



# Norfolk Lowland Search and Rescue

Registered charity No. 1103823



## Policy and Procedure For Criminal Records Bureau Check

### 1.0 Introduction

Any volunteer applying for membership into Norfolk Lowland Search and Rescue (NorLSAR) is required to have a Criminal Records Bureau (CRB) Check; operational members, for example search technicians, and non-operational members, for example those who hold positions solely within NorLSAR's committee.

Disclosure is the service provided by the Criminal Records Bureau to help our organization make safer, more informed recruitment decisions. Norfolk Constabulary is acting on behalf of NorLSAR in order to access Disclosures.

The Rehabilitation of Offenders Act 1974 makes it illegal for an organisation to discriminate against an ex-offender on the grounds of a spent conviction.

However, in order to protect certain vulnerable groups within society there are a large number of posts and professions that are exempt from this Act. These include posts involving access to children, young people, the elderly, disabled people, alcohol or drugs misusers and the clinically sick. Many voluntary organisations, Charities, Health Service appointments and some jobs involving the administration of justice, banking, other financial services and national security are also exempt.

### 2.0 Procedure For CRB Checks

NorLSAR's committee will nominate an authorised person to act as a Disclosure Officer to conduct identity checks and to receive Disclosure information from Norfolk Constabulary.

A criminal record check will be carried out for all members who participate in training, wish to become Operational and Non – Operational members who are in a position that they may come into contact with children or vulnerable adults. The level of the check will be at an Enhanced Level.

Norfolk Constabulary's Information Security & Vetting Manager, coordinating the checks and disclosures for NorLSAR, will receive Disclosure information on the members checked, and individual's themselves will receive a Disclosure Certificate containing the same information.

All membership applications where checks are requested will receive the following information:

***“As this post meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, all applicants who are offered membership will be subject to a Criminal Records Check from the Criminal Records Bureau***

***before the membership is confirmed. This will include details of cautions, reprimands or final warnings as well as convictions. All current members will be subject to a Criminal Records Check in order to have their membership renewed”.***

All membership applications will receive a CRB check application form and an accompanying letter (see appendix 1) which will contain the following statement:

***“A criminal record will not necessarily be a bar to obtaining membership. Disclosure information will not be used unfairly”.***

This is an opportunity for potential volunteers to disclose any cautions/ reprimands/ warnings or convictions at an early stage. See section 4.3 for offences that would mean automatic refusal to NorLSAR membership.

At this stage potential volunteers/ NorLSAR members will be requested to maintain confidentiality of their own CRB checks/ process.

### **3.0 Procedure For Assessing the relevance of a Criminal Record**

The main focus of decision-making will be those offences relevant in terms of protecting children and vulnerable adults. The relevant categories of offences for most purposes are violent, sexual and drug offences, although it should be borne in mind that all three categories cover a wide range of behaviours from the relatively minor to the most grave.

Past offences of dishonesty may not be relevant in terms of protecting vulnerable people from physical harm. Although they may have a bearing on a person’s trustworthiness, there is for example, a distinction between a past offence for fraudulently cashing a cheque in a supermarket and one involved in defrauding an elderly or learning impaired person.

The key principle is that otherwise suitable applicants will not be refused membership because of offences that are not relevant to a position as a volunteer within NorLSAR.

#### **3.1 NorLSAR Disclosure Procedure**

If a new or existing NorLSAR member has anything to disclose from their CRB check, then the following procedure will apply;

- The Disclosure Officer will formally write to the person stating that Norfolk Constabulary confirmed a “trace” has been identified on the CRB check.
- The letter will give the person an opportunity to divulge further information on the trace found, by inviting the person to meet with the Disclosure Officer and present his or her own copy of the CRB certificate.
- If a member declines/ refuses to disclose further information this will lead to a refusal of membership or for existing members membership will be terminated.
- A Disclosure Panel will be formed, consisting of x2 Disclosure Officers, to risk assess the suitability of becoming a volunteer within NorLSAR.

**Note:** During these Disclosure Panel proceedings, only one Officer will know the full name of the person for whom the information concerns to maintain confidentiality.

This same person is the identified individual nominated by the committee to obtain confidential details on traces found, and is the same individual who Norfolk Constabulary discuss relevant CRB checks with

- Advice may be requested by Norfolk Constabulary to assist with decision-making.

### 3.2 Disclosure Panel Assessment

At the Disclosure Panel each case is taken individually and the following issues will be considered:

- The length of time since the offence occurred.
- The circumstances which led to the offence.
- Whether there is a history of offending.
- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely.
- Whether the offence has been decriminalised by Parliament
- Whether the offence committed is "banned" within the legal system for people to work with children.

Discrimination either in favour of or against those current members who have disclosed their criminal record is not permissible (unless the offence debars them) and such information is strictly confidential.

### 3.3 People Banned From Working with Children

Under the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000 a number of people are banned from working with children, as follows:

- People on the DfES List 99
- People on the DoH list
- People on the National Assembly of Wales list
- People aged 18 or over convicted of certain specified offences against those aged under 18 (or 16 in some instances) and given hospital or guardianship order or a custodial sentence of 12 months or more. Suspended sentences of 12 months or more unless treated as qualifying sentences.

The specified (Schedule Four) offences are:

- Murder or manslaughter
- Rape or burglary with intent to commit rape
- Grievous bodily harm
- Cruelty to children
- Kidnapping, false imprisonment and abduction
- Indecent assault on a man or woman
- Sexual intercourse with a child under 13
- Intercourse with a girl aged between 13 and 16
- Buggery with a child under 16
- Incest and related offences
- Assault with intent to commit buggery
- Indecency with children under 14
- Offences relating to or encouraging child prostitution
- Offences relating to child pornography

Also any Offences relating to the Misuse of Drugs or Possession of a Controlled Drug.

#### **4.0 Membership and Fair Treatment of Offenders**

Questions are asked about criminal records to ensure people with such records are not inadvertently placed in vulnerable positions within the organisation.

Having a criminal record will not necessarily prevent an applicant from membership unless it is one of the offences referred to above.

However if it is felt at a Disclosure Panel that a recent or serious offence might mean that a person presents a risk to children or vulnerable adults or a danger to other members then that person will not be placed on the membership register.

Before withdrawing the offer of membership the Disclosure Officer will discuss the Disclosure with the applicant who may wish to dispute the information or provide extenuating circumstances.

#### **5.0 Right To Appeal**

If a volunteer disagrees with any decisions made to refuse/ withdraw membership to NorLSAR following a Disclosure Panel then the individual concerned may instigate an appeal.

The individual writes formally to the **Disclosure Officer** at Norfolk Lowland Search & Rescue, P.O. Box 3138, Norwich NR7 0ZE, with a full explanation for their reasons against the decision made. Any correspondence should be marked "Private and Confidential" when writing to the Disclosure Officer.

The Disclosure Officer will contact the individual to discuss the situation/decision. If a disagreement continues then the Disclosure Panel will seek advice from Norfolk Constabulary. Any decision made following this stage of the appeal will be final.

#### **6.0 Secure Storage, Handling, Use, Retention & Disposal of Disclosure and Disclosure information.**

It is a requirement of the CRB's Code of Practice that all Registered Bodies must have a written policy on the correct handling and safekeeping of Disclosure information. As an organisation using the Criminal Records Bureau (CRB) Disclosure service to help assess the suitability of applicants for membership and positions of trust, NorLSAR complies fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information. The policy is available to those who wish to see it on request.

## 6.1 Confidentiality of Information

Information regarding offences will remain confidential. Members and applicants need to feel confident that information about their police record will not be disclosed to colleagues or unauthorised persons unless there is a specific reason for doing so.

The recipient of Disclosure information, the Disclosure Officer, will ensure this information is not passed onto unauthorised persons.

## 6.2 Storage and Access

The Disclosure Officer will keep disclosure information securely, in lockable, non-portable, storage container with access strictly controlled and limited to those who are authorised to view it as part of their duties i.e. the Disclosure Officers.

## 6.3 Handling

In accordance with section 124 of the Police Act 1997, Disclosure information will only be passed to those who are authorised to receive it in the course of their duty.

The Disclosure Officer will keep a written record of the names of those – whether in the organisation or outside – to whom Disclosure information has been revealed and the reason.

**NB – Lost Disclosures** - If Disclosure information (or information within a Disclosure) is lost, the Disclosure Officer should inform both Norfolk Constabulary and CRB immediately.

## 6.4 Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

## 6.5 Retention

Once a recruitment (or other relevant) decision has been made, Disclosure information will not be kept for longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints.

In very exceptional circumstances, it may be necessary to keep Disclosure information for longer than six months; the Disclosure Officer will contact the CRB for advice.

## 6.6 Disposal

Disclosures will be destroyed in a suitably secure manner – shredding, burning or pulping. They will be kept in a secure receptacle whilst awaiting destruction.

No photocopy or image of the Disclosure will be retained, nor any copy or representation of the contents be made or kept.

Essential data (date, name, type, position, and unique number) will be stored on a secure database.



## Norfolk Lowland Search and Rescue



### Disclosure of Convictions - Statement

Having a criminal record will not be a bar to joining Norfolk Lowland Search And Rescue (NorLSAR) unless the NorLSAR Committee considers that a conviction means that the applicant is unsuitable. Under the requirements of the Rehabilitation of Offenders Act 1974 and any other relevant legislation there may be a need to ask all volunteers to disclose any 'unspent' convictions.

The nature of this membership means that it is exempt from those provisions of The Rehabilitation of Offenders Act 1974 that allows convictions to be regarded as "spent". This is because of the work NorLSAR carries out, working with children and vulnerable adults.

Consequently, all applicants must state whether they have **any** convictions, cautions or bind-overs. Any information given will be treated in complete confidence. A criminal record will not necessarily be a bar to obtaining membership. Disclosure information will not be used unfairly.

Any failure to declare any convictions, cautions or bind-overs which subsequently come to notice will lead to the withdrawal of any offer of membership or to disciplinary action which may lead to termination of membership.

All applicants, whether active operational members or non-operational, for example volunteers assisting with administration duties only, are required to fill in the Criminal Records Bureau Disclosure Application (attached). The CRB forms are to be returned in person to the **Membership Secretary/ NorLSAR Secretary** together with supporting ID documents.

Supporting ID documents required for the process are

- Driving licence – both paper part and ID card
- Passport
- A recent utility bill (electricity, phone bill, council tax etc) to confirm your current address.

If you do not have all of these documents, please contact the Membership Secretary/ NorLSAR Secretary for further information on other documents that can be used.

### **Having a CRB check is a requirement of Membership**

**Please complete below:**

I have read the above statement about Norfolk Lowland Search And Rescue policy on convictions etc, and

- I have nothing to declare.
- I have information to declare and have a separate sealed envelope containing details. (please mark front of envelope “**Private & Confidential**” and address to **Disclosure Officer**)
- I have a completed copy of CRB Disclosure Application Form and have the relevant supporting ID documents.

Please write the Application No: from the CRB form here .....

**Please “Tick” whichever statements above are appropriate**

If you have **nothing** to declare: Please present the relevant ID documents and completed CRB application form to the Membership Secretary or NorLSAR’s Secretary for countersigning. Please hand this form in at the same time

If you **have something to declare**. Please present your ID documents and completed CRB form to the Membership Secretary or NorLSAR’s Secretary for countersigning.

Please hand this form in at the same time. The additional information you wish to declare, should be placed in a separate sealed envelope, and marked as described above. This information can be sent to the following address. Please ensure it is addressed to the “Disclosure Officer”, NorLSAR, PO BOX 3138, Norwich, Norfolk, NR7 0ZE or you can hand the sealed envelope to either the Membership Secretary or NorLSAR Secretary and it will be past onto the Disclosure Officer.

Any information received will be treated in the **STRICTEST CONFIDENCE**

..... *Print Full Name*

.....*Signature*

.....*Date*

---

**For Disclosure Officer Use Only:**

1. *Signed Disclosure Statement received..... Date.....Signed.....*
  2. *CRB Disclosure Application received.....Date.....Signed.....*
  3. *Supporting ID Doc's received.....Date..... Signed.....*
- 
- CRB Disclosure Application sent.....Date.....Signed.....*
  - CRB Disclosure Application returned.....Date.....Signed.....*