

Appendix B CRB Survey results

Questions	Number of responses	Comments
Nature of CRB Disclosure information		
If a CRB check is required for a post when do you aim to receive it?	15	<p>Prior to appointment Prior to commencement of appointment We might allow person to start work but would be accompanied whilst working with the vulnerable.</p>
What wording do you use in your contracts is a CRB check is required and the offer is subject to a satisfactory CRB disclosure?	11	<p>We use the template supplied by the CRB itself The offer is subject to satisfactory CRB Disclosure Information Note – this answer is not our wording but a comment on the difficulty we have with additional information on employer CRB checks. Offers are subject to a range of pre-employment checks – however, if there is a delay on any of the items we would expect to be open with the prospective employee about what the problems are. Our offer letter deals with this issue rather than the contract – offer is made subject to satisfactory disclosure in the same way as subject to references. Your appointment is subject to satisfactory conclusion of the CRB check. Please note that an unsatisfactory CRB disclosure may lead to the termination of this contract of employment. We state at provisional offer stage that a final offer will be subject to a satisfactory disclosure etc. Following your recent interview, I am pleased to make you an offer of employment [subject to references/ health declaration/ medical check/ compliance with the Asylum and Immigration Act 1996/ criminal records bureau check satisfactory to the Council. This post falls within the terms of the Exceptions Order under the Rehabilitation of Offenders Act 1974. Therefore an application for a Disclosure will be made to the CRB, which must include details of any “spent” or “unspent” convictions. A form has been enclosed for you to complete and return with your signed acceptance. Once the Council has received a satisfactory report, your start date OR employment will be confirmed. If an unsatisfactory report is received or you fail to reveal information that</p>

		<p>is directly relevant to this post, then the offer of employment may be withdrawn or the appointment terminated, depending upon the contents of the report.</p> <p>In most case we will not offer employment until we have CRB clearance but if not wording would be “Prior to the confirmation of your employment the Council will receive an appropriate level of Disclosure of criminal records in accordance with the Police Act 1997 which is considered to be satisfactory.</p> <p>We were recently audited by the CRB who advised that candidates should not be told specifically that the CRB check was outstanding, only that "pre-appointment enquiries" were outstanding, this means that if the CRB check was not satisfactory because of “additional information” being received we could tell the applicant that our standards had not been met, without specifically mentioning the additional information.</p> <p>We usually delay sending the contract until the check is completed.</p> <p>In the offer letter it is one of the conditions – we state “offer is made subject to a satisfactory CRB check”.</p> <p>The following paragraph is included in all our Statements of Particulars: CRB Disclosures. The nature of this post is such that a disclosure from the CRB is/ is not (delete as applicable) required to ascertain your suitability fro this appointment. If a disclosure is required you should be aware that (a) You must advise your Head of Department of any conviction subsequently receive as this may have a bearing on your continued suitability for the post (failure to disclose a conviction will be treated as a disciplinary offence) and (b) If a disclosure is received which indicates that you are unsuitable for this job this offer of employment will be withdrawn or (if you have commenced work) your employment will be terminated with immediate effect.</p>
<p>CRB checks for existing staff showing either additional information or information not previously shown</p>		
<p>Have you faced this situation at your authority?</p>	<p>2</p>	<p>Yes</p>
<p>If you have, what action did you take?</p>	<p>2</p>	<p>Carried out risk assessment after interviewing applicant and considering all the relevant information.</p> <p>The above question is should be shown in two parts. New information and additional</p>

		<p>information should not be classed as the same. Part of the person's contract of employment is to declare any offences whilst working within the Council. If the person then has a CRB due to a change of post and offences are shown which hasn't declared. Then the action taken would be dependant upon the offence and timescale involved. Each case is looked at individually.</p>
<p>If you haven't what action might you take?</p>	<p>12</p>	<p>Seek appropriate guidance from Legal, HR Employment Law sources, the CRB and police</p> <p>I think we would continue the employment but find a way to ensure the individual is not allowed one to one access to children or vulnerable adults.</p> <p>We would assess the risks to the authority and put appropriate strategies in place to minimise the risks identified. Usually the employee would have a copy of the Disclosure so if any issues were noted on there we would ask them to come in and discuss it with us as they would have that information. We would not then be disclosing anything further. If the employee was still on probation we may be able to terminate employment without giving sensitive information.</p> <p>We currently have an ongoing investigation, where issues have appeared on an employee's 2 year disclosure recheck. Our problem is that the employee was never convicted or charged and the police investigations are now closed. Having carried out a risk assessment, there is a clear potential risk. The Council was considering a compromise agreement, however other gross misconduct issues have materialised whilst the individual has been on sick leave.</p> <p>Would obtain legal advice and speak to CRB.</p> <p>If the information received was conclusive then along side the line manager the individual would be dismissed.</p> <p>We would have to consider each case on its merits. We do stipulate the following: Failure to disclose a criminal conviction, unless it has been "spent" in accordance with the Rehabilitation of Offenders Act 1974, may lead to your appointment being withdrawn or terminated. Any convictions which you receive during your employment with the Council and which could have a bearing on your work, must be declared to your manager, a senior manager or HR.</p> <p>Depending on the information received either keep in employment with additional supervision/ monitoring, to suspend from duty pending further investigation or to</p>

		<p>dismiss for some other substantial reason. Phone EERA!!! We would carry out an investigation under our conduct procedure, which could lead to dismissal. If the check is required for their employment and it subsequently came to light that they could not be employed in that area we would look at the circumstances and decide on a course of action as a result of that. It may be a disciplinary offence depending on the circumstances. At face value, I think this could lead to dismissal with notice. But I think it would very much depend on the facts of the case.</p>
Eligibility issues		
Has your authority considered these issues?	10	
Do you have any guidance which you have developed, which you would be willing to share?	3	Advice is contained within a report and cannot be easily included.
If so please include it here	4	<p>Guidance follows CRB code of practice. We do not check posts unless there is contact with children or vulnerable adults. County Council has a number of posts which although classed as finance roles are working within an area which the person would have regular contact with children or vulnerable adults. The CRB Inspector was clear that continuing, unsupervised and direct contact with children etc is a requirement for a CRB check. Jobs in legal and finance involving probity do not qualify – these professionals are checked by their professional bodies when they are appointed and the employer has no right to check them again. Although we haven't developed any formal guidance for use internally, the "bottom line" is that we would only seek a Disclosure application for a post which has unsupervised access to children or vulnerable adults. As I understand it, only the professional bodies of chartered accountants and solicitors can obtain Disclosure for these people, to check their suitability for entry to the profession.</p>