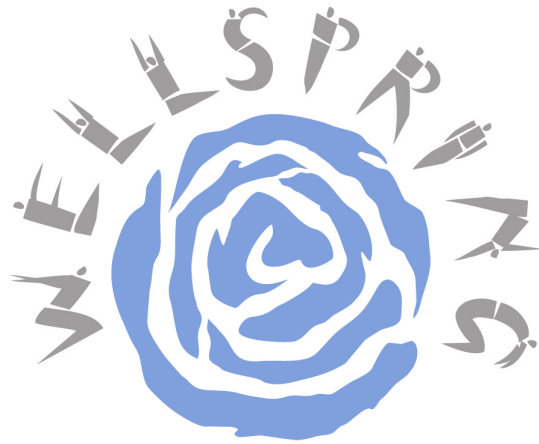


Wellspring Healthy Living Centre (WHLC Ltd)

CRB Policy



Healthy Living Centre

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1. Introduction

Ex-offenders comprise a large proportion of the workforce, and research has shown that employment is the single most important factor in reducing reoffending.

The Rehabilitation of Offenders Act 1974 was introduced to ensure that ex-offenders who have not re-offended for a specified period of time since the date of their conviction are not discriminated against when applying for jobs.

The Criminal Records Bureau (CRB) is an Executive Agency of the Home Office. It acts as a central access point for organizations checking police records and, in relevant cases, information held by the ISA (Independent Safeguarding Authority). The CRB provides the information we need to help assess the suitability of applicants for certain positions; this service is known as Disclosure.

Some posts within the Centre are exempt from the Rehabilitation of Offenders Act in order to protect certain vulnerable groups. These include posts involving access to children, young people, the elderly, disabled people, alcohol or drug misusers and the chronically sick. There are also some other posts that fall within this category. Therefore all applicants who are offered employment will be subject to a criminal records check from the CRB before the appointment is confirmed.

Wellspring Healthy Living Centre undertakes to deal with any information received in respect of previous convictions fairly and discreetly, taking into account legal obligations and good practice. Each individual case will be carefully considered on its own merits to avoid discrimination. Information will be used only to assess an applicant's suitability for employment.

2. Employment of Ex-Offenders

2.1 PROCEDURES FOR SUBMITTING DETAILS ABOUT CONVICTIONS

1. All applicants for posts exempt from the Rehabilitation of Offenders Act are asked to submit appropriate written details about their previous criminal convictions and other associated information, with dates. This information should be in a sealed envelope marked "Private and Confidential –Rehabilitation of Offenders Act".
2. Sealed envelopes will be kept with the completed application forms and will not be opened until after the selection process has been completed and a successful candidate has been chosen.
3. The appropriate level of disclosure information from the CRB will be sought in respect of all successful applicants for posts exempt from the Rehabilitation of Offenders Act.
4. If the successful candidate for the post has previously submitted information about a criminal conviction(s), or other criminal record, this information will be checked and verified using the CRB disclosure service.
5. All job offers to successful candidates will be made subject to checks such as references, medical information and disclosure details.
6. If the information provided in the disclosure contradicts that provided by the

applicant, this will be discussed with the applicant once this has been received. There may be valid reasons why the applicant was unaware that they had a criminal record, or it may be that the information contained in the disclosure is inaccurate, or refers to someone with the same name. In any event, applicants should be given the opportunity to explain the situation before a final decision is made. Normally, failure to declare a conviction, caution or bind-over will disqualify applicants from appointment.

2.2 ASSESSING THE RELEVANCE OF CRIMINAL RECORDS

The suitability for employment of an individual with a criminal record will vary, according to the job and the details and circumstances of any convictions. In order to ensure that fair decisions are made, the applicant's criminal record will be assessed in relation to the tasks that he or she will be required to carry out and the circumstances in which the work will be carried out. The following considerations will apply in making the decision:

- Does the post involve one-to-one contact with children or other vulnerable groups as employees, customers and clients?
- What level of supervision will the post holder receive?
- Does the post involve direct contact with the public?
- Does the post involve any direct responsibility for finance or items of value?
- Will the nature of the job present any opportunities for the post holder to re-offend in the place of work?
- The seriousness of the offence(s) and its relevance to the safety of other staff, customers, clients and property
- The length of time since the offence(s) occurred
- Any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example the influence of domestic or financial difficulties
- Whether the offence was a one-off, or part of a history of offending
- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely
- The country in which the offence was committed; some activities are offences in Scotland and not in England and Wales, and vice versa
- Whether the offence has since been de-criminalised by Parliament
- The degree of remorse, or otherwise, expressed by the applicant and their motivation to change

This list is not exhaustive and other matters may be taken into consideration.

2.3 REVIEWING POLICIES AND PROCEDURES

Wellspring Healthy Living Centre is an equal opportunities employer and will keep this policy under review in order to ensure that all decisions about the employment of people are non-discriminatory.

3. Disclosure Application Procedure

3.1 APPROPRIATE LEGISLATION AND REGULATIONS

CRB Code of Practice

WHLC CRB Policy March 2010

The Protection of Children Act 1999

Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000.

The Rehabilitation of Offenders Act Exceptions Order

The Department for Education and Skills (DfES) List 99

The Protection of Vulnerable Adults (POVA) scheme

3.2 WHEN SHOULD THIS PROCEDURE BE USED?

The disclosure application process will be undertaken when recruiting employees on a permanent or temporary basis. In addition it a three-year rolling programme of disclosure applications for employees will be maintained.

3.3 DISCLOSURE APPLICATION

All those subject to a disclosure check will be required to complete a standard CRB form. The CRB form will be sent with a "Guidance for Disclosure Applicants" booklet with the usual conditional offer of employment.

3.4 WHO SHOULD HAVE A DISCLOSURE?

- Enhanced level: staff where normal duties involve caring for, treating, supervising or being in sole charge of children or vulnerable adults
- Standard level: all other staff working in the Centre which provides treatment and activities for children and vulnerable adults
- Standard level: All board members and volunteers

3.4.1 LEVELS OF DISCLOSURE

There are two types of Disclosure available:

3.4.1.1. Standard Disclosure

This is primarily available to those working in controlled activities, as well as certain other occupations and entry into professions as specified in the Exceptions Order to the Rehabilitation of Offenders Act (ROA) 1974. Standard CRB checks show current and spent convictions, cautions, reprimands and warnings held on the Police National Computer.

3.4.1.2 Enhanced Disclosure

This is the highest level of check available to anyone working in regulated activity with children or vulnerable adults. It is also available in certain licensing purposes and judicial appointments. Enhanced CRB checks contain the same information as the Standard Disclosure but with the addition of:

- Any relevant and proportionate information held by the local police forces.
- A check of the new Children and or Vulnerable Adults barred lists where requested.

3.5 RECRUITMENT

Employment cannot commence without an original disclosure. The relevant recruiting officer will be responsible for ensuring that an original disclosure is undertaken and

sighted. He/she will also be responsible for ensuring that the employee's offer letter contains a clause stating that the offer of employment is subject to receipt of a satisfactory disclosure from the Criminal Records Bureau.
If an unsatisfactory disclosure is received, the offer will be withdrawn.

A Disclosure undertaken by another organisation will not be accepted.

If an applicant refuses to give their signed consent to a disclosure application being undertaken, they must be told that they cannot be appointed to the post.

Under no circumstances can an applicant be appointed if consent to a disclosure application is refused.

3.5.1 RECRUITMENT OF AGENCY STAFF

Agency staff may not commence work without an original disclosure. The recruiting manager must see an original, satisfactory disclosure for all agency staff engaged. Recruiting managers must not rely on an agency's confirmation of having undertaken this task. They must ensure that the disclosure is the correct level for that post and that it has been obtained within the last year. This must be seen prior to commencement of work. If a criminal record is disclosed, the CEO should be notified prior to commencement of work.

If, whilst the worker remains in post, the disclosure expires (i.e. becomes over a year old) the manager must ensure that the agency renew the disclosure or the agency worker ceases to work.

3.6 DISPUTES & DISCREPANCIES

If an applicant believes that the information provided by the CRB is not correct, the applicant shall be given the opportunity to contact the CRB dispute line on 0870 9090 778.

3.7 EXISTING EMPLOYEES

All staff whose posts require a disclosure will be required to complete a new disclosure application every three years.

In cases where a criminal record is disclosed, or a CRB check indicates that the person may be unsuitable to continue in employment, the Chief Executive Officer shall decide whether the employee be suspended from work or transferred temporarily to another post whilst this is under investigation. This may affect the employee's continuing employment with the company.

4. Secure Storage, Handling, Use, Retention & Disposal of Disclosures & Disclosure Information from the Criminal Records Bureau

4.1 HANDLING

In accordance with section 124 of the Police Act 1997, disclosure information is only passed to those who are authorised to receive it in the course of their duties.

A record is maintained of all those to whom disclosures or disclosure information has been revealed and it is recognised that it is a **criminal offence** to pass this information to anyone who is not entitled to receive it.

4.2 RETENTION

During the retention period disclosure information is not kept on an applicant's Personal file and is kept separately and securely. Access is strictly controlled to those who are authorised to receive it. Once a recruitment decision has been made, disclosure information will be destroyed. However, where there is a statutory requirement that this information is retained (i.e. Care Standards Act) or if there is an overriding reason to keep such information, the company reserves the right to do so. When a new manager of a team is appointed they will be notified of any convictions their staff may hold.

4.3 DISPOSAL

Once the retention period has elapsed, any disclosure information is suitably destroyed by secure means. While awaiting destruction, disclosure information will not be kept in any insecure receptacle. No photocopy or other image of the Disclosure or any copy or representation of the contents of a disclosure are to be kept. However, notwithstanding the above, the following information will be stored on the Personnel files.

- the name of the subject
- the type of disclosure requested
- a record of the date of issue of a disclosure
- the position for which the disclosure was requested
- the unique reference number of the disclosure
- the details of the recruitment decision taken.