



Criminal Disclosure Policy and Procedure for Staff and Volunteers

1. INTRODUCTION

The Criminal Records Bureau requires that every registered body nominates a counter-signatory to deal with the procedure for obtaining information about the criminal background of candidates.

2.

The role of the counter-signatory is to:

- Act as the principal point of all contact with the CRB on all matters connected with Disclosure and registration;
- Validate the counter-signatory's application documents;
- Influence the number of Disclosure applications being processed by the organisation;
- Ensure that all new posts requiring disclosure meet the CRB's definition for enhanced or standard disclosures by undertaking a thorough risk assessment;
- Keep up to date on developments and inform organisational decision-making
- Be a channel of communication between the CRB and the organization about disclosures;
- Receive and hold information declared by the shortlisted candidates;
- Confirm the details of the documentary evidence requested by the CRB, to establish the identity of the applicant applying for Disclosure;
- Countersign applications and receive Disclosures;
- Ensure the absolute confidentiality of all information and control the use of access to and security of Disclosures;
- Consider whether any information revealed is relevant to the post and advise the selection panel as appropriate e.g. to reconsider a decision as to whether a candidate should be offered a post;

3. Any organisation registering with the CRB must comply with the Code of Practice drawn up by the CRB. This is designed to ensure that all the Disclosure information provided about successful candidates is handled confidentially and fairly within the organisation. Disclosures must be kept securely and should be disposed of when decisions based on them have been made.

4. Procedure

- At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matters that might be relevant to the position.
- Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- We make every subject of a CRB Disclosure aware of the existence of the CRB Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.
- Having a criminal record will not necessarily bar an individual from being appointed. This will depend on the nature of the position and the circumstances and background of your offences

5. Disclosed Information

- If information is declared and/or disclosed that may be relevant to the position, the Counter-signatory:
 - Has a discussion with the candidate to establish the circumstances surrounding the offence disclosed, and
 - Makes a judgement about the relevance of the offences after taking into account CRB guidance and seeking legal advice where necessary.
- If information is disclosed by the CRB which has not been declared by the candidate, the Counter-signatory must contact the candidate, inform them of the information received and invite their comments. If the candidate denies the disclosed information an authenticity check must be undertaken with the CRB.
- The Counter-signatory can confirm the appointment if:
 - a) the information disclosed does not apply to the candidate, or
 - b) the information is not relevant to the post.
- The Panel must be reconvened, to discuss new information and reach a decision, if after further investigation with the candidate and the CRB, the Counter-signatory forms the view that:
 - a) the information does apply to the candidate; and
 - b) the information may be relevant to the post and could disqualify someone from that area of work.
- If information is declared and/or disclosed that will disqualify them from the post in question, the Counter-signatory must:
 - contact the candidate and explain that the offence disclosed will disqualify them from the post for which they applied, and explain that the information will be placed before the members of the selection panel together with any comments which the candidate may wish to make;and will then:
 - place this information before the panel members together with any comments of the candidate. The Selection Panel will normally decide to withdraw the offer of appointment.

- If the Panel decide to withdraw the offer of employment the Counter-signatory must inform the candidate in writing of the Panel's decision.
- 6. No appointed person may commence in their new role until a satisfactory CRB check has been received.