

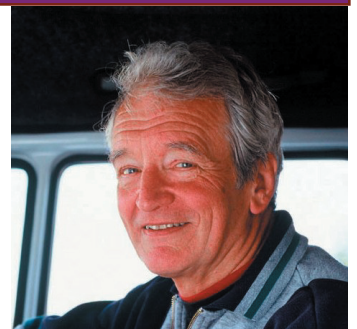


Criminal Records Bureau

Code of Practice

For Registered Persons and other recipients
of Disclosure Information

Revised April 2009



Presented to Parliament pursuant to
Section 122 (2) of the Police Act 1997



INTRODUCTION

This Code is established under section 122 of Part V Police Act 1997 and determines the obligations which govern initial and ongoing registration of Registered Bodies with the Criminal Records Bureau (CRB).

The Code applies to all Registered Bodies and Umbrella Bodies, hereon referred to as Registered Bodies, and their clients. The Code also applies to applications for, and handling of, both Standard and Enhanced Disclosures.

The obligations within this Code are determined by Part V Police Act 1997 and in particular the Police Act 1997 (Criminal Records) (Registration) Regulations 2006. These provisions determine the legal requirements upon persons seeking to register and maintain their registration with the CRB as Registered Bodies. They address the way in which the CRB will ensure that:

- Organisations are assessed as suitable to receive sensitive Disclosure information;
- Organisations do not breach the spirit and requirements of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 by submitting ineligible Disclosure applications;
- Registered Bodies correctly verify the identity of Disclosure applicants to ensure the integrity of all Disclosures issued by the CRB;
- Sensitive and personal data contained within the Disclosure is correctly managed and used by Registered Bodies;
- The efficiency of the Disclosure Service is maintained by the timely payment of fees and the accuracy of Disclosure application data;
- Registered Bodies treat their applicants fairly when considering sensitive Disclosure information;
- Registered Bodies who fail to comply with the obligations within this Code may be suspended or de-registered in order to maintain the overall integrity of the Disclosure service.

The CRB takes seriously its statutory duties relevant to the rehabilitation of offenders, data protection and human rights legislation. It will therefore seek to ensure strict compliance with the Code through the full range of CRB assurance management processes.

This Code applies to all Disclosure information that is information contained within the Disclosure including information provided under the Independent Safeguarding Authority (ISA) scheme when introduced as well as information provided under separate cover.

THE OBLIGATIONS

1. REGISTRATION

Registered Bodies must:

1. Provide sufficient information to the CRB to allow registration to proceed. This includes information on the organisation's status, the suitability of proposed countersignatories and the purposes for which registration is requested;
2. Demonstrate that they are likely to countersign and submit applications for relevant positions and employment;
3. Demonstrate that they are likely to submit the minimum annual number of Disclosure applications determined by the CRB;
4. Provide up-to-date information to the CRB as required in respect of the registration information and countersignatories;
5. Provide information on their organisation and nominated Lead and countersignatories as and when required by the CRB to determine suitability for initial and ongoing registration with the CRB;
6. Give access to CRB officials to official premises, data and documentation as and when reasonably required by the CRB to determine suitability for ongoing registration;
7. Submit Registration and Disclosure applications in the prescribed format;
8. Ensure that Disclosure applications are completed accurately and that all mandatory data fields are completed in full;
9. Ensure that any electronic application system complies with CRB specifications as stipulated.

2. IDENTITY VERIFICATION

Registered Bodies must:

1. Accurately and comprehensively verify the identity of the applicant prior to the submission of a Disclosure application;
2. Ensure that any person undertaking identity verification checks on their behalf is suitable and trained accordingly.

3. MANAGEMENT AND USE OF DISCLOSURE INFORMATION

Registered Bodies must:

1. Have a written policy on the secure handling of Disclosure information which, in the case of Umbrella Bodies, should be made available to their clients;
2. Store Disclosure information securely;
3. Retain Disclosure information, its content or any representation of the same in any format for no longer than is necessary and for a maximum of six months following the recruitment decision unless a dispute is raised or, in exceptional circumstances, where CRB agreement is secured;
4. Ensure that no reproductions of the Disclosure or its content are made, including photocopies or scanned images, unless with the prior agreement of the CRB or as a result of a stipulated requirement relating to the e-channel service;
5. Only share Disclosure information with relevant persons in the course of their specific duties relevant to recruitment and vetting processes;
6. Dispose of Disclosure information in a secure manner;
7. Ensure that Additional Information, including information as to its existence, is not revealed to the Disclosure applicant and is disposed of in the appropriate manner and at the appropriate time;
8. Ensure that they comply with CRB guidance on the portability of Disclosures and their contents.

4. SUITABILITY POLICY

Registered Bodies must:

1. Have a written policy on the suitability of ex-offenders that is available upon request to potential applicants and which, in the case of Umbrella Bodies, should be made available to their clients;
2. Ensure that all applicants for relevant positions or employment are notified in advance of the requirement for a Disclosure;
3. Notify all potential applicants of the potential effect of a criminal record history on the recruitment and selection process and any recruitment decision;
4. Discuss the content of the Disclosure with the applicant before withdrawing any offer of employment;
5. Provide a copy of the CRB Code of Practice to the applicant upon request.

5. PAYMENT AND FEES

Registered Bodies must:

1. Pay the prescribed registration fee before registration may proceed;

2. Pay countersignatory fees within the prescribed period;
3. Pay all subsequent Disclosure fees within the prescribed period;
4. Pay all fees related to Disclosure applications submitted after any decision by the CRB to suspend registration or de-register the organisation;
5. Publish all fees associated with Disclosure applications in relevant documentation;
6. Notify the CRB in writing of any change to the fees associated with Disclosure applications.

6. ELIGIBILITY

Registered Bodies must:

1. Use all reasonable endeavours to ensure that they only submit Disclosure applications in accordance with the Disclosure eligibility criteria for relevant positions or employment;
2. Correctly apply the CRB definition of a volunteer to assert eligibility for free-of-charge Disclosures.

7. ASSURANCE AND COMPLIANCE

Registered Bodies and their clients must co-operate in full with the CRB Registration Management team enquiries, audits and investigations in seeking to:

1. Determine eligibility for initial registration with the Disclosure service in accordance with the prescribed processes and criteria;
2. Ensure ongoing compliance of Registered Bodies with the obligations under this Code by undertaking assurance audits on a regular basis in accordance with the prescribed processes and criteria;
3. Implement the suspension or de-registration of a Registered Body where non-compliance is established in accordance with the prescribed de-registration processes and criteria.

8. OFFENCES

Registered Bodies must note that it is an offence to:

1. Disclose information contained within a Disclosure to any person who is not a member, officer or employee of the Registered Body or, in the case of Umbrella Bodies, their client unless a relevant legal exception applies;
2. Disclose information to any member, officer or employee where it is not related to that employee's duties;

3. Knowingly make a false statement for the purpose of obtaining, or enabling another person to obtain a Disclosure.

Persons guilty of such offences are liable to deregistration, imprisonment or a fine unless a relevant exception applies as outlined in CRB Guidance.

GUIDANCE

Each of the obligations of this Code is supplemented by detailed Guidance available on the CRB website at www.crb.gov.uk

This Guidance will be updated on a continual basis to ensure that it reflects the reality of CRB operations and the needs of Registered Bodies.

Significant changes to the Guidance will be notified to Registered Bodies as required.

FUTURE DEVELOPMENTS

The CRB anticipates significant developments in its service delivery within the coming three year period. These will include:

- The establishment by the Department of Children, Schools and Families (DCSF) of the Independent Safeguarding Authority (ISA) which will allow for the continual monitoring of persons suitability to work within the children and vulnerable adults sectors;
- The development of e-delivery channels for access to the CRB Disclosure service, including e-applications and the extension of online tracking.

Both of these developments will impact on the role of Registered Bodies in regards to the format, content and secure handling of the information they receive as part, or associated with, the Disclosure service.