

CODE OF PRACTICE FOR REGISTERED PERSONS AND OTHER RECIPIENTS OF DISCLOSURE INFORMATION

1 INTRODUCTION

This Code of Practice is published under section 122 of the Police Act 1997 ("the Act") in connection with the use of information provided to registered persons ("Disclosure information") under Part V of that Act.

Disclosure information is information

- contained in criminal record certificates under section 113 of the Act (which are referred to in this Code as "Standard Disclosures"), or
- contained in enhanced criminal record certificates under section 115 of the Act (referred to in this Code as "Enhanced Disclosures"), or provided by the police under section 115(8) of the Act.

Except where indicated otherwise, the Code of Practice applies to all recipients of Disclosure information - that is to say

- registered persons,
- those countersigning Disclosure applications on behalf of registered persons, and
- others receiving such information.

Where reference is made to "employers", this should be read as including any person at whose request a registered person has countersigned an application, including

- voluntary organisations and others engaging, or using the services of, volunteers, and
- regulatory and licensing bodies.

Further information in relation to the Code, and other matters relating to registered persons and others having an involvement with Disclosure information, is contained in an Explanatory Guide.

2 PURPOSE OF THE CODE

The Code of Practice is intended to ensure - and to provide assurance to those applying for Standard and Enhanced Disclosures - that the information released will be used fairly.

The Code also seeks to ensure that sensitive personal information is handled and stored appropriately and is kept for only as long as necessary. Guidance to employers on other matters will be issued separately.

3 OBLIGATIONS OF THE CODE

These are as follows:

3.1 Fair use of Disclosure information

Recipients of Disclosure information shall:

- observe guidance issued or supported by the Criminal Records Bureau ("the Bureau") on the use of Disclosure information - and, in particular, recipients of Disclosure information shall not unfairly discriminate against the subject of Disclosure information on the basis of conviction or other details revealed.

In the interest of the proper use of Disclosure information and for the reassurance of persons who are the subject of Disclosure information, registered persons shall

- have a written policy on the recruitment of ex-offenders, so that a copy can be given to all applicants for positions where a Disclosure will be requested.
- ensure that a body or individual at whose request applications for Disclosures are countersigned has such a written policy and, if necessary, provide a model for that body or individual to use.

In order that persons who are, or who may be, the subject of Disclosure information are made aware of the use of such information, and be reassured Employers shall

- ensure that application forms for positions where Disclosures will be requested contain a statement that a Disclosure will be requested in the event of a successful application, so that applicants are aware of the situation;
- include in application forms or accompanying material a statement to the effect that a criminal record will not necessarily be a bar to obtaining a position, in order to reassure applicants that Disclosure information will not be used unfairly;
- discuss any matters revealed in Disclosure information with the person seeking the position before withdrawing an offer of employment.
- make every subject of a Disclosure aware of the existence of this Code of Practice, and make a copy available on request; and
- in order to assist staff to make appropriate use of Disclosure information in reaching decisions, make available guidance in relation to the employment and fair treatment of ex-offenders and to the Rehabilitation of Offenders Act 1974.

4 HANDLING OF DISCLOSURE INFORMATION

Recipients of Disclosure information

- must ensure that Disclosure information is not passed to persons not authorised to receive it under section 124 of the Act. Under section 124, unauthorised disclosure is an offence;
- must ensure that Disclosures and the information they contain are available only to those who need to have access in the course of their duties;
- must securely store Disclosures and the information that they contain;
- should retain neither Disclosures nor a record of Disclosure information contained within them for longer than is required for the particular purpose. In general, this should be no later than six months after the date on which recruitment or other relevant decisions have been taken, or after the date on which any dispute about the accuracy of the Disclosure information has been resolved. This period should be exceeded only in very exceptional circumstances which justify retention for a longer period.

Registered persons shall

- have a written security policy covering the correct handling and safe-keeping of Disclosure information; and
- ensure that a body or individual at whose request applications for Disclosures are countersigned has such a written policy, and, if necessary, provide a model for that body or individual to adopt.

5. ASSURANCE

Registered persons shall:

- Co-operate with requests from the Bureau to undertake assurance checks as to the proper use and safekeeping of Disclosure information.
- report to the Bureau any suspected malpractice in relation to this Code of Practice or any suspected offences in relation to the misuse of Disclosures.

6. UMBRELLA BODIES

- (a) An Umbrella Body is one which has registered with the Bureau on the basis that it will countersign applications on behalf of others who are not registered.
- (b) Umbrella Bodies must satisfy themselves that those on whose behalf they intend to countersign applications are likely to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act 1974.
- (c) Umbrella Bodies must take reasonable steps to ensure that those to whom they pass Disclosure information observe the Code of Practice.

7. FAILURE TO COMPLY WITH THE CODE OF PRACTICE

The Bureau is empowered to refuse to issue a Disclosure if it believes that

- a registered person, or
- someone on whose behalf a registered person has acted has failed to comply with the Code of Practice.

POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, The Abbeyfield Society complies fully with the CRB Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

The Abbeyfield Society is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

We have a written policy on the recruitment of ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within The Abbeyfield Society and we guarantee that this information is only be seen by those who need to see it as part of the recruitment process.

The Abbeyfield Society, due to the nature of the work with older people, comes within the scope of the Rehabilitation of Offenders Act (Exemption) Order 1975. We therefore must ask for details of criminal convictions, whether 'spent' or not.

We ensure that all those in The Abbeyfield Society who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

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 matter 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 you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.