

**SECTION 11****THE USE OF THE CRIMINAL RECORDS BUREAU**

Key information for Incumbents, PCCs and Named People for Balance

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## 11.1 The Law

The Criminal Justice and Court Services Act 2000 (CJCSA) establishes 2 new offences:

- first, it is illegal to knowingly apply for a post (paid or otherwise) to work with children or vulnerable adults if one is prohibited from doing so by criminal conviction or other disqualifying behaviour
- second, it is an offence to recruit anyone to work with children or vulnerable adults who is a Schedule One offender or otherwise disqualified from such work.

The latter clearly acts as an incentive to recruiters in this field to use the service offered by the CRB.

In addition failure to use the service could render an employer liable to a claim in the civil courts if a child or vulnerable adult was abused by someone about whom it could be shown that the CRB had, at the time of their appointment, evidence of their relevant disqualification.

## 11.2 What is the Criminal Records Bureau?

The Criminal Records Bureau (CRB) is an executive agency of the Home Office. Its primary purpose is to help employers and voluntary organisations make safer recruitment decisions. Part of its function is to enable organisations which appoint people to work with children and/or vulnerable adults (whether in paid or voluntary positions) to have a person's record (if any) screened with the national and local police for any cautions or convictions which would make them unsuitable to work with children or vulnerable adults. The CRB also has access to lists held by government departments under the Protection of Children Act 1999.

## 11.3 Levels of Disclosure

There are three levels:

- **Basic.** This level of disclosure will contain details of convictions held on the Police National Computer which are not spent under the terms of the Rehabilitation of Offenders Act 1974, or will state if there are no such convictions. It will be issued to individual applicants, on request, subject to confirmation of identity.
- **Standard.** This level of disclosure is available in respect of posts or purposes which are exceptions to the Rehabilitation of Offenders Act 1974. This includes those whose normal duties include regular contact with children. A standard disclosure will contain details of any spent and unspent convictions, as well as cautions, reprimands and warnings, held on the Police national computer. It will also indicate if there are no such matters on record. The disclosure will also reveal whether an individual is barred from working with children by virtue of inclusion on lists maintained by the Department of

Education and Skills or the Department of Health. The Disclosure is sent to the applicant and also to the Registered body.

- **Enhanced.** Enhanced Disclosures apply to posts that involve regularly caring for, training, supervising or being in sole charge of children. They will contain the same information as the Standard Disclosure, but may also contain non-conviction information from local police records which a chief police officer thinks may be relevant. This local information is supplied to the Registered Body but not to the applicant.

Umbrella bodies have been advised to use the Enhanced CRB Disclosure for all workers, paid or voluntary, with children and/or vulnerable adults in order to gain access to local police records.

#### **11.4 Why and how does the Diocese use it?**

In addition to the legal grounds outlined above, we use it for the sake of the children whom we serve. Their need for safety and protection come first.

The Diocese of Sheffield has been accepted as a Registered Body with the CRB and is the umbrella body used by the parishes. For paid and voluntary workers this is via the CRB Administrator in Diocesan Church House and for clergy and licenced workers via the Bishop's Chaplain at Bishopscroft.

#### **11.5 Who needs it?**

At present the use of CRB affects mostly new volunteers and paid workers applying for posts which involve substantial contact with children and vulnerable adults. In general the type of work may involve regularly caring for, supervising, training or being in sole charge of such people. At a national level, churches have been advised that all workers applying for a Certificate of Disclosure should seek an Enhanced Disclosure which covers the lists and police records mentioned above.

CRB's priority is to deal with applications from new workers but applications from workers who are already in post can now be dealt with on a rolling programme basis, in a carefully prioritised way, starting with those in the main leadership roles and paid workers with children and young people. Eventually, all those involved in work with children and/or vulnerable adults and all those who are in a position of trust in the church (irrespective of the level of contact they have with children or vulnerable adults) will need a Disclosure.

#### **11.6 What does it cost?**

The Diocese is registered as an umbrella body with the CRB, thus enabling it to provide all parishes with access to CRB Disclosures. There is no cost for the Disclosures for volunteers, but there is a charge of £29 for employees which parishes will need to bear.

NB the Diocese pays the costs for the clergy and licenced workers.

**11.7 Who administers it?**

The process for the recruitment and selection of clergy and licenced workers is administered at Bishopscroft, and for volunteers and paid workers in the parishes by the CRB Administrator at Diocesan Church House (see Section 10).

**11.8 What does it mean for the parish?**

- The use of the CRB is additional to the current Balance requirements for the recruitment, selection and appointment of volunteers and paid workers (see Section 10).
- No one selected as a worker with children and young people can have their appointment confirmed until the parish or employing body has been notified in writing of a satisfactory Disclosure by the Diocesan CRB Administrator.
- Forms for applying for a CRB Disclosure are available from the CRB Administrator at Diocesan Church House. At this stage please only request forms for necessary Disclosures.
- The applicant completes the application form, using guidance sent by the CRB Administrator, and takes it and proof of identity to the Named Person for verification.
- Each parish is expected to have a Named Person for Balance who will be able to verify the applicant's identity and enable the application to be sent on to the CRB Administrator at Diocesan Church House.
- Your Balance parish response will need additional information about the use of the CRB (see Section 11.13 below).

**11.9 What you need to do as an employing body**

- Identify the volunteers and staff in the parish who are working with children, young people and vulnerable adults, note that any new people in these roles will need an Enhanced CRB Disclosure and that eventually all such people will need one
- Ensure you have a parish Named Person and that they are booked into a training session that includes CRB briefing (see Section 9.4 for a full job description of that role)

**When you are about to recruit and appoint someone as a volunteer or employee in a post that requires an Enhanced CRB Disclosure the advertisement for the post should state that it is subject to an Enhanced Disclosure.**

- Make sure that applicants for a post know that they will be subject to a CRB Enhanced Disclosure if they are selected for the work

- Follow the selection procedure through to choosing an applicant for the work (see Section 10)
- Ask the applicant to obtain a CRB Disclosure application form from the CRB Administrator at Diocesan Church House (Tel: 01709 309100). The applicant's name and CRB reference number will be logged by the Administrator.
- Ask the selected applicant to complete it and bring it with ID (eg birth and marriage certificates (where applicable), driving licence, passport) for verification to the Named Person and then send it on to the CRB Administrator who will forward it to CRB after it has been countersigned. CRB will return one Disclosure to the applicant and a copy to Church House.
- Confirm the post only when you have received the all clear from the CRB Administrator that there is nothing unsuitable in the person's records.
- Wait for the outcome of a risk assessment, should the Disclosure give cause for concern (see below on risk assessments and appeals).

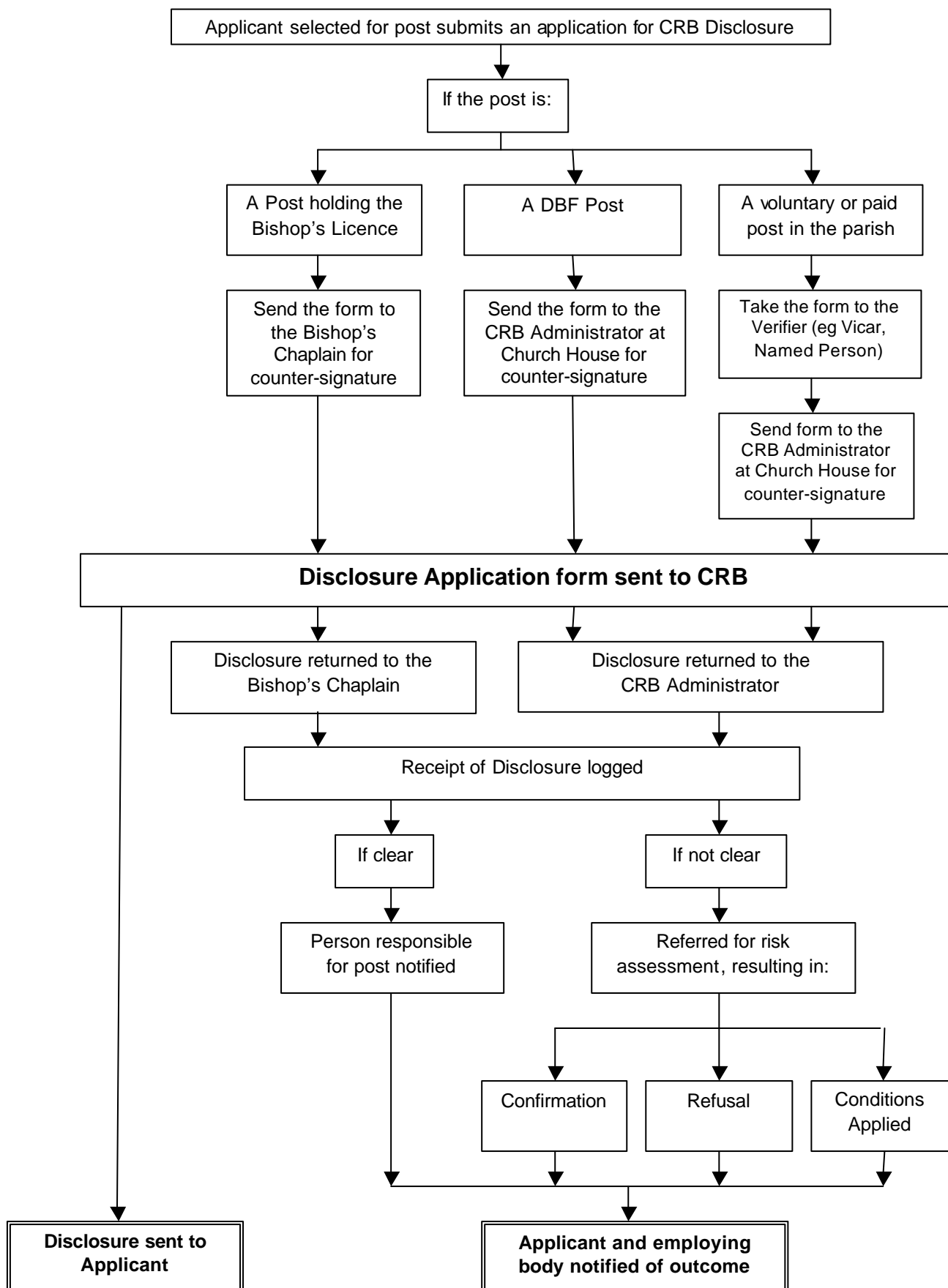
The procedure is shown in a flowchart on the following pages.

If you have further questions about the CRB and the Diocese of Sheffield's policy in relation to it, please contact the CRB Administrator at Diocesan Church House.

The national CRB information line is 0870 90 90 844

Training and briefing sessions on child protection, Balance and the CRB, together with Ecumenical Child Protection courses, are arranged throughout the year, Please contact the Ministry Training Team secretary at Diocesan Church House (01709 309147) for further information.

**CRIMINAL RECORDS BUREAU SCHEDULE**



**CRIMINAL RECORDS BUREAU PROCESS****Diocese**

Registered as umbrella body, with Bishop  
as lead signatory

**Steering Group**

Acting on behalf of the Diocese,  
determines Diocesan process, informs  
and briefs all bodies employing paid  
workers and volunteers

**Counter-Signatories**

Bishop's Chaplain & CRB Administrator  
Archdeacon of Sheffield  
Archdeacon of Doncaster  
Diocesan Secretary  
Business Manager, Church House

**Verifier**

In each Parish –  
Either clergy or  
Named Person for Balance

**Risk Assessment**

Diocesan Child Protection  
Adviser

**Appeals & Complaints Procedure**

Contact  
Diocesan Secretary  
at Diocesan Church House

### 11.10 What is the role of the Named Person?

Please see Section 9.4 or Appendix L for a detailed description of all aspects of the Named Person's role. Clearly they have a key role in the use of the CRB. They verify the form which applicants need to fill in to apply for a CRB Disclosure. (Application forms are to be had from the CRB Administrator). Verification means checking that the form has been correctly filled in and that original, appropriate and valid identification documents have been checked.

The latter duty is very important as it tests whether a person is who they say they are. The table on page 11 below shows what identification documents are acceptable and the chart on page 10 shows how many are required in different circumstances. Please study these carefully. **It is vital that you use the ID documents to extract the information which needs to be recorded. It is not acceptable for the ID information to be completed by the applicant or for you to simply rely on personal knowledge of the applicant – ie by putting a cross against the address check because you know that the person lives at the address they have given on the Form. You must see proof. You should also see the applicant face to face to verify photographic ID on passports, driving licences etc.**

To help the applicant and the Named Person to fill in the form correctly, it comes with detailed guidance notes from the Diocesan CRB Administrator. It is important that the forms are filled in correctly because they are processed electronically. If forms are not filled in properly the CRB will return them for correction and the whole process will be delayed.

#### **HERE ARE A FEW DOS AND DON'TS FROM THE CRB**

##### **DO**

- use **black** ink throughout the form
- place only one letter or number in each box
- leave an empty box between words; **BUT NOT** between postcodes or telephone numbers

##### **DON'T**

- use staples to attach anything (ie continuation sheets) to the Disclosure Form
- place stickers (ie address labels) on the form
- use correction fluid on the form. Errors should be crossed out and the correction inserted as close as possible to the right of the error
- put a line through any section of the form which is irrelevant or write "not applicable" – merely leave the section blank

If everything is in order the Named Person signs the form and sends the form only (**not** the IDs) to the CRB Administrator at Diocesan Church House.

**11.11 What happens next?**

The CRB Administrator will arrange for the Disclosure application to be countersigned and sent to the CRB. The applicant will receive a copy of the resulting Disclosure and a copy will be sent to the CRB Administrator. Appointment can only be finally confirmed by the parish or employing body following notification in writing from the CRB Administrator of a satisfactory Disclosure. In the event of the Disclosure revealing something that gives rise to concern, a risk assessment will be undertaken by the Diocesan Child Protection Adviser (DCPA) which may recommend either appointment, not appointing or appointing with conditions.

The CRB Administrator will write to the parish/employing body to inform them of the outcome of the application but **will not** send them a copy of the actual Disclosure.

If you have any problems completing the form you can get advice from either:

The Diocesan CRB Administrator – 01709 309100 OR

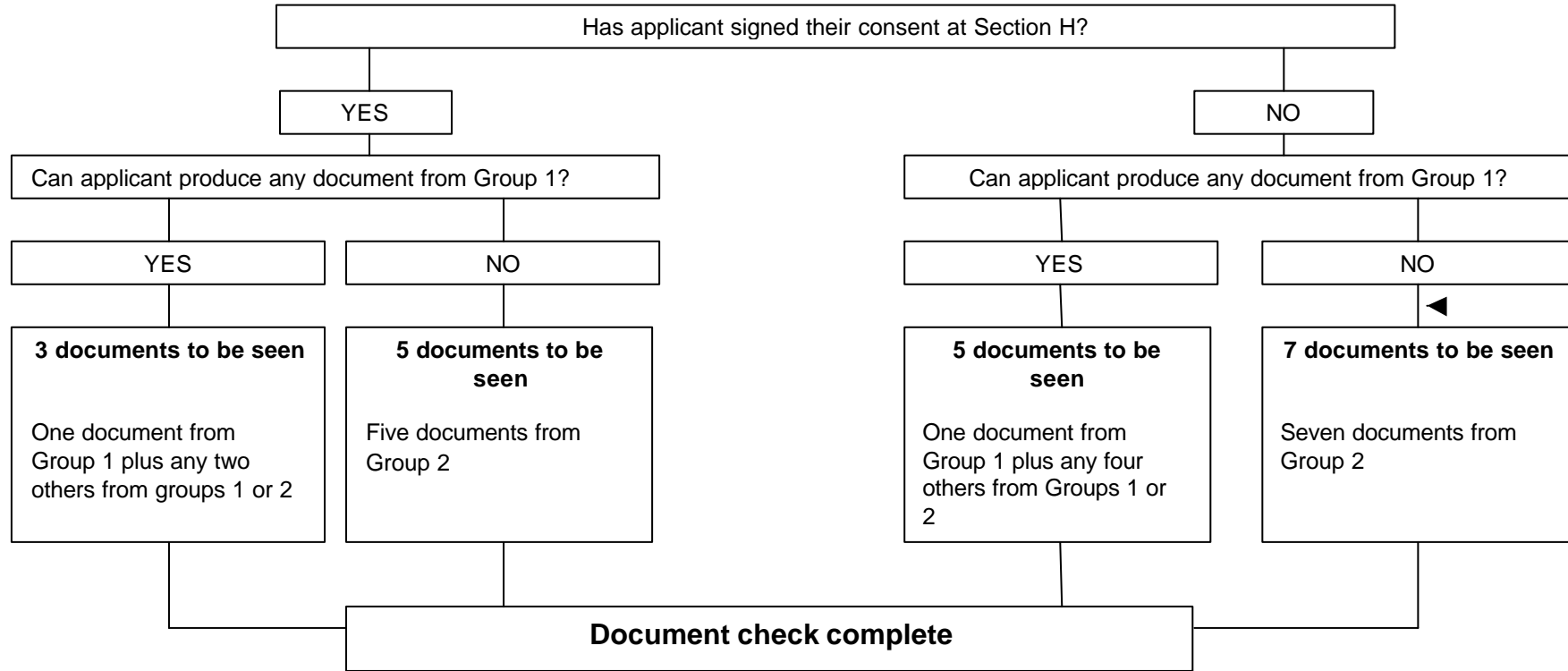
The CRB Helpline – 0870 90 90 844

**Additional Notes for Parishes/Employing bodies**

If you need to make a check on a volunteer from overseas who has never resided in the UK, no information will be available through the CRB. In such cases you should request the volunteer to provide a certificate of good conduct from the country they have moved from, although the validity of these certificates can sometimes be a grey area.

The minimum age of a person on whom a CRB check can be made is 10 years. In the case of checks on young people there will obviously be a limit to the sources of ID they can provide. Every child should have a birth certificate and, in some cases, a passport. Children nearing school leaving age will also have a National Insurance number. An additional acceptable source of ID is a letter from the child's headteacher confirming their identity. In the case of minors the application form should be completed and countersigned (in Section H 68 & 69) by the parent or guardian.

**WHICH DOCUMENTS SHOULD BE SEEN TO CONFIRM IDENTITY?**



**Please note:** All documents must be in the applicant's current name. At least one document must show the applicant's current address and at least one document must show the applicant's date of birth. Please ensure the details in the documentation match those given on the application form.

Crossing the box at line X15 on the application form tells the CRB that you have seen 2 documents from Group 2 showing evidence of the applicant's current address.

If the ID documents recorded in Section X of the application form are insufficient to complete the document check (as shown above) please list on a separate sheet of paper any additional documents the applicant has provided. Please ensure that the applicant's name and Form Ref No (which begins F1000...) are quoted on the sheet.

**TABLE OF DOCUMENTS ACCEPTABLE TO CRB IN DISCLOSURE APPLICATIONS**

|                |  |
|----------------|--|
| <b>GROUP 1</b> | Valid passport (any nationality) <b>Compare photo for likeness with applicant</b>  |
|                | UK Driving licence (photocard or paper). <b>If photocard, compare for likeness with applicant</b>                              |
|                | Original UK Birth Certificate (issued within 12 months of date of birth) (full or short form acceptable)                       |
|                | Valid photo identity card (EU countries only)  |
|                |  |
| <b>GROUP 2</b> | Marriage Certificate   |
|                | Non-original UK birth Certificate (issued after 12 months of date of birth) (full or short form acceptable)                    |
|                | P45/P60 statement**  |
|                | Bank or Building Society statement   |
|                | Utility bill (electricity, gas, water, telephone (inc mobile phone)*)  |
|                | Valid TV Licence   |
|                | Credit Card statement*   |
|                | Store card statement*  |
|                | Mortgage statement*  |
|                | Valid Insurance Certificate  |
|                | Correspondence or a document from:<br>The Benefits Agency<br>The Employment Service<br>The Inland Revenue<br>A Local Authority |
|                | Financial statement (eg Pension, Endowment, ISA)**   |
|                | Valid Vehicle Registration document  |
|                | Mail order catalogue statement*  |
|                | Court Summons**  |
|                | Valid NHS Card   |
|                | Addressed Payslip*   |
|                | National Insurance Number card   |
|                | Exam Certificate (eg GCSE, NVQ)  |
|                | Child Benefit book**   |
|                | Connexions card  |
|                | Certificate of British Nationality   |
|                | Work Permit/Visa**   |

\* Documentation should be less the 3 months old

\*\* Issued within past 12 months

**11.12 How the applicant and the parish are notified of the outcome**

An application for a Disclosure has been sent to CRB – what happens next?

- CRB aims to issue a Disclosure within 28 days. They will send it by 1<sup>st</sup> class post, clearly marked “*Strictly private and confidential, for the addressee only*”. On the reverse it will state “*If undelivered please return to PO Box 165, Freepost, Liverpool, L3 1ZY*”.
- one copy goes direct to the applicant. The second, in respect of volunteers and paid workers, goes to the CRB Administrator at Diocesan Church House and, in the case of clergy and licensed workers, to the Bishop’s Chaplain at Bishopscoft.
- Clear Disclosures (the majority): the CRB Administrator will log the details – name of applicant, date of issue, CRB reference number - but the documents themselves will be destroyed as soon as the employing/appointing body, eg the Parish, has been informed of the result by the CRB Administrator.
- Concerns: where a Disclosure gives cause for concern, it will be stored in a separate secure file, **not** in the individual’s personnel file. Such storage is permitted for up to 6 months, while a risk assessment is undertaken, the employing body informed of the result and any appeal considered. After this the Disclosure will be destroyed as above. Notifying an unfavourable risk assessment to the appointing body may have profound pastoral as well as employment implications. The DCPA may be consulted for advice.
- Records: the Disclosure document, while retained, remains with the Diocese not the recruiting Parish. The Parish will only get the Diocese’s judgement on the Disclosure and, even then, it will only go to those with a legitimate need to know

**Attached are examples of the sort of letter of notification which Incumbents, PCCs and applicants might receive. The suggested forms of words for each type of notification will be tailored to suit each case.**

**EXAMPLE OF A LETTER OF NOTIFICATION TO AN APPLICANT**

Dear.....[*name of applicant*]

You recently applied for an appointment as..... at the Church of..... and agreed to an application being made to check the Criminal Records Bureau (CRB) to ensure that you have no history which would make you a risk to children and young people.

***then, either***

I am pleased to tell you that the check was clear. Please contact the priest in charge of the parish for confirmation.

***or***

I am sorry to tell you that the information contained in the CRB Disclosure has given cause for concern. The Diocesan Child Protection Adviser is making a risk assessment and you will be notified of the outcome as soon as possible.

***then***

Only those who need to know have been given this information and have been reminded that it is confidential and procedures are in place to destroy the documents after an appropriate time.

Every effort is made to ensure that all recruitment decisions involving Disclosure information are made sensitively and fairly. Should you feel that this has not happened in your case or that the information supplied by the CRB is incorrect, there is an Appeals and Complaints procedure. You should write to the Diocesan Secretary at Diocesan Church House (95-99 Effingham Street, Rotherham, S65 1BL) giving your name and address, the nature of your complaint or appeal, the date and CRB reference number of the Disclosure, the identity of the person or appointing body responsible for making the appointment and any other relevant information. The Diocesan Secretary will initiate an independent assessment of the issues in question.

(NB the appeals and complaints procedure should be registered within 6 months of the Disclosure being notified).

CRB Administrator  
The Diocese of Sheffield  
Church House  
95-99 Effingham Street  
Rotherham S65 1BL

**EXAMPLE OF A LETTER OF NOTIFICATION TO AN INCUMBENT AND PCC**

*To the Appointing/Employing Body*

**Disclosure Assessment Outcome**

Date .....

**For the attention of**..... (*the person responsible for making the appointment*).....(*name of applicant*), having applied for the post/volunteer position (delete) of ..... has submitted an application for a Disclosure to the CRB.

***then, either***

The CRB has now supplied the Diocese of Sheffield, in its capacity as umbrella body, with the resulting Disclosure. On the basis of the information contained there is nothing to hinder the appointing body from completing the recruitment process.

***or***

The CRB has now supplied the Diocese of Sheffield, in its capacity as umbrella body, with the Disclosure. On the basis of this information we have been advised that a risk assessment should be undertaken. The Diocesan Child Protection Adviser (DCPA) will contact the Incumbent to discuss the matter, will conduct the assessment and inform the CRB Administrator. You will be notified of the outcome as soon as possible.

Recipients of this document are reminded that the information contained in a Disclosure is limited to a statement of fact up to and including the date on which it was issued, subject to any error or omission in the sources of information at the disposal of the CRB. In the event of an applicant considering that they may have been unfairly treated, an appeals and complaints procedure has been established. Details about the procedure may be obtained from the Diocesan Secretary at the address below.

Signed .....Diocesan CRB Administrator

**The Diocese of Sheffield, Diocesan Church House, 95-99 Effingham Street, Rotherham, S65 1BL**

**11.13 What to add to your Balance parish response**

The Diocese of Sheffield has registered as an umbrella body of CRB. The Parish (or other potential employer or recruiter of volunteers) wishing to use this facility will need to consider adding an appropriately modified form of words to their Response to Balance.

“The Parish of.....

- is committed to respecting each individual’s abilities, skills, experience and qualifications and will take every step to ensure that these are given appropriate weight and consideration in the appointment or recruitment process
- will ensure that each paid post or volunteer position is assessed for the appropriateness of a CRB Disclosure, that any advertisement of a paid post or volunteer position will state that an appointment will be subject to the receipt of satisfactory Disclosure information
- will request candidates for a paid post or volunteer position to complete a self-declaration form (see Balance Appendix C form 2) which requires them to declare any convictions or other behaviour which might prejudice their appointment. This information will only be taken into account when relevant to the post in question. It should be submitted in an envelope clearly marked “Private and Confidential” and handed to the person specifically identified for this purpose in the recruitment process
- will assist the potential appointee to apply to the Diocesan CRB Administrator for an application for a CRB Disclosure. The completed CRB application will be verified by the Named Person and returned to Diocesan Church House
- will only confirm the appointment when notified in writing by the CRB Administrator that the Disclosure is clear (ie will not take the word of the applicant)
- will make every effort to ensure that all recruitment decisions involving Disclosure information are made sensitively and fairly. Should an applicant for a paid post or volunteer position feel that this has not happened in their case the matter can be referred to the Diocesan Secretary, Diocesan Church House, 95-99 Effingham Street, Rotherham, S65 1BL, who will initiate an independent assessment of the issues in question.

In the event of an appeal or complaint the applicant should submit the appeal or complaint in writing, stating their name and address, the nature of the complaint or appeal, the date of the Disclosure document concerned and the CRB reference number, the identity of the person or appointing body responsible for making the appointment, and any other relevant information. NB - CRB advise that appeals and complaints should be registered within 6 months of the Disclosure being notified.

Please see Appendix H (Annex A) for a model Balance parish response.

#### **11.14 What are the safeguards to protect confidentiality?**

The CRB has laid down security standards in its Code of Practice. These must be followed by all organisations handling sensitive information received from the CRB. The CRB rules prohibit the retention of any copy of either an Application for a Disclosure (other than by the Applicant personally) or correspondence related to the Application. No Disclosure can be kept by the Diocese longer than 6 months after the employment decision has been made or an appeal has been resolved. A unique code number is retained to enable access to the Disclosure to be made again should it be necessary. Rules have also been laid down for the confidential destruction of all documents related to an individual's application. (see Appendix I on record keeping and the Data Protection Act.

#### **11.15 Vulnerable Adults**

The CRB offers a Disclosure service to people who work with vulnerable adults as well as those who work with children and young people (see Section 1.5 for a definition of a vulnerable adult).

The CRB gives the following advice on what are the appropriate levels of Disclosure for people working with vulnerable adults:

*A person in sole charge of vulnerable adults of the following description is entitled to an ENHANCED DISCLOSURE. A vulnerable adult for the purposes of an Enhanced Disclosure is a person aged 18 or over who receives a service of a type listed in paragraph 1 (below) and in consequence of a condition of a type listed in paragraph 2 (below), has a disability of a type listed at 3 (below).*

*The services are:*

- *accommodation and nursing or personal care in a care home*
- *personal care or support to live independently in her own home*
- *any services provided by an independent hospital, clinic, independent medical agency or NHS body*
- *social care services; or*
- *any services provided in an establishment catering for a person with learning difficulties*

*The conditions are:*

- *a learning or physical disability*
- *a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or*
- *a reduction in physical or mental capacity*

*The disabilities are:*

- *a dependency upon others in the performance of, or a requirement for assistance in the performance of basic physical functions*
- *severe impairment in the ability to communicate with others, or*
- *impairment in a person's ability to protect him or herself from assault, abuse or neglect*

*The following type of position attracts a STANDARD DISCLOSURE:  
any employment or other work which is concerned with the provision of care services to vulnerable adults and which is of such a kind to enable the holder of that employment or other person engaged in that work to have access to vulnerable adults in receipt of such service in the course of his normal duties.*