A B Medical Services (UK) Limited

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

Home Office

CODE OF PRACTICE

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 deregister 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 of the Independent Safeguarding Authority 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.

CRB CODE OF PRACTICE

GLOSSARY OF TERMS

Additional Information (Enhanced Disclosures Only). -In a very small number of circumstances (typically to protect the integrity of current police investigations), additional information may be sent under separate cover to the Countersignatory. Please note, the applicant's copy of the Disclosure will not refer to this information. Therefore is information must not be shared with the applicant.

Where the police issue a separate letter, the Countersignatory's copy of the Enhanced Disclosure will contain the following words '**Please refer to letter sent under separate cover**', printed under the '*date of issue'* on the Disclosure.

Approved Information (Enhanced Disclosures Only). - This is non-conviction information provided by the police from their local records. The Chief Police Officer in each force will decide what, if any, information to provide. The CRB will print this information on both the applicant's and the Countersignatory's copy.

Assurance Audits - Used to determine the level of compliance of Registered Bodies focussing on Id validation and data quality. It takes the form of a self-assessment questionnaire that must be completed by Lead Signatories. Where areas of non-compliance have been identified, they are addressed in a detailed report to the Lead Signatory, and in some cases a Compliance Visit to the organisation may also take place for further examination of their internal processes.

Counter-signatory - A person within a Registered Body who is registered with the CRB to countersign applications and receive the Disclosure.

Criminal Records Registration Regulations 2006 - Conditions set by CRB which must be met in order to maintain registration status.

Disclosure - The term that is used to describe the service provided by the CRB and the document issued to the applicant and Registered Body when a CRB check has been completed.

Exceptions Order 1975 - The Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974 sets out those occupations and positions exempt from the provisions of the ROA. These are generally positions of trust, where there is a valid need to see a person's full criminal history in order to assess their suitability for a position. This information is intended as general guidance only. It must not be regarded as a definitive interpretation of the Act. Anyone requesting further guidance should seek legal advice.

Enhanced Disclosure - Also referred to as an Enhanced check. These are for posts that involve a far greater degree of contact with children or vulnerable adults. In general the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Examples include a Teacher, Scout or Guide leader. Enhanced checks are also issued for certain statutory purposes such as gaming and lottery licences.

This level of check involves an additional level of check to those carried out for the Standard CRB check - a check on local police records. Where local police records contain additional information that may be relevant to the post the applicant is being considered for, the Chief Officer of police may release information for inclusion in an Enhanced check.

Exempted Question - An exempted question is a valid request for a person to reveal their full criminal history (including spent convictions) and is made possible by virtue of the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974.

Independent Safeguarding Authority (ISA) - The ISA have been created to help prevent unsuitable people from working with children and vulnerable adults by working in partnership with the Criminal Records Bureau (CRB), gathering relevant information on every person who wants to work or volunteer with vulnerable people

Identity Verification Checks - A process that Registered Bodies undertake to check and validate the information provided by the applicant on the application form.

Lead signatory - A senior figure within a Registered Body who has overall responsibility for the use of the CRB checks in their organisation.

Online Tracking - Facility than can be used on the CRB website to track an application by providing the form reference number and date of birth.

Part V Police Act 1997 - The piece of legislation that brought about the CRB.

Personal Data - Data which relates to a living individual who can be identified from that data.

(Sensitive) Data – Data which includes:

- Racial or ethnic origin
- Religious or other beliefs of a similar nature
- Physical or mental health or condition
- Sexual life
- Offences (including alleged offences)

Portability - Portability refers to the re-use of a CRB Disclosure, obtained for a position in one organisation and later used for another position in another organisation.

This practice is no longer endorsed by the CRB due to the risks factors involved.

Registered Body - Organisations that have registered directly with the CRB to use its services.

Rehabilitation of Offenders Act (ROA) 1974 - The Rehabilitation of Offenders Act (ROA) 1974 enables some criminal convictions to become 'spent', or ignored, after a 'rehabilitation period'. A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions, an ex-offender is not normally obliged to mention the conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.

Standard Disclosure - Also referred to as a Standard check. These are primarily for posts that involve working with children or vulnerable adults. Standard checks may also be issued for people entering certain professions, such as members of the legal and accountancy professions. The Standard check contains details of all convictions held on the PNC including current and 'spent' convictions as well as details of any cautions, reprimands or final warnings. If a position involves working with children, the CRB check will indicate whether information is held on three government lists of those who are banned from working with children or the vulnerable.