be processed with the individual's knowledge
- Only information actually needed should be collected and processed;
- Personal information will only be seen by those who need it to do their jobs;
- Personal information will be retained only for as long as it is required;
- Decisions affecting individuals will be made on the basis of reliable and up to date information;
- Information will be protected from unauthorised or accidental disclosure;
- Inaccurate or misleading data will be corrected as soon as possible;
- Procedures will be in place for dealing promptly with any disputes;
- These principles will apply whether information is held in paper or electronic form

The Policy Act 1997 (Section 24)

- CRB disclosure information will only be passed to those who are authorised to receive it in the course of their duties;
- Those maintaining records of CRB disclosures or disclosure information that has been revealed about LINK participants should be made aware that it is a criminal offence to pass this information to anyone who is not entitled to receive it;
- Disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

## 5. Retention

The Rules on retention of CRB disclosure information are as follows:

1. Personal information is only held if individuals have applied for a disclosure;
2. If the CRB applicant has a police record, no data relating to this should be kept, only the disclosure number and date of issue of the Disclosure Certificate;
3. Once a decision has been made on a LINK participant's application for Authorised Representative, disclosure information should not be kept for longer than necessary. This should generally be for a period of up to 6 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 6 months, CRB should be consulted; before doing so, full consideration should be given to the data protection and human rights of the individual. Throughout this time, the conditions regarding the safe storage and strictly controlled access should be followed.

## 6. Disposal

Once the retention period has elapsed, any disclosure information will be immediately destroyed by secure means ie. shredding. While awaiting destruction, disclosure information will not be kept in any insecure receptacle, for example waste bins or confidential waste sacks. No photocopies or other images of the disclosure or any copy or representation of the contents of a disclosure will be kept. However, notwithstanding the above, a record may be kept of the date of issue of a disclosure, the name of the subject, the type of disclosure requested, and the position for which the disclosure was requested, the unique reference number of the disclosure and the details of the decision taken.

If you have any queries regarding this policy, please contact the LINK Support Team in the first instance.