

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PERSONNEL COMMITTEE

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Agenda Item No.

meeting date: 21 NOVEMBER 2012  
title: CRB UPDATE  
submitted by: DIRECTOR OF RESOURCES  
principal author: LIZ RAWSON

## 1 PURPOSE

1.1 To update Members on changes to the Criminal Records Bureau (CRB) and the introduction of the combined Disclosure and Barring Service (DBS).

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – the CRB supports our efforts to protect vulnerable adults and children. The review of any such procedure is an important part of this process.
- Corporate Priorities – the Council is working towards making people's lives safer and healthier and the procedure of checking and re-checking eligible postholders helps protect the children and vulnerable adults of Ribble Valley for whom the Council provides services.
- Other Considerations – none.

## 2 BACKGROUND

2.1 The Council has a legal responsibility to carry out CRB checks on certain postholders.

2.2 The Council also has a responsibility to carry out CRB checks on taxi drivers but this is outside the remit of this report as it is dealt with by our Legal Services Section. This report considers only employees and volunteers working on behalf of the Council.

2.3 The CRB provides a service which allows organisations such as ourselves to check information held on the police computer (PNC) and on the 'barred' lists, where it is considered that the postholder is eligible for a CRB check. As the name suggests, the barred list is a list of people who are barred from working with children and/or vulnerable adults.

2.4 There are several pieces of legislation governing the CRB which are:

- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
- Police Act Part V 1997
- Safeguarding Vulnerable Groups Act 2006
- Data Protection Act 1998
- Police Act 1997 (Criminal Records) (Registration) Regulations 2006
- Protection of Freedoms Act 2012

- 2.5 Over the last few years, there have been a number of changes to the procedures with regard to CRB. Most recently, there will be the introduction of the new combined Disclosure and Barring Service on 1 December 2012. This will replace the existing Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA).
- 2.6 This new combined service is the result of the Government's review of the service and the "scaling back of the criminal records and barring systems to more proportionate levels" whilst ensuring that the systems continue to provide effective protection for those who need it. The changes to these systems are covered under the Protection of Freedoms Act 2012.
- 2.7 Previously all those that worked in a regulated activity or had contact with vulnerable adults/children would have required a CRB check. However, the definition of regulated activity has now been changed and controlled activities have been removed. Those with incidental contact would not require a CRB check. The list of posts which require a CRB check is now much reduced from when CRB checks were introduced.
- 2.8 There are two types of disclosure available to us:
- Standard Disclosure – this provides details of all convictions held on the police national computer, including 'spent convictions' together with cautions, reprimands or final warnings. To be eligible for a standard level CRB check, the post must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.
  - Enhanced Disclosure – this contains all the information provided on a standard disclosure ie via the police national computer but also includes information held on local police records, which the police consider relevant to the post to be held. It also means that the barred lists are checked for adults and/or children (for certain posts that fall within the definition of Regulated Activity). It is intended for those supervising or being in sole charge of children or vulnerable adults. To be eligible for an enhanced level CRB check, the post must be in both the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 and the Police Act Regulations.
- 2.9 The current costs for disclosures are £44 (enhanced) and £26 (standard). There is no charge for volunteer CRB checks.
- 2.10 We undertake disclosures for posts which are considered to meet the criteria. Over the years, the criteria has changed as a result of various reviews within the CRB.
- 2.11 The list of posts which are currently considered eligible for a CRB check are listed below:

**CRB - LIST OF POSTS ELIGIBLE FOR A CRB CHECK - NOVEMBER 2012**

<b>Establishment Post</b>	<b>Directorate</b>	<b>Disclosure Required</b>
Senior Civil Enforcement Officer	Community Services	Standard
Civil Enforcement Officer	Community Services	Standard
Community Sports Facilitator	Community Services	Enhanced
Duty Officer (Ribblesdale Pool) x 3	Community Services	Enhanced
Health and Fitness Development Officer	Community Services	Enhanced

<b>Establishment Post</b>	<b>Directorate</b>	<b>Disclosure Required</b>
Health Development Officer (Walks)	Community Services	Enhanced
Lifeguard (Ribblesdale Pool) x 4	Community Services	Enhanced
Sports Development Officer	Community Services	Enhanced
Swimming Teacher (Ribblesdale Pool) x 2	Community Services	Enhanced
<b>Volunteers</b>		
Youth Gym Workers	Community Services	Enhanced
Walk Leaders (Stepping Out Programme)	Community Services	Enhanced
<b>Casuals</b>		
Lifeguards (Ribblesdale Pool)	Community Services	Enhanced
Swimming Teachers (Ribblesdale Pool)	Community Services	Enhanced

- 2.12 For posts where a disclosure is required, this is normally obtained at the time of recruitment to the post. It is also our usual practice to re-check after 3 years. There is no legal requirement to re-check after 3 years but it is considered to be good practice to have a rolling programme in place in order to protect the interests of the authority.
- 2.13 In most cases, the disclosure is returned with 'no information recorded' which indicates that there are no criminal convictions, cautions or reprimands. However, there have been instances when a criminal record or caution or reprimand has been disclosed on a CRB check. The authority must then decide, based on a risk assessment, whether the information disclosed would have any impact or relevance for that post. An offer of employment may be rescinded as a result.
- 2.14 It is very important that only eligible posts are checked – not posts that we think should be checked or would like to check. The Council is legally responsible for ensuring that it is entitled to ask that postholder to undertake a CRB check. It is a criminal offence to request a CRB check for ineligible posts. The CRB has the power to de-register the Authority if we ask for ineligible posts to be checked. This would mean that the Council would lose its registered body status resulting in the Council having to pay a third party organisation to process all the CRB checks and therefore increase the cost of any check.

### 3 ISSUES

- 3.1 It is not anticipated that these changes will significantly affect the Council. We will continue to undertake CRB checks at the time of appointment for eligible posts. More significant have been the changes to the identity checking arrangements for those who require a CRB check. See Appendix 1 for a list of valid identity documents. Procedures have already been put in place to ensure compliance with the new requirements which became effective in May 2012 and September 2012.
- 3.2 The new identity checking requirements are more onerous but this is offset against the reduced number of posts eligible for a CRB check. There is a requirement for casuals and volunteers to be checked in certain posts but this may change in the future for some posts.

3.3 It is hoped that early in 2013, an online update service may become available which will allow individuals to re-use a CRB check but there will be a cost associated with this and details have not yet been finalised.

#### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – an offer of appointment may have to be rescinded depending on the details on the CRB disclosure which would lead to additional resources being required to repeat the recruitment and selection process. There are costs associated with the obtaining of CRB checks but the potential financial costs and reputational damage if there were to be an incident, far outweighs that cost.
- Technical, Environmental and Legal – the review of the CRB has been carefully considered and taken some time to complete. It is a legal requirement to undertake CRB checks for eligible posts and it is recognised as good practice to have a robust CRB procedure in place.
- Political – no implications identified.
- Reputation – failure to adequately check those individuals working for the Council in eligible posts could damage our reputation if there were to be an incident involving a vulnerable adult/child or if information came to light after their appointment which we should have been aware of as a result of a CRB check.
- Equality & Diversity – we need to ensure that all individuals are given equality of opportunity and that we operate in accordance with the Rehabilitation of Offenders Act and the Protection of Freedoms Act, requesting and considering only information which is relevant to the post.

#### 5 CONCLUSION

5.1 It is anticipated that there will be further developments and changes once the Disclosure and Barring Service (DBS) is introduced on 1 December 2012. These developments will be monitored and our procedures and processes amended where necessary to continue to protect the Council's interest and the children and/or vulnerable adults for whom we deliver services.

LIZ RAWSON  
PERSONNEL OFFICER

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DIRECTOR OF RESOURCES

For further information please ask for Liz Rawson extension, 4409.

REF: LR/EL/21111205/PERSONNEL

## **CRB CHECKS - List of Valid Identity Documents – as at September 2012**

### **We need to see 3 documents plus evidence of National Insurance Number**

1 document from Group 1; and 2 further documents from either Group 1, 2a or 2b; one of which must verify their current address.

#### **Group 1 – Primary Trusted Identity Credentials**

- Current valid Passport.
- Biometric Residence Permit (UK).
- Current Driving Licence (UK) (Full or provisional) Isle of Man /Channel Islands;
- Photo card only (a photo card is only valid if the individual presents it with the associated counterpart licence; except Jersey).
- Birth Certificate (UK and Channel Islands) - issued at the time of birth;
- Full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces. (Photocopies are not acceptable).

#### **Group 2a – Trusted Government/State Issued Documents**

- Current UK Driving licence (old style paper version).
- Current Non-UK Photo Driving Licence (valid for up to 12 months from the date the applicant entered the UK).
- Birth Certificate (UK and Channel Islands) - (issued after the time of birth by the General Register Office/relevant authority i.e. Registrars – Photocopies are not acceptable).
- Marriage/Civil Partnership Certificate (UK and Channel Islands).
- Adoption Certificate (UK and Channel Islands).
- HM Forces ID Card (UK).
- Fire Arms Licence (UK and Channel Islands).

#### **Group 2b – Financial/Social History Documents**

- Mortgage Statement (UK or EEA)\*\* (Non-EEA statements must not be accepted).
- Bank/Building Society Statement (UK and Channel Islands or EEA)\* (Non-EEA statements must not be accepted).
- Bank/Building Society Account Opening Confirmation Letter (UK).
- Credit Card Statement (UK or EEA)\* (Non-EEA statements must not be accepted).
- Financial Statement \*\* - e.g. pension, endowment, ISA (UK).
- P45/P60 Statement \*\*(UK & Channel Islands).
- Council Tax Statement (UK & Channel Islands). \*\*
- Work Permit/Visa (UK) (UK Residence Permit) (valid up to expiry date). \*\*\*
- Letter of Sponsorship from future employment provider (Non-UK/Non-EEA only – valid only for applicants residing outside of the UK at time of application).
- Utility Bill (UK)\* – Not Mobile Telephone.
- Benefit Statement\* - e.g. Child Allowance, Pension.
- A document from Central/ Local Government/ Government Agency/ Local Authority giving entitlement (UK & Channel Islands)\*- e.g. from the Department for Work and Pensions, the Employment Service, Customs & Revenue, Job Centre, Job Centre Plus, Social Security.
- EU National ID Card.

- Cards carrying the PASS accreditation logo (UK and Channel Islands).
- Letter from Head Teacher or College Principal (16/19 year olds in full time education – (only used in exceptional circumstances when all other documents have been exhausted) (UK).

Please note:

If a document in the List of Valid Identity Documents is:

- Denoted with \* - it should be less than three months old.
- Denoted with \*\* - it should be issued within the past 12 months.
- Not denoted – it can be more than 12 months old.