

CHECKING OF CRIMINAL RECORDS FOR EMPLOYEES

I. Background

Telford College of Arts & Technology recognises the relevant legislation that is in place to protect young people and vulnerable adults. To this end the College will ensure that all those employees and volunteers in the relevant categories have their criminal records checked by adhering to the “Disclosure” procedure. This procedure came into effect on 1 March 2002.

- The new Disclosure Service will enable criminal conviction checks to be undertaken for candidates selected to work with vulnerable people. To access the Disclosure Service, organisations must register with the Criminal Records Bureau (CRB) and comply with its Code of Practice.
- The College has registered as one Body with the Criminal Records Bureau (CRB) where the lead signatory is the Director of Personnel and Administration and there will be 3 counter-signatories. The lead signatory and each counter signatory are subject to an Enhanced Disclosure.

Counter signatories are: Personnel Assistant
 Director of Student Services
 Work Placement Supervisor

- All employees and volunteers within the College will require an Enhanced Disclosure as they are within a “Regulated Position” so far as the law is concerned. **This means that all convictions both spent and unspent MUST be declared on the application for employment form.**
- This Enhanced Disclosure will include details of both spent and unspent convictions, cautions, reprimands and final warnings that are held on the Police National Computer as well as non-conviction information from local Police records if it is thought to be relevant.

2. Procedure

- All recruitment and selection practices will follow the College Recruitment and Selection Policy.
- Once a candidate has been selected for a post he/she will be asked to complete a Disclosure Application Form. The candidate must complete and sign this form and return it to the Personnel Office within 5 days of receipt.
- Any offer of appointment will be conditional on the outcome of this check.
- The Director of Personnel and Personnel Assistant are both registered signatories and authorised to process a criminal records check.
- It is noted that Criminal Records Bureau standards are for a 3 week turnaround for an Enhanced Disclosure and this timescale should be taken into account in the recruitment process.
- It is the responsibility of each Head of Department or line manager to inform the Personnel Office of any person working as a volunteer in their area of work or any volunteer or helper allowed to interact with College students at any location, especially those helping with students under 18 or vulnerable adult College students.

- If the Disclosure shows up any issues of concern the Director of Personnel will communicate the results of the Criminal check with the Vice Principal (Operations) and the line manager. Where there is a perceived risk of future misconduct based on information in the Disclosure this will be considered prior to discussion with the candidate and certainly before any final appointment decision is made. If the candidate's name appears on the PoCA list of DfEE 99 they will not be appointed.
- If the results of the Disclosure require, the potential employee may be interviewed by the Director of Personnel and Vice Principal Operations and a note of the meeting will be made.
- If the Disclosure brings to light information deemed sufficiently serious to withdraw the offer of employment then this shall be confirmed to the prospective employee in writing.
- The prospective employee will have the right of appeal against this decision to the Principal. He/she should place their appeal in writing to the Principal within 7 days of the notification that the offer has been withdrawn.
- Subject to satisfactory clearances (including references) being received the offer of appointment may be confirmed.
- **ADDENDUM** Since the CRB was set up it has been experiencing a serious backlog of requests for Disclosure which has been the subject of much national debate. As at August 2002 delays of over 8 weeks in processing requests are not uncommon. This has a serious effect on the College's recruitment process. Whilst this delay is being experienced appointments may be confirmed and the employee may start in post. However if a Disclosure reveals an issue that has not been previously declared by the applicant he/she will be asked to attend a meeting with the Director of Personnel and the Vice Principal. If it is felt that the applicant deliberately withheld this information to obtain the post, or the nature of the offence is serious then it will be recommended to the Principal that the employee's contract of employment may be terminated.
The employee will have the right of appeal to the Corporation and should place their appeal in writing to the Clerk of the Corporation within 14 days of the notification of dismissal

3. **Existing Employees**

- If it is discovered that an existing employee has not declared a conviction or caution or there is good reason to believe that an employee has been convicted or cautioned during the course of his/her employment then an Enhanced Disclosure will be sought.
- The employee will be asked to attend an interview with the Director of Personnel and Head of Department/line manager to discuss the outcome of the Disclosure.
- At this meeting a full appraisal of the situation will be made and a note kept of the meeting.
- If it is believed that the employee deliberately withheld conviction information to gain employment this will be regarded as very serious and disciplinary procedures will be applied.

4. Code of Practice

As a registered body the College is bound by the Criminal Records Bureau Code of Practice. A copy of the Code is available from the Personnel Office or from the CRB web site www.disclosure.gov.uk

5. Policy on the Recruitment of Ex Offenders

As a registered body the College is required to have a policy on the recruitment of ex offenders. This is attached at Appendix A.

6. Security Policy

The CRB Code of Practice requires Registered Bodies to have a written Policy on the security of Disclosure information. This policy is attached at Appendix B.