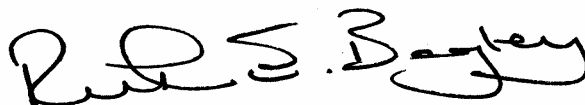


Date of issue: 27 March 2009

MEETING	EMPLOYMENT & APPEALS COMMITTEE (Councillors Mann (Chair), Bains, Buchanan, A S Dhaliwal, Grewal, Hewitt, Long, Qureshi and Stokes)
DATE AND TIME:	MONDAY, 6TH APRIL, 2009 AT 6.30 PM
VENUE:	COMMITTEE ROOM 2, TOWN HALL, BATH ROAD, SLOUGH
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	BRYONY GIBBS 01753 875016

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



RUTH BAGLEY
Chief Executive

NOTE TO MEMBERS

This meeting is an approved duty for the payment of travel expenses.

AGENDA

PART 1

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

Apologies for absence.



AGENDA
ITEM

REPORT TITLE

PAGE

WARD

CONSTITUTIONAL MATTERS

1. Minutes of the Meeting held on Thursday 29th
January 2009 1 - 4

2. Declarations of Interest

(Members are reminded of their duty to declare personal and personal prejudicial interests in matters coming before this meeting as set out in the Local Code of Conduct)

SERVICE IMPLEMENTATION ISSUES

3. Hr Policies & Procedures – Probationary Policy &
Procedure 5 - 24

4. Hr Policies & Procedures – Criminal Records
Bureau Policies, Procedure and Practice 25 - 70

5. Date of Next Meeting - 17th June 2009

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.

Employment & Appeals Committee – Meeting held on Thursday, 29th January, 2009.

Present:- Councillors Bains (Vice-Chair), A S Dhaliwal, Grewal, Hewitt, Long, Qureshi and Stokes

Apologies for Absence:- Councillor Mann

PART 1

17. Declarations of Interest

None.

18. Minutes of the Meeting held on Wednesday 29th September 2008

The minutes of the meeting held on Wednesday 29th September 2008 were approved as a correct record.

A Member queried whether the letter to Cabinet requested at the last meeting relating to the change in date of the Cabinet meeting had been sent. He was advised by the democratic services officer that it had not as no formal resolution had not been proposed or agreed, however the relevant parties had been made aware of the concerns raised.

19. HR Policies & Procedures – Capability Policy and Procedure

The Assistant Director, Human Resources, presented a report to the Committee outlining the proposed amended Capability Policy and Procedure. This policy would provide an improved framework to guide managers and staff in the handling of capability issues affecting staff performance. The amended policy had been circulated in draft form for formal consultation with trade unions and had been approved. Several focus groups had been held with staff, managers, trade unions and HR to engage stakeholders in revising the policy. The review of the policy had been initiated as a result of a capability case which had progressed to the final stage. It was felt by all parties involved (manager, employee and Trade Unions) that at this, the final, stage the policy had lacked sufficient detail. The report outlined several of the key amendments including the inclusion of a detailed stage 3 process and supporting templates of the necessary letters and scripts. A diagram detailing the Capability Policy and Procedure Step Process was tabled.

In the subsequent discussion Members raised a number of questions as follows:

A Member sought clarification of when the policy would be applied, with particular reference to a fall in an employee's performance coinciding with large levels of sick leave. The Committee was informed that the Sickness Absence Policy would be applied in such a case and that the Capability Policy

Employment & Appeals Committee - 29.01.09

and Procedure was intended for use only in connection with staff performance issues.

A Member requested further detail regarding the agreement of job descriptions. The Assistant Director, Human Resources, advised that Job descriptions were provided as part of the application packs and that the suitability of the candidate with regards to the job description was assessed at application and interview stages. Regular reviews formed part of the probationary period of a new employee at which point training needs would be identified. The Capability procedure was only relevant after this period and was not very widely used as staff performance issues were often resolved through informal processes.

A Member asked how long details of any capability proceedings initiated would remain on an employee's employment record and was informed that as background information it would remain indefinitely but that it could only be considered valid by the employer for a 12 month period from the date it was instigated.

A Member queried whether the policy was applicable to senior members of staff and, if so, who was expected to monitor these members of staff. The Committee was informed that the policy only applied to lower grades of staff and that separate processes existed for senior staff in accordance with their terms and conditions.

Resolved - That the Capability Policy and Procedure be approved subject to the following amendments:

- (a) That the procedure be amended to clearly stipulate which posts it is applicable to.
- (b) That the procedure be amended to state what procedures are to be followed where it is not applicable.

20. Membership of the Employment Appeals Sub-Committee

With the permission of the Chair, a Member queried whether the membership of the Employment Appeals Sub-Committee should, under the Council's Constitution, be drawn from the Employment and Appeals Committee, and noted that currently only one of the three primary members of the Sub-Committee was drawn from the Employment and Appeals Committee. Clarification with regards to the training requirements of the Sub-Committee members was also sought.

The Committee was informed by the Democratic Services Officer that at a meeting on 19th June 2008 the Committee had approved the appointment of the Members of the Sub-Committee in line with the Constitution. With respect to the training requirements, Members were obliged to undertake training every year or could not sit on the Employment Appeals Sub-Committee. This training was delivered by the Deputy Borough Solicitor.

Employment & Appeals Committee - 29.01.09

21. Blood Borne Infections/Viruses – Policy and Code of Practice

The Assistant Director, Human Resources presented a report to the Committee on behalf of the Senior Health and Safety Adviser, outlining the proposed Blood Borne Infections/Viruses Policy and Code of Practice. The Policy and Code of Practice would provide a clear source of information with regards to the corporate stance on the employment position for people suffering these conditions and establish a standard to which managers and employees would be expected to adhere. The need for some Directorates to make adaptations to the policy or have additional specific policies was recognised. The policy was developed in consultation with several parties including Occupational Health, the Corporate Management Team and Trade Unions.

In the subsequent discussion Members raised a number of questions as follows:

A Member sought clarification regarding the process to be applied where an employee failed to inform SBC that they had a blood borne infection/virus, as required in the policy. The Assistant Director, Human Resources explained to the Committee that when employment commenced such information had to be disclosed via an occupational health form, however where the medical circumstances of the individual changed subsequently, there was no obligation to inform SBC, although it would be preferred. Where the employee failed to disclose this information to Occupational Health at this first stage, the action taken would depend on the circumstances of the case in question. Principally the policy aimed to encourage a good relationship between employee and employer in order to ensure that such situations did not arise.

A Member enquired as to whether Human Resources would be informed by Occupational Health when a person with such a condition was employed by SBC and were told that this was not automatic but subject to the discussions that Occupational Health had with the individual concerned. Occupational Health would then provide sufficient information, support and guidance to the relevant manager (and employee) as necessary.

Resolved – That the Blood Borne Infections/Viruses Policy and Code of Practice be approved.

22. HR Statistics Report

The Assistant Director of Human Resources presented a report to the Committee detailing the HR statistics for Quarter 3 and identifying the key trends. A similar report for Quarter 2 was tabled for the Committee's consideration. Quarter 2 showed a decrease in staff turnover and sickness absence and an increase in the number of disabled employees and those from a BAME background. These trends were continued into Quarter 3 with staff turnover standing at 1.7% and the number of staff from BAME backgrounds having increased by 0.6%. It was also reported that the number

Employment & Appeals Committee - 29.01.09

of vacancies had fallen in Quarter 3. As requested at the previous meeting of the Committee, the number of staff from BAME categories in posts with pay of £35,000 per annum and over was identified, although the Assistant Director advised that the figure quoted in the report had been transposed and should read 23.9%. Out of this 23.9%, 15% were from Asian/Asian British backgrounds.

A Member enquired as to whether any actions could be taken or were being taken in order to achieve a more balanced ratio in relation to staff gender, which currently stood at approximately 70% females and 30% males. The Committee was informed that whilst this is a traditional/historic reflection of the range of local government activities some areas were more evenly split with the business administration NVQ's being about 50/50. However, it was important that applicants should be appointed to a post based solely on their suitability for the position.

Resolved – That the report be noted.

23. Staff Redundancies

A Member noted that the government had advised that before Local Authorities considered compulsory redundancies, other options should be explored first and queried whether this approach had been followed by SBC. Further to this, the concern was raised that the potential for compulsory redundancies and the consequent uncertainty amongst the staff, might encourage pre-emptive requests for voluntary redundancies whereby the council could lose skilled and experienced staff.

The Chair advised that the matter raised did not relate to an item on the agenda but advised that several options were being considered before compulsory redundancies including voluntary redundancies, requests for reduced hours and the deletion of vacant posts. In addition to this, consultation with the Trade Unions and a formal staff consultation period would also be held. The Deputy Leader of the Council had also advised that if Members sought further clarification regarding this issue they were welcome to contact him.

24. Date of Next Meeting - Monday 6th April 2009

The Committee noted the date of the next meeting.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.37 pm)

SLOUGH BOROUGH COUNCIL

REPORT TO: Employment and Appeals Committee

DATE: 6th April 2009

CONTACT OFFICER: Yvonne Harris, Assistant Director, Human Resources
(For all Enquiries) (01753) 875079

WARD(S): All

PART I
FOR DECISION

HR POLICIES & PROCEDURES – PROBATIONARY POLICY & PROCEDURE

1. **Purpose of Report**

This report seeks agreement to the amendments made to the Council's policy for managing the Probation of employees of the Council in accordance with the attached revised Probationary Policy and Procedure and supporting documentation.

2. **Recommendation(s)/Proposed Action**

The Committee is requested to resolve the approval of the policy and procedure as detailed in Appendix A to ensure that a framework is in place to give clear and fair guidance to managers and staff in the handling of probationary periods. The policy has been circulated in draft form for formal consultation with the Corporate Management Team, the recognised trade unions and the special interest groups - BAME and the Disability Forum. Additionally focus groups have taken place with staff, managers, trade unions, and HR to engage stakeholders in revising the policy. Subject to approval, the policy is to be implemented with immediate effect.

3. **Community Strategy Priorities**

This report indirectly supports the community strategy priorities. The maintenance of excellent governance within the Council to ensure it is efficient, effective and economic in everything it does is achieved through the improvement of corporate governance and democracy and by ensuring good people and management practices are in place.

4. **Other Implications**

(a) **Financial**

There are no financial cost implications to the proposed action, however having fair and transparent procedures reduces the risk of discrimination and therefore of financial award against the Council at Employment Tribunal. It is anticipated that managing the probation periods of staff appropriately will lead to an efficient workforce to deliver services.

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
The Committee is requested to resolve the approval of the policy and procedure as detailed in Appendix A.	This policy and procedure is put in place to assist in the handling of employment matters in a consistent manner.	

(c) Human Rights Act and Other Legal Implications

The Council requires fair and equitable procedures for the effective maintenance of good standards of performance. This policy covers the requirement to satisfy employment law and Human Rights legislation.

(d) Equalities Impact Assessment

The Equalities Impact Assessment Initial Screening is currently being completed.

(e) Workforce

This procedure covers all staff within the Council and provides clear guidance to managers and employees on how to address probation. This policy does not apply to school-based staff under the control of Governing Bodies, however, subject to approval, a school-appropriate policy will be made available for schools to adopt if they choose.

5. **Supporting Information**

- 5.1 The probationary policy and procedure is a key HR policy which is fundamental to establishing an effective workforce. The policy and procedure provides a clear and fair framework for managers to be able to assess the suitability of an employee for the post to which they have been appointed and for employees to be able to raise any concerns that they might have.
- 5.2 Policies are regularly reviewed to ensure best practice, compliance with legislation and in the light of operational experience. In this case the revision of the policy and procedure was initiated as a review had not taken place since February 2006.
- 5.3 The objectives that have been used to review the policy have been:-
- The need to confirm how the probationary policy should be applied to those on fixed term contracts as opposed to those on permanent contracts, and to ensure there is clarity at all stages of the process.
 - The need to establish how the probationary policy applies to existing Slough Borough Council employees who are appointed to new posts within the Council and employees who join Slough Borough Council from other Local Authorities.

- To provide managers and staff with a clearer framework to assist in the monitoring of probation and if issues are identified, how these should be addressed.
- The need to be consistent with other HR policies and procedures.

5.4 The main changes to the Probationary Policy and Procedure include:

- The current Contract of Employment details that employees on fixed term contracts of 6 months or less are not subject to a probation period, that those on a fixed term contract with a duration of 6 to 12 months have a 1 month probation period and that those on fixed term contracts of 12 months or more have a probation period of 6 months. Currently separate probationary periods for Fixed Term Contracts are not mentioned within the existing Probationary policy and procedure and therefore it was necessary to include these details in the revised version. The proposal is to apply a probationary period to all employees on fixed term contracts with those on fixed term contracts of less than 12 months having a probationary period of 3 months and to retain the 6 month probation period for those on fixed term contracts of 12 months or more. This has been included in the revised policy and procedure along with clear timeframes as to when the probationary assessment meetings should take place for those on a probation period of less than 6 months. Contracts will be amended to reflect these changes.
- Clarification that existing Slough Borough Council employees who are appointed to new posts within the Council are not subject to a probationary period but that their performance will be monitored closely during the first six months (or proportionate period if on a fixed term contract) and that the employee will be expected to demonstrate their suitability for the post. If there are performance issues these would be addressed via the Capability Policy. This arrangement is currently in operation and is detailed in the Contracts of Employment which are issued to Slough Borough Council employees who have been appointed to a new position however, this was previously not detailed in the Probationary policy and procedure.
- Confirmation that new employees who join Slough Borough Council with previous local government service will be expected to complete a full probationary period, the length of which will be determined by the type of contract they have been appointed on. Any performance issues will therefore be dealt with via the Probationary Policy.
- The inclusion of a separate, extended paragraph under Key Principles which addresses what may happen if there is an allegation of gross misconduct during a probation period.
- Clearer description of what action should be taken where at the 2nd probationary assessment meeting the employee's performance has not improved satisfactorily.
- Clarification of the review process. Where an employee wishes to ask for a review following a line manager's decision to terminate employment, the review meeting will be heard by a panel consisting of the Assistant Director or

nominated senior manager and a representative from HR. The current policy allows for the review meeting to be heard by the countersigning manager and a representative from HR, but it was felt that as the manager would have countersigned the probationary assessment forms, there may not be enough impartiality. This also mirrors other HR policies whereby appeals are heard at Assistant Director level.

- Clarifies the roles and responsibilities of the review panel.
- The inclusion of new template letters and revised probationary assessment forms

5.5 The policy will be made available to staff and managers initially through SBCinsite. The policy will be communicated to staff and managers through policy update briefing sessions and through appropriate internal communication methods.

5.6 The effectiveness of the policy will be assessed in the light of further operational application and formally reviewed as required.

5.7 The policy has been circulated for consultation within the Council and comments received to date have been incorporated. It is proposed that the Employment and Appeals Committee agree the Policy subject any further minor comments being approved by the Assistant Director of Human Resources for incorporation. However, should significant changes be proposed then the policy will be re-circulated to a future meeting of the committee for endorsement.

6. **Comments of Other Committees**

None.

7. **Conclusion**

The Committee is requested to approve the introduction of this amended policy for immediate implementation.

8. **Appendices**

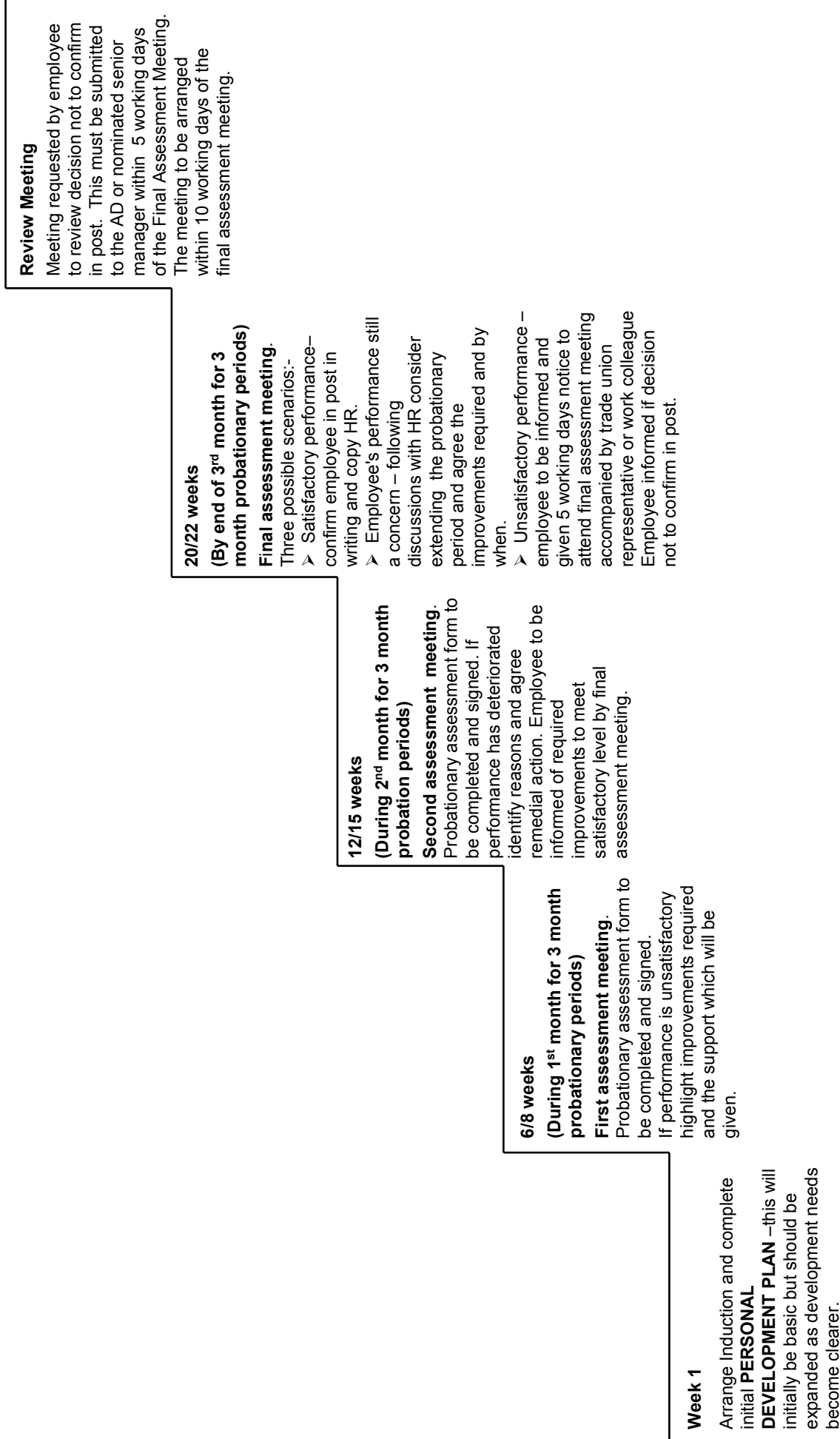
Appendix A - Probationary Policy and Procedure.

Appendix B - Step Process

9. **Background Papers**

None.

Probationary Step Process



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PROBATIONARY POLICY AND PROCEDURE

POLICY STATEMENT

The purpose of the probationary period of employment is to assess the suitability of employees for the posts to which they have been appointed. The procedure sets out fair and equitable processes for such assessments to be made by managers and also for employees to be able to raise any concerns that they might have. The intention is to give each individual every opportunity to succeed and provide a clear process where there are concerns.

PROCEDURE

SCOPE

1. This procedure applies to all employees of Slough Borough Council. It excludes school based staff who are under the control of Governing Bodies.

KEY PRINCIPLES

2. The probationary period is stated in the employee's contract of employment. Normally, all contracts for new permanent employees state that the contract will be subject to the satisfactory completion of a probationary period of six months. However, where a new employee is on a fixed term contract, the probationary period will be proportionate according to the length of the fixed term contract (please see below). Where an employee is on an annually renewed fixed term contract due to statutory requirements, the probation period will be six months.

Length of Fixed Term Contract	Length of Probationary Period
Less than 12 months	3 month probationary period
12 months +	6 months probationary period

3. Where an employee is on a fixed term contract where the probationary period is three months, the probationary assessment meetings should take place during the 1st, 2nd and 3rd month of employment. The manager would be required to follow the same principles of the first, second and final assessment meetings as detailed in this policy and should complete the appropriate probationary assessment forms. If deemed necessary, the probationary period may be extended for an appropriate period as per paragraphs 34 to 36.
4. Where an existing Slough Borough Council employee is appointed to a new role once they have already completed a probationary period with the Council, a formal probationary period will not apply. However, the employee's performance will be monitored closely during the first six months (or proportionate period if on a fixed term contract) and during this period the employee will be expected to demonstrate their suitability for the post. *This probation policy does not therefore apply to staff who fall within this category. In these circumstances the manager and employee*

should hold regular one to ones and supervision meetings and where concerns about the employee's performance are identified these should be addressed through the Council's Capability Policy and Procedure.

5. Where a new employee has joined Slough Borough Council with previous local government service, they will be expected to complete a full probationary period. The length of this probationary period will be determined by the type of contract the employee is on as per paragraph 2.
6. If an employee changes job within their probationary period, whatever the reason for the change, he/she will be expected to complete a further full probationary period in the new post.
7. Managers are expected to:-
 - complete a planned induction for the new employee in accordance with the induction process;
 - explain the targets, performance and conduct standards expected of the employee;
 - identify the required training, coaching and support that the employee requires through agreeing a personal development plan;
 - undertake probationary assessment meetings to give feedback on the employee's progress to highlight where standards are/are not being met and to take action, wherever possible, to help the employee meet the required standards;
 - in addition to the probationary assessment meetings regular one to one and supervision meetings should be held to review the performance of the employee.
 - ensure that assessment reports are completed, and signed by employee and manager giving a full record of performance assessments, work attendance, the issues raised by the employee and the actions to be undertaken;
 - give advance warning to the employee where job performance is not on track and where there are issues of attendance and conduct to be addressed;
 - consider all the options available including making reasonable adjustments to ensure that a disabled employee is not disadvantaged in the application of this procedure, and where it can be clearly shown that performance issues are linked to changes in an individual's disability or condition then the employee will be eligible for placement on the redeployment scheme for a period not exceeding two months from date of notice
 - assign a buddy if appropriate.
8. The employee is expected to:-

- raise any queries or concerns about his/her job, or the reasons for any performance issues during regular supervision and at probationary assessment meetings;
 - co-operate with arrangements for training needed to equip him/her with the skills and knowledge required to perform the job;
 - attend any probationary / one to one meetings to which they are invited.
9. As per paragraph 2, the probationary period will normally be set for a specific period and appointments cannot be confirmed prior to the end of any agreed probationary period. This does not mean that there can be no termination of contract before the end of the probationary period. The contract can be terminated earlier where it has been clearly identified at an assessment meeting that the employee is not suitable for the post either through difficulties in job performance, work attendance or in cases of serious misconduct. Prior warning will be given to the employee before this occurs.
10. If gross misconduct is alleged, suspension from duty may be appropriate and an investigation should be carried out. Please refer to appendix 3 for examples of gross misconduct and misconduct. Following this it may be necessary to bring forward the final assessment meeting and if gross misconduct is substantiated then the dismissal will be without notice and take immediate effect. Please refer to paragraphs 44 and 45.
11. The probationary period may also be extended but only in circumstances where there is a high degree of likelihood that the extension will lead to a confirmation of the appointment or in such circumstances where the manager has not been able to make an assessment.

PROCESS

Induction and Personal Development Plan

12. The manager is responsible for ensuring that a thorough and effective planned induction is completed in accordance with the induction process. The manager and the employee must also agree a personal development plan and complete the appropriate form; the initial plan should be done by the end of the first week of employment though this should be updated and expanded as the probationary period progresses.

Supervision 1:1 Meetings

13. From the start of the employment and in addition to the probationary assessment meetings, regular supervision 1:1 meetings should be diarised, to ensure proper support, guidance and training is given. A record should be kept of progress achieved and the actions agreed which will then feed into the probationary assessments.

Probationary Assessment Meetings

14. It is always good practice to diarise the probationary assessment meetings at the start of employment.

Normally the assessment meetings will take place as follows:-

- First assessment meeting – 6-8 weeks from start of employment;
 - Second assessment meeting – 12-15 weeks from start of employment;
 - Final assessment meeting – 20-22 weeks from start of employment.
15. In situations where the circumstances warrant it, additional assessment meetings can be arranged by the manager. The employee can also request an assessment meeting to take place.
16. Where an employee is on a fixed term contract where the probationary period is three months, the probationary assessment meetings should take place during the 1st, 2nd and 3rd month of employment. The manager would be required to follow the same principles of the first, second and final assessment meetings as detailed in this policy and should complete the appropriate probationary assessment forms. If deemed necessary, the probationary period may be extended for an appropriate period as per paragraphs 34 to 36.

First Assessment Meeting (6-8 weeks)

17. The manager should arrange this meeting and make a fair and objective assessment of the employee's suitability for the job. The job description, person specification, induction checklist and personal development plan should be used at this assessment meeting. The meeting should discuss:-
- job performance;
 - conduct;
 - work attendance;
 - training and development;
 - actions.
18. This meeting should be a two-way discussion with the manager providing feedback on progress and identifying any concerns and with the employee raising any issues of training, support and any other concerns. A list of actions should be agreed.
19. A probationary assessment form must be completed (Appendix 1). The employee will be given the opportunity to make comments on the form regarding the assessment. Once completed, the form should be signed and dated by the manager, the employee and countersigned by the immediate line manager above. The form should be sent to HR for the personal file. The employee's personal development plan (PDP) should be updated.
20. If the employee's performance is satisfactory, the employee should be informed of this.
21. If the employee's performance is unsatisfactory, the employee should be informed of this and given the opportunity to respond to the matters being raised. The manager and employee should discuss the improvements required and identify any support or training required. Whilst every opportunity will be given for the employee

to improve, the employee should be informed of the consequences if these improvements are not achieved which may be that the employment will not be confirmed. This should be noted by the manager on the probationary assessment form.

22. In relation to those on fixed term contracts, where the probationary period is three months, if at this first assessment meeting the performance has not been satisfactory and where support and training have been identified this should be carried out before the final assessment meeting.

Second Assessment Meeting (12-15 weeks)

23. This assessment should follow the same format as the first assessment meeting (see paragraphs 17 to 21 above).
24. If the employee's performance is satisfactory the employee should be informed of this.
25. Where it was identified at the first assessment meeting that the employee's performance had not been satisfactory and at the second assessment meeting the required improvements have not been achieved, the employee must be informed of this. The employee should be given the opportunity to respond to the matters being raised. The manager and employee should discuss the required standards and the improvements that must be achieved by the final assessment meeting. Any further support or training should be identified. The training identified should be carried out before the next assessment meeting.
26. Whilst every opportunity will be given for the employee to improve, the employee should be informed of the consequences of not achieving the required standards which may be that the employment will not be confirmed. This should be noted by the manager on the probationary assessment form.
27. If the employee's assessment had previously been satisfactory, but has now deteriorated, the manager should discuss the reason(s) for the deteriorating performance with the employee. The manager and employee should discuss the required standards and improvements that must be achieved by the final assessment meeting and agree the remedial actions required to meet the satisfactory level. Whilst every opportunity will be given for the employee to improve the employee should be informed of the consequences of not achieving the required standards which may be that the employment will not be confirmed. This should be noted by the manager on the probationary assessment form.

Final Assessment Meeting (20-22 weeks)

28. This assessment should follow the same format as the previous assessment meetings.
29. Where the employee's assessment is on track and the likely outcome of the meeting will be to confirm the appointment, the final assessment meeting should go ahead as planned on a one to one basis between the manager and the employee.
30. A final probationary assessment form (appendix 2) must be completed and the employee given the opportunity to make comments. The completed form should be

signed off by the manager, the employee and countersigned by the immediate line manager. A signed copy of the form should be sent to the employee with a covering letter confirming the appointment. This should also be copied to HR to be included on the employee's personal file. The employee's probationary reports should be used to start the appraisal process and the manager and the employee should have a discussion about standards and targets as part of the appraisal process.

31. Where the employee's assessment is not on track and/or there are serious issues to be raised which are likely to result in the appointment not being confirmed then the employee should be informed and given at least 5 working days written notice of the final assessment meeting so that he/she can be accompanied by a trade union representative or a work colleague. This may mean that the date already diarised for this meeting may need to change. This can be extended by up to 5 working days if representation is not possible within the 5 day timescale. If concerns have been identified these should have been discussed at previous assessment meetings and remedial action should have been put in place for the employee to meet the required standards. It should not come as a surprise to the individual at the final assessment meeting that there are concerns over the employee's performance.
32. In these circumstances there should be a two way discussion between the manager and the employee giving the employee the clear opportunity to state his or her case in relation to the matters raised.
33. If the outcome of the assessment meeting is that the employee's contract is not being confirmed the employee should be made aware of this and the decision should be followed up in writing which will also give the employee notice of termination. The employee will have the right to request for this decision to be reviewed by a panel consisting of the Assistant Director or a nominated senior manager, and a HR representative. The employee must write to the AD or senior manager giving the clear reasons for requesting such a review within 5 working days of receiving the letter of termination. If this wish is expressed then a review meeting will be arranged within 10 working days of receipt of the letter requesting a review.

Extension of Probationary Period

34. In exceptional circumstances the probationary period may be extended for a short period, where the employee's assessment has been unsatisfactory but there is a high degree of likelihood of an improvement to an acceptable standard. An extension may also be appropriate where circumstances have made it difficult for the line manager to make an assessment. Prior to agreeing any extension, this should be discussed with the HR Business Partner.
35. The extension of a probationary period should not normally exceed three months. The employee must be informed in writing of the period of the extension and the reason(s) why it has been given. Where an extension has been given the manager and employee should discuss the matters raised and identify remedial action that will be put in place to enable the employee to meet the required standards. This agreement should be detailed on the final probationary assessment form which includes an action plan which will clearly identify the areas to be improved. A copy of this should be given to the employee.

36. During this extension period, discussions should continue through regular one to one supervision and through further assessment meetings. At the end of the extended probationary period a final assessment meeting must take place and the decision made to either confirm or terminate employment.

Review Meeting

37. As per paragraph 33, the employee can if he/she so wishes request for any decision on not confirming the appointment to be reviewed by a panel consisting of the Assistant Director or a nominated senior manager, and a representative from HR. In certain circumstances it may be deemed suitable for an Assistant Director or a senior manager from another department to review the decision. The employee must state in writing the clear reasons for requesting such a review within 5 working days of receiving the letter of termination. The request should make it clear upon which of the following grounds the employee is requesting the review and provide any evidence/documentation to support the request:
- the decision was based on evidence that did not support the conclusion;
 - a failure to follow procedure had a material effect on the decision;
 - proper account was not taken of any matters of fact referred to at the original assessment meetings;
 - the action taken was too severe or inconsistent with previous decisions;
 - where new relevant evidence relating directly to the original concern(s) has become available.
38. The review meeting will be arranged within the 10 day period referred to in paragraph 33 above.
39. Witnesses should only be called if relevant to the case. They should only be present to give evidence and be questioned. Witnesses should be informed of the need to keep matters strictly confidential. Details of proposed witnesses should be communicated to both party's in advance of the review meeting. It is each party's responsibility to arrange the witnesses release from work so they can attend. It is the employee's responsibility to speak for themselves.
40. A summary of the manager's reasons for the dismissal should be given to the employee 5 working days before the review meeting and the employee should also submit any documents he/she wishes to refer to 5 working days before the review meeting.
41. The review will be heard by the panel outlined in paragraph 36 above. A proper opportunity will be given for the employee to state his/her case and the employee can be accompanied by a trade union representative or work colleague. The employee's line manager, or the manager who made the decision not to confirm the employee in post, will present the management case.
42. A decision will then be made from the following options:-
- uphold the decision to terminate the employment;

- extend the probationary period for a defined period in accordance with paragraphs 34 to 36 above; This extension would normally not be longer than 3 months. The line manager will continue to assess performance during the extended period. If the line manager's assessment at the end of this period is not to confirm in post, this recommendation will again be considered by the same panel that carried out the review. If their decision is to terminate employment there will be no further right of appeal.
- allow the existing probationary period to continue where this has not come to an end;

43. A letter confirming the outcome of the review meeting should be sent to the employee within 5 working days. A copy of this letter should be forwarded to HR. There is no further right of appeal.

Early Termination of Contract prior to the end of the Probationary Period

44. There may be situations during the probationary period where the contract may be terminated earlier. This is where it has been clearly identified at an assessment meeting that the employee is not suitable for the post either through difficulties in job performance, work attendance or in cases of serious misconduct. Prior warning will be given to the employee before this occurs. If gross misconduct is substantiated at an assessment meeting then the dismissal will be without notice and take immediate effect.

45. Where this occurs the employee has a right for the decision to be reviewed in accordance with the processes stated in paragraphs 37 to 43.

Template letters to assist managers are available on SBCInsite (link to follow)

RELATIONSHIPS WITH OTHER PROCEDURES

Disciplinary Policy and Procedure

46. Misconduct and gross misconduct will be dealt with under this probationary policy during the probationary period. The examples of actions, which may constitute misconduct and gross misconduct, are given at Appendix ?. This is not an exhaustive list and is dependent upon the circumstances of the case. In addition, managers should make sure, as far as is reasonably practicable, that employees are aware of any specific rules or standards of behaviour within their particular area of work which, if breached, could constitute misconduct or gross misconduct.

Capability Policy and Procedure

47. Any issues stemming from capability and competence will be dealt with under this probationary policy during the formal probationary period.

Sickness Absence Policy and Procedure

48. All aspects of reporting absence will apply during the probationary period. Any reviews of sickness absence and any actions arising will be incorporated into the supervisory meetings and assessment meetings under this probationary policy and procedure.

Grievance Policy and Procedure

49. If the subject of the grievance concerns the application of the probationary procedure this should be dealt with under the assessment meetings or the review meeting process. If employees wish to raise other grievances during the probationary period then informal grievances should be raised through supervisory meetings and assessment meetings. If the employee has grounds for continuing with his/her grievance then this should be pursued as a formal grievance. No extension of the probationary notice of termination will be granted in these circumstances.

Dignity at Work Code of Practice

50. This covers issues such as harassment and bullying and will apply during the probationary period.

Probationary Assessment Form: First Assessment / Second Assessment (please circle/delete as appropriate)

Date: **Assessment Period:**

Employee Name: **Directorate/Section:**

Job Title: **Start Date:**

Job Performance:

Conduct:

Training & Development:

Work Attendance: **Number of days absent:** **Punctuality:** Good / Not Satisfactory (comments below)

Managers Overall Assessment:

Exceeds Job Requirements: Meet Job Requirements:
Still Requires Training & Coaching: (details under Action Plan) Significant Concerns Identified: (details below under Action Plan)

Action Plan

Issue	Action	Support / Training Provided	By When

Employees Comments:

Name of Manager:

Signed:

Name of Employee:

Signed:

Name of Countersigning Manager:

Signed:

Probationary Assessment Form: **Final Assessment**

Date: **Assessment Period:**
Employee Name: **Directorate/Section:**
Job Title: **Start Date:**

Job Performance:

Conduct:

Training & Development:

Work Attendance: **Number of days absent:** **Punctuality:** Good / Not Satisfactory (comments below)

Managers Overall Assessment:

Exceeds Job Requirements: Meet Job Requirements:
Still Requires Training & Coaching: (details under Action Plan) Significant Concerns Identified: (details under Action Plan)
Employment to be: Confirmed: Probationary period to be extended until:
Not Confirmed: (details provided above) (Action Plan below to be completed)

Action Plan

Issue	Action	Support / Training Provided	By When

Employees Comments:

Name of Manager:

Signed:

Name of Employee:

Signed:

Name of Countersigning Manager:

Signed:

APPENDIX 3 (Extracted from Disciplinary Policy and Procedure)

EXAMPLES OF MISCONDUCT AND GROSS MISCONDUCT

Examples of misconduct and gross misconduct that may lead to disciplinary proceedings include, but are not limited to, the following:

Misconduct

- any actions which could bring SBC into disrepute or which impact negatively on the employee's position (this may include actions outside of work);
- absence from duty;
- unauthorised employment;
- neglect of duty;
- racial, sexual, religious, or disability discrimination;
- breaches of the Council's Dignity at Work Code of Practice including harassment and bullying;
- offensive or abusive behaviour;
- drunkenness or being under the influence of drugs other than for medical purposes.
- refusal or deliberate failure to follow a reasonable management instruction;
- sleeping on duty;
- improper disclosure of information or breach of confidentiality;
- breaches of health & safety;
- damaging or misusing or losing by theft Council property;
- refusal or failure to comply with any SBC policies and procedures and codes of conduct, including those governing the use of information technology, commercial practices, financial regulations, fraud and corruption.

Gross Misconduct

- theft including fraud and deliberate falsification of records; this may include such things as timesheet and expense claims' irregularities and undertaking paid private work at a time the employee should be working for the Council;
- serious breaches of safety rules;
- serious incapability through alcohol or use of illegal drugs on duty, buying or selling drugs on Council premises;
- fighting or other physical assault, threats of violence;
- maltreatment or neglect of those in Council care;
- serious acts of discrimination, bullying or harassment and breaches of the Dignity at Work Code of Practice;
- disclosing any serious matter which should be kept confidential (or concealing it if it should be reported);
- serious breaches of Council's codes of conduct, Council's procedure rules or financial regulations;
- sleeping on duty in a care environment unless expressly permitted;
- improper use of an employee's position for their own or another's private advantage, or an attempt to do so;
- bringing the Council into serious disrepute;
- gaining employment with the Council by misrepresentation, lies or deception;
- serious deliberate damage to property;
- breaking a law at (or even away from) work which makes employees unfit for the work they do, or which may seriously damage the Council's reputation.

SLOUGH BOROUGH COUNCIL

REPORT TO: Employment and Appeals Committee

DATE: 6th April 2009

CONTACT OFFICER: Yvonne Harris, Assistant Director Human Resources
(For all Enquiries) (01753) 875079

WARD(S): All

PART I
FOR DECISION

**HR POLICIES & PROCEDURES – CRIMINAL RECORDS BUREAU POLICIES,
PROCEDURE AND PRACTICE**

1. **Purpose of Report**

This report seeks agreement to the Council's policy, guidelines and code of practice for the management of the Criminal Records Bureau (CRB) disclosure process for all employees of the Council (including schools) in accordance with the attached Policy and Procedures and supporting documentation.

2. **Recommendation(s)/Proposed Action**

The Committee is requested to resolve the approval of the policy and procedure as detailed in Appendix A to ensure that a framework is in place to give clear guidance to managers and staff in the management of the CRB disclosure process. The Council complies with all requirements in respect of CRB checks, however, in recognising our safeguarding responsibilities it is considered appropriate to have these formally documented. The policy has been circulated in draft form for formal consultation with the Corporate Management Team, the recognised trade unions and the special interest groups - BAME and the Disability Forum. Subject to approval, the policy is to be implemented with immediate effect.

3. **Community Strategy Priorities**

This report supports the priority:

- Adding years to Life and Life to years

by reinforcing our commitment to ensuring best practice in recruitment and to our safeguarding responsibilities.

Additionally the maintenance of excellent governance within the council to ensure it is efficient, effective and economic in everything it does is achieved through the improvement of corporate governance and democracy and by ensuring good people and management practices are in place.

4. **Other Implications**

(a) **Financial**

There are no financial cost implications to the proposed action, however having fair and transparent procedures promotes the Council's commitment to safeguarding and ensures that risks are reduced for the suitability of staff working with children, young people and other vulnerable groups.

(b) **Risk Management**

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
The Committee is requested to resolve the approval of the policies and procedures as detailed in Appendices A-D.	These policies and procedure are put in place to assist in the handling of employment matters in a consistent manner.	

(c) **Human Rights Act and Other Legal Implications**

The Council requires fair and equitable procedures for both the recruitment and continued employment of staff in order to meet existing statutory requirements in this area. The policies, guidelines and code of practice cover the requirement to satisfy employment law and Human Rights legislation.

(d) **Equalities Impact Assessment**

The Equalities Impact Assessment Initial screening is currently being completed.

(e) **Workforce**

The policy and procedure covers all future applicants involved in the recruitment process and staff within the Council including schools, other commissioned services and volunteers.

5. **Supporting Information**

5.1 Slough Borough Council is a registered body of the Criminal Records Bureau. It is a requirement of the CRB's Code of Practice that all Registered Bodies have written policies and guidelines to assist with the assessment of suitability of applicants for positions of trust.

5.2 The implementation of the Code of Practice, policies and guidelines relating to the CRB disclosure process has also been influenced by the following:-

- 5.3 The Council's continuing commitment to ensure best practice in recruitment and ensuring that all staff/volunteers engaging with children, young people and other vulnerable client groups are suitably checked.
- 5.4 Reviews of safeguarding requirements driven by recent high profile cases within the UK. Bodies such as the Local Safeguarding Childrens Board/Adults are involved in the review of current practice and this set of policies and guidelines will be the beginning of what is to be a suite of policies and guidelines on Safeguarding within Slough.
- 5.5 The introduction of ContactPoint within the children's workforce. ContactPoint is an online directory based on Government guidance, which will contain basic information about every child and young person in Slough. As part of Slough Borough Council's accreditation process, clear policies and guidelines are required clearly identifying the CRB disclosure process.
- 5.6 Preparation for the implementation of the new Vetting and Barring Scheme, namely the Independent Reviewing Service, which is to be introduced in Autumn 2009. The ISA will combine both the CRB disclosure process and registration as one.
- 5.7 The policy and guidelines will be made available to all staff and volunteers via SBCInsite and the internet. The policy will be communicated through appropriate internal communication methods.
- 5.8 The policies and guidelines will be subject to review as part of the ongoing development of the Council's Safeguarding commitments and will be subject to any national direction as outlined above.
- 5.9 The policy has been circulated for consultation within the Council and comments received to date have been incorporated. It is proposed that the Employment and Appeals Committee agree the Policy subject any further minor comments being approved by the Assistant Director of Human Resources for incorporation. However, should significant changes be proposed then the policy will be re-circulated to a future meeting of the committee for endorsement.

6. **Comments of Other Committees**

None.

7. **Conclusion**

The Committee is requested to approve the introduction of this amended policy for immediate implementation.

8. **Appendices Attached**

- Appendix A - Criminal record Bureau Usage Policy
- Appendix B - CRB Secure Storage, Handling, Use, Retention and Disposal of Disclosures Policy
- Appendix C - Disclosure Information – Code of Practice
- Appendix D - Recruitment of Rehabilitation of Offenders Policy

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Title

Criminal Records Bureau Usage Policy

Type:

Employment Policy

Distribution

All managers and staff via SBC Insite and Schools

Approved by:

Employment & Appeals Committee – 6th April 2009

Issue Date:

Xxxxxxxxxx 2009

Review Date:

As required

Replaces

n/a

Policy:

**Contact for
guidance**

Yvonne Harris
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Slough Borough Council
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Policy Statement

1. Introduction
2. Scope
3. Key Principles
4. The Levels of Disclosure
5. Recruitment
6. Portability
7. Renewals
8. External Guidance
9. ContactPoint
10. Costs

APPENDICES

- a. ContactPoint Guidance – new CRB Disclosures
- b. ContactPoint Guidance – existing CRB Disclosures

CRB Usage Policy

Policy Statement

Slough Borough Council is committed to ensuring safe recruitment and best practice to fulfil its safeguarding commitments to children, young people and vulnerable adults.

The Council is committed to the principles of the Rehabilitation of Offenders Act 1974 and will make every effort to prevent unfair discrimination against ex-offenders who work for the Council

1. INTRODUCTION

- 1.1 The Criminal Records Bureau is an executive arm of the Home Office. The Criminal Records Bureau (CRB) was introduced in April 2002 and was set up to provide a thorough vetting service for organisations.
- 1.2 The CRB provides access to information held on the Police National Computer (PNC), information held by local police forces, as well as lists held by the DoH and DCSF. The purpose being that the disclosure service enables organisations to make safer and more informed checks therefore aiding the recruitment decision.
- 1.3 Slough Borough Council is a Registered Body of the CRB.

2. SCOPE

- 2.1 This policy applies to all employees of Slough Borough Council including school-based staff who use Slough Borough Council as the recognised Registered Body. Agency workers not employed by Slough Borough Council are exempt from this policy and would be subject to their employers' requirements. Whilst the Council will specify the clearances it requires it is the agency, as the employer, that must obtain these.

3. KEY PRINCIPLES

- 3.1 Managers are expected to:
 - ensure that CRB disclosures are undertaken for all suitable posts
 - ensure applications are completed in a timely fashion and before the three year expiry date
 - consider each request on its own merit and seek advice from HR where appropriate
- 3.2 Employees are expected to:
 - complete disclosure applications and provide associated evidence, as required upon offer of employment
 - comply with the requirement to undertake a three year renewal of their disclosure

4. THE LEVELS OF DISCLOSURE

- 4.1 There are two levels of Disclosure that are provided by the CRB, either Standard or Enhanced.
- 4.2 The level of Disclosure required will depend upon the type of work involved/undertaken. The HR system records the level of disclosure (if required) against the position details.
- 4.3 HR hold a list of CRB countersignatories within the organisation.
- 4.4 A **Standard Disclosure** applies to posts exempted under the Rehabilitation of Offenders Act and relates particularly to certain sensitive areas of employment, such as jobs involving **regular contact** with children and vulnerable adults. A Standard Disclosure contains details of both spent and unspent convictions, as well as cautions, reprimands and final warnings held on the Police National Computer. If the post involves working with children or vulnerable adults, the lists held by other government departments of those banned from, or restricted in, working with these groups are also searched.
- An **Enhanced Disclosure** applies to posts involving **greater contact** with children or vulnerable adults (for example, jobs involving caring for, supervising, training or being in sole charge of children and vulnerable adults). An Enhanced Disclosure contains the same information as the Standard Disclosure but **also includes non-conviction information from local police records if it is thought to be relevant to the position being applied for**. Examples include Teachers, Scout or Guide leaders, Social Workers, Home Care Assistants, Youth & Community Workers etc.
- 4.5 Anyone working/volunteering within a school environment will be subject to an enhanced check. (This includes School Governors)
- 4.6 For members of staff employed within the LEA already subject to a CRB check as part of their paid employment, a further CRB check is required for their volunteer role (this includes the role of School Governor).
- 4.7 All positions requiring the access of ContactPoint are designated at an Enhanced level.
- 4.8 Recruiting managers may decide that where there is access to sensitive data pertaining to Children ie (Section 12 of the Children Act 2004) or vulnerable adults that a suitable check be undertaken.
- 4.9 There are however exempt positions, as set out in the Exceptions order to the Rehabilitation of Offenders Act 1974, further information can be found by reference to the Council's Employment of Rehabilitation of Offenders Policy or by contacting the CRB on 0870 9090811 or by visiting the Disclosure website at www.disclosure.gov.uk

5. RECRUITMENT

- 5.1 The Council is committed to employing from a wide-ranging labour pool. It will make every effort to prevent unfair discrimination against ex-offenders who work for the Council or who may be job applicants or volunteers.
- 5.2 The Council is committed to the principles of the Rehabilitation of Offenders Act 1974, whereby certain convictions are considered 'spent' after a stipulated period of time. To this end, candidates for some jobs do not have to disclose convictions once they are spent. When a person applies for a job with the Council, the Council in most cases will not take into account previous time-expired convictions as laid down in the Rehabilitation of

Offenders Act 1974 (ROA 1974) unless the job requires that all convictions be disclosed, as set out in 5.3.

- 5.3 Criminal Records Bureau (CRB) checks are required for all posts, which require applicants to disclose their convictions even if they would otherwise be considered 'spent'. Such jobs include those where the potential employees will have access to vulnerable members of the community such as the young, elderly and those with disabilities and professions such as accountants and lawyers. This applies both to paid work and voluntary work.

The definition of a 'Volunteer' as set out in the Police Act 1997 (Criminal Records) Regulations 2002 is:

'Any person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative'

- 5.4 Applicants for jobs which fall into the exempt category (posts working with anyone dealing with the young and or vulnerable adults) will be advised as part of the recruitment process that they will be required to complete a Disclosure of Criminal Background form. All applicants are provided with Disclosure guidance and explanatory notes. Copies are available in application packs and on SBC Insite.
- 5.5 The Council will undertake its own Criminal Records Bureau check where an applicant is successful in applying for an 'excepted' job or profession.
- 5.6 In the event that a disclosure reveals any cautions or convictions, an assessment will be made as to the candidate's suitability for employment. The process to be followed is outlined in the Council's Recruitment and Selection Manual.
- 5.7 The Council's Rehabilitation of Offenders Policy is available on SBC Insite.
- 5.8 For CRB designated posts, employment will be offered subject to the receipt of a satisfactory disclosure from the CRB. Start dates will not be confirmed until satisfactory clearance of the Council's CRB check is received.
- 5.9 The Recruitment and Selection Manual provides guidance on action taken in the event that an unsatisfactory check is returned.
- 5.10 Separate arrangements exist for the 'Self Employed' and Agency/Per temps staff. Confirmation of CRB is required if applicable to the post. Managers are advised to check with the agency worker for sight of a valid CRB disclosure.

6. PORTABILITY

- 6.1 With effect 1 April 2006, the CRB withdrew its endorsement of portability. The decision was taken as a direct result of the inherent risks associated with the re-use of a disclosure.

However, should a teacher transfer from one school to another, within the same LEA, the CRB check will be considered valid. If there are any breaks of service for longer than three months, it is advised that a new check is undertaken.

7. RENEWALS

- 7.1 The Council requires that all staff subject to CRB checks will be renewed on a three year basis. Failure of the employee to provide an up to date check may result in potential disciplinary action being taken.

8. EXTERNAL GUIDANCE

- 8.1 The Commission for Social Care Inspection (CSCI) advise that if any member of staff requires a CRB check for their work in an establishment or agency registered or inspected by the CSCI, then they must by law have one.
- 8.2 By law, all school staff employed from 12 May 2006 must have Enhanced CRB clearance.
- 8.3 All recruiting managers must ensure compliance with this policy. Any failure to comply will be considered a breach of conduct and subject to potential disciplinary action.

9. CONTACTPOINT

9.1 For staff accessing ContactPoint, the enhanced CRB disclosure must make explicit mention on the Disclosure application form that the disclosure is required for access to ContactPoint as well as their primary role. This will be entered in Part B of the "position applied for", for example "SENCO + ContactPoint"

9.2 An existing CRB disclosure is an CRB disclosure which:

- A person has produced in support of their application for access to ContactPoint, and;
- Is less than 3 years old, and;
- Does not make explicit mention on the CRB disclosure application form that the disclosure was required for access to ContactPoint.

To utilise an existing CRB disclosure, please see **Annex A** attached.

9.3 A new CRB disclosure is a CRB disclosure that was either:

- Applied for at the time that the person first applied for access to ContactPoint; or
- Applied for by an existing ContactPoint User because their existing disclosure was about to expire (a renewal).

To assist with consideration of suitability of employee to access ContactPoint, please see **Annex B** attached.

9.4 If the employee, in making their application to become a ContactPoint user, provides an CRB disclosure that is a year old, the employee will be asked to declare if they have committed or been convicted of any offences in the period since the disclosure was made. The employee will be asked to provide details of any new offences and sign a statement to that effect as part of the ContactPoint user application process. Please see ContactPoint usage policy.

10. COSTS

10.1 Fees are set by the Disclosure service. The administration charge remains Slough Borough Council's decision. The current administration charge per application including volunteer organisation, independent schools and Academies is £10.00. (Please note that Slough Schools are exempt from this charge).

10.2 Further information can be obtained from your HR Business Partner Team on 01753 875726.

Annex A

Additional information to support with ContactPoint

Example guidelines for local partner organisations

Existing eCRB (enhanced) Disclosures

An existing eCRB Disclosure is an eCRB Disclosure which:

- a person has produced in support of their application for access to ContactPoint, and;
- is less than three years old, and;
- does not make explicit mention on the eCRB Disclosure application form that the Disclosure was required for access to ContactPoint.

The following example provides guidelines for use by local partner organisations when assessing an existing eCRB Disclosure as part of an application for access to ContactPoint:

Ensuring the Disclosure is valid

1. Has the applicant provided an original CRB Disclosure?

An original CRB check contains a number of security features to prevent tampering or forgery¹. A photocopy is not acceptable.

- 2 Is the Disclosure less than three years old?
- 3 Is the level of the CRB Disclosure 'enhanced'?
- 4 Is the applicant still working for the same organisation/employer as they were when the Disclosure was originally made?

If you have answered no to any of questions 1-4 or you have any doubts about the suitability of the applicant or the validity of the disclosure, the applicant must apply for a new eCRB Disclosure.

If you have answered yes to all of questions 1-4, go to question 5.

Confirming the applicant's identity

- 5 Have you validated and authenticated the applicant's identity to ensure that the person presenting the eCRB Disclosure is the person to whom the Disclosure relates?
- 6 For instance, have you seen a range of identity documents that confirm their name, address, date and place of birth?²

If you have answered no to question 5, the applicant must apply for a new eCRB Disclosure.

If you have answered yes to question 5, go to question 6.

Ensuring you have all the relevant information

7. Has the applicant recently moved to the UK or been out of the UK for any significant period of time?

¹ Information on these security features is available from www.crb.gov.uk

² *Best Practice Process 2: Manage Users* and the CRB website contain further guidance on how to verify the applicant's identity as part of an application for access to ContactPoint.

If you have answered no to question 6 go to question 7.

If you have answered yes to question 6 please refer to guidance provided by CRB on how you can get further information from overseas countries in order to help you get a complete picture of an applicant's background³. You should take any information gathered from overseas countries into consideration at question 8.

Note - there is no standard definition of a "significant period of time" so you must be satisfied that you have all the information you need.

Assessing the information provided in the Disclosure

8. Is there any evidence of offences committed against children and/or under the Computer Misuse Act 1990 and/or the Data Protection Act 1998?

The checks that may be shown on the Disclosure are as follows, and will depend on the kind of work carried out by the applicant:

BOX 1 - Police Records of Convictions, Cautions, Reprimands and Warnings;

BOX 2 - Protection of Children Act (PoCA) List information;

BOX 3 - Protection of Vulnerable Adults (PoVA) List information;

BOX 4 - Information from the list held under Section 142 of the Education Act 2002;

BOX 5 - Other relevant information disclosed at the Chief Police Officer(s)'s discretion.

If the Disclosure states 'none recorded', the check was carried out and no information was found. If the Disclosure states 'not requested' the check was not made. The checks that have been completed will be those relevant to the applicant's job or role. For example, a check of the PoVA list will not be completed for a primary school teacher, and a check of the PoCA list will not be completed for a carer working with 18-25 year olds.

It is possible for an individual to be included in the PoVA list following a referral from the PoCA list if they are also deemed to be unsuitable to work with vulnerable adults. A person could also be included on the PoCA list following a referral from the PoVA list where they are deemed unsuitable to work with children.

When assessing any offences listed on the Disclosure, please refer to *Employing ex-offenders: A practical guide*⁴ published by the Chartered Institute of Personnel and Development (CIPD) and the Criminal Records Bureau (CRB).

If you have answered yes to question 7, you need to carefully consider the offences, convictions and/or non-conviction information listed and decide whether you wish to continue to recommend the applicant as suitable for access to ContactPoint.

In all cases, go to question 8.

9. Are you satisfied that there is nothing in the Disclosure (and, where appropriate, any additional information provided with the disclosure) that should prevent the applicant having access to ContactPoint?

If you have considered any offences, convictions and/or non-conviction information and wish to continue to recommend the applicant as suitable for access to ContactPoint, you should provide the ContactPoint management team with written confirmation that the applicant has an enhanced Disclosure which is less than three years old and that the eCRB Disclosure contains no information that makes the applicant unsuitable as a ContactPoint User. This confirmation should be provided

³ <http://www.crb.gov.uk/Default.aspx?page=2243>

⁴ Available from the CRB website (www.crb.gov.uk)

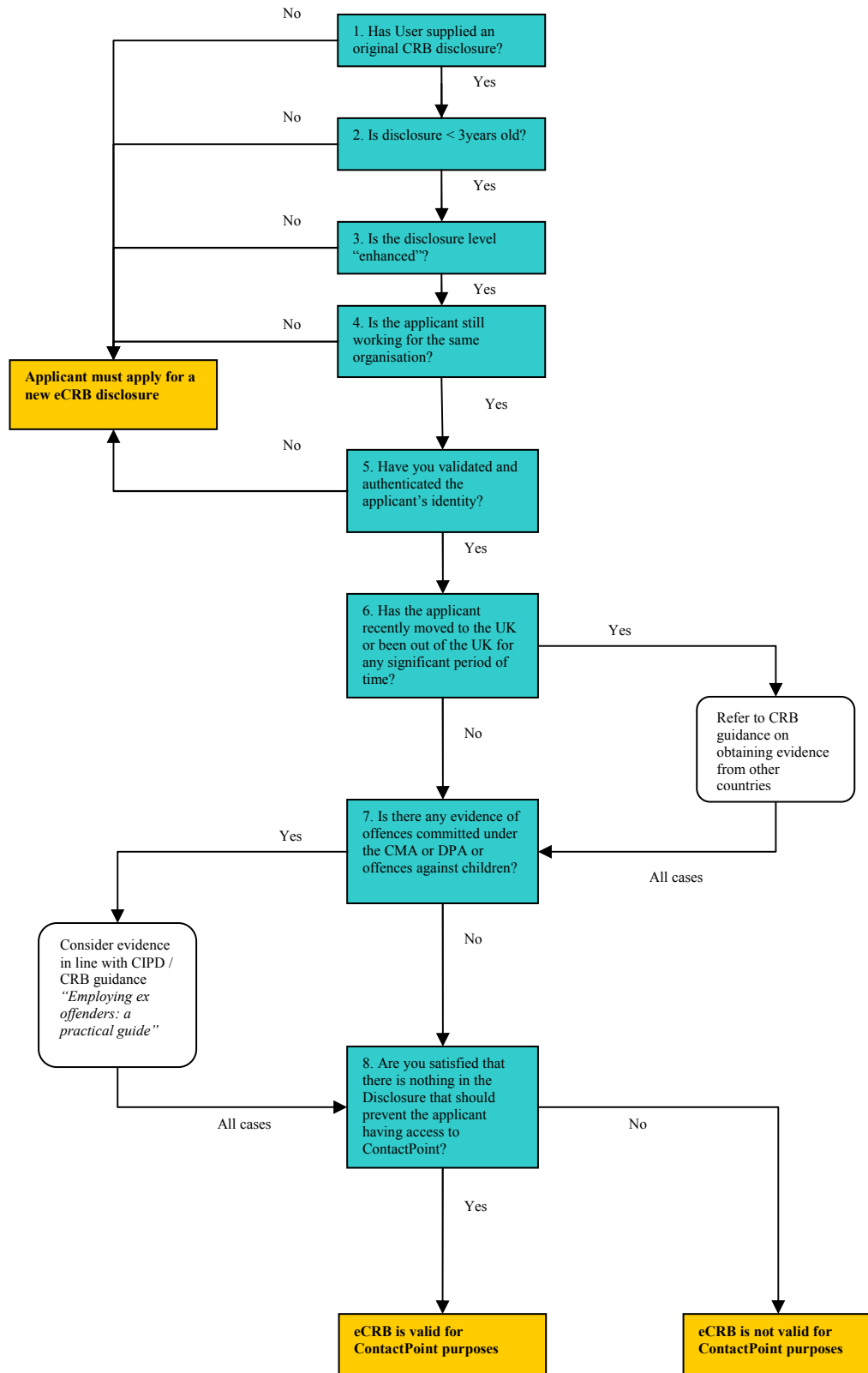
in section B3 of the Access Application Form as part of the ContactPoint access application process.

When providing the written confirmation the partner organisation must not reveal any information from the Disclosure to the ContactPoint management team except for the Disclosure number and date.

If you have considered any offences, convictions and/or non-conviction information and do not think you should recommend the applicant as suitable for access to ContactPoint, you should inform the applicant that their eCRB Disclosure is not valid for ContactPoint purposes.

If you are unsure whether the information in the Disclosure might prevent the applicant from being a ContactPoint User, seek the advice of your line manager and / or the ContactPoint Management Team.

Flowchart - Existing eCRB Disclosures



Annex B:

Example guidelines for local partner organisations - New eCRB Disclosures

A new eCRB Disclosure is an eCRB Disclosure that was either:

- applied for at the time that the person first applied for access to ContactPoint; or
- applied for by an existing ContactPoint User because their existing Disclosure was about to expire

The following example provides guidelines for use by local partner organisations when assessing a new enhanced CRB Disclosure:

Ensuring the Disclosure is valid

1. Is the Disclosure an original, received directly from the Criminal Records Bureau?

An original eCRB check contains a number of security features to prevent tampering or forgery⁵. A photocopy is not acceptable.

2. Is the level of the CRB Disclosure 'enhanced'?
3. Were all the relevant checks carried out when the Disclosure was made?

The checks that may be shown on the Disclosure are as follows, and will depend on the kind of work carried out by the applicant:

BOX 1 - Police Records of Convictions, Cautions, Reprimands and Warnings;

BOX 2 - Protection of Children Act List information;

BOX 3 - Protection of Vulnerable Adults List information;

BOX 4 - Information from the list held under Section 142 of the Education Act 2002;

BOX 5 - Other relevant information disclosed at the Chief Police Officer(s)'s discretion].

If the Disclosure states 'none recorded', the check was carried out and no information was found. If the Disclosure states 'not requested' the check was not made. The checks that have been completed must be those relevant to the applicant's job or role. For example, a check of the PoVA list will not be completed for a primary school teacher, and a check of the PoCA list will not be completed for a carer working with 18-25 year olds.

It is possible for an individual to be included in the PoVA list following a referral from the PoCA list if they are also deemed to be unsuitable to work with vulnerable adults. A person could also be included on the PoCA list following a referral from the PoVA list where they are deemed unsuitable to work with children.

If you have answered "no" to any of questions 1-3, the applicant must re-apply for a new CRB Disclosure, requesting the level of Disclosure is enhanced and that all the relevant checks are made.

If you have answered "yes" to all of questions 1-3, go to question 4.

Confirming the applicant's identity

4. Have you validated and authenticated the applicant's identity to ensure that the person presenting the eCRB Disclosure is the person to whom the Disclosure relates?

⁵ Information on these security features is available from www.crb.gov.uk

For instance, have you seen a range of identity documents that confirm their name, address, date and place of birth?⁶

If you have answered “yes” to question 4, go to question 5.

If you have answered “no” to question 4 the applicant must apply for a new eCRB Disclosure.

Ensuring you have all the relevant information

5. Has the applicant recently moved to the UK or has been away from the UK for any significant amount of time?

If you have answered “no” to question 5 go to question 6

If you have answered “yes” to question 5 please refer to guidance provided by CRB on how you can get further information from overseas countries in order to help you get a complete picture of an applicant’s background⁷. You should take any information gathered from overseas countries into consideration at question 7.

NB there is no standard definition of a “significant amount of time”, so you must be satisfied that you have all the information you need.

Assessing the information provided in the Disclosure

- 6 Does the Disclosure (and, where appropriate, any additional information provided) reveal that the applicant has committed any offence against children and/or under the Computer Misuse Act 1990 and/or the Data Protection Act 1998?

Enhanced Disclosures may contain ‘approved’ non-conviction information provided by the police from their local records. In the majority of cases, the CRB will print this information on both the applicant’s and Countersignatory’s copy in the box entitled ‘Other relevant information disclosed at the Chief Police Officer(s) discretion’.

Occasionally the Chief Police Officer may, if thought necessary in the interests of the prevention or detection of crime, withhold this information from the applicant’s copy. The Countersignatory’s copy will contain the following words ‘Please refer to letter sent under separate cover’, printed under the date of issue on the Disclosure. The additional information contained in the letter must be taken into consideration at question 8.

The information in the letter must not be passed on to the applicant. To do so would be an offence under the Police Act 1997

When assessing any offences listed on the Disclosure, please refer to *Employing ex-offenders: A practical guide*⁸ published by the Chartered Institute of Personnel and Development (CIPD) and the Criminal Records Bureau (CRB).

If you have answered “yes” to question 6 – you need to consider the offences, convictions and/or non-conviction information provided carefully and decide whether you wish to continue to recommend the applicant as suitable for access to ContactPoint.

In all cases go to question 7.

7. Are you satisfied that there is nothing in the Disclosure (and, where appropriate, any

⁶ *Best Practice Process 2: Manage Users* and the CRB website contain further guidance on how to verify the applicant’s identity.

⁷ <http://www.crb.gov.uk/Default.aspx?page=2243>

⁸ Available from the CRB website (www.crb.gov.uk)

additional information provided with the disclosure) that should prevent the applicant having access to ContactPoint?

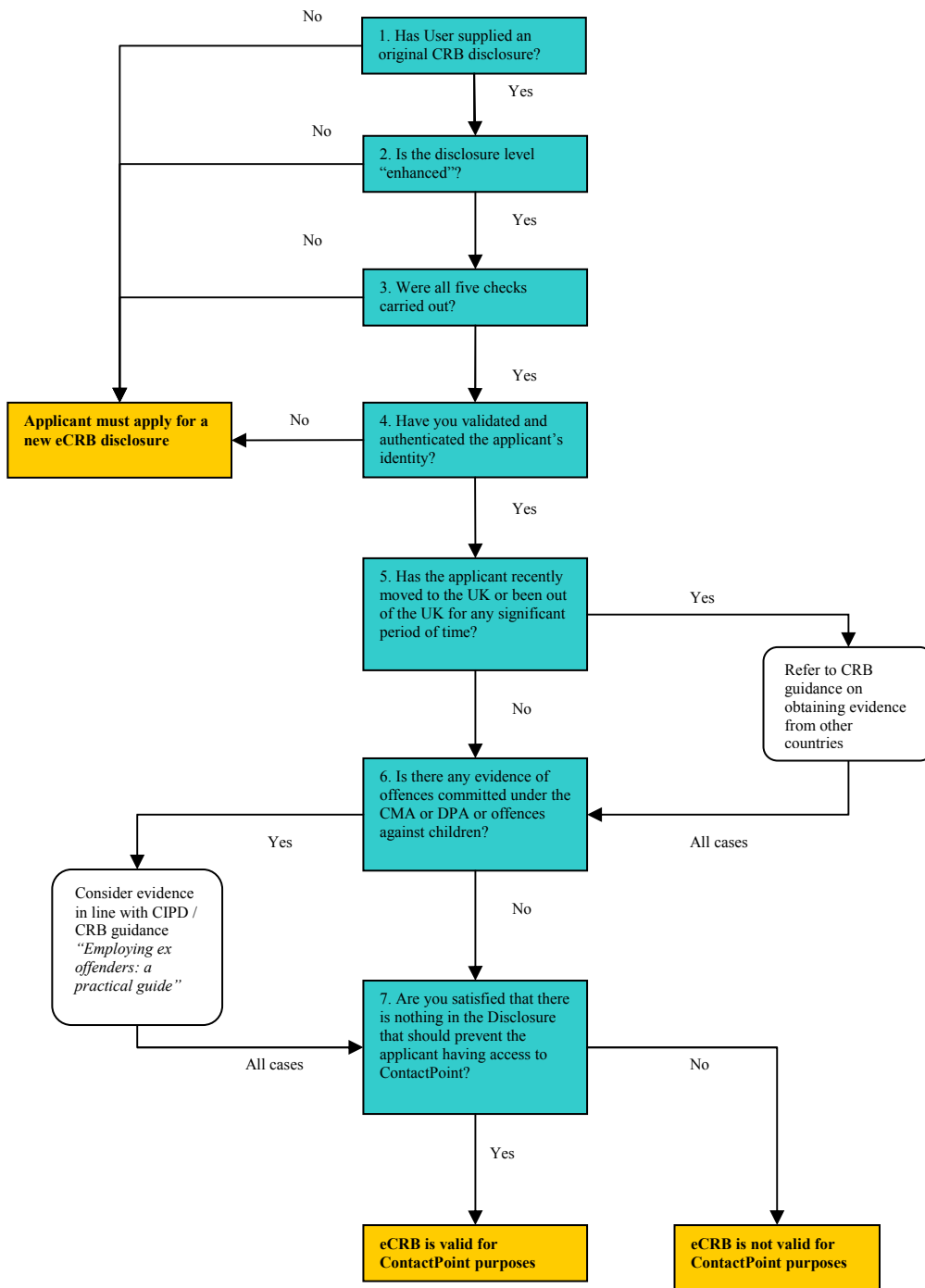
If you have considered any offences, convictions and/or non-conviction information and wish to continue to recommend the applicant as suitable for access to ContactPoint, you must provide the ContactPoint management team with written confirmation that the applicant has an enhanced Disclosure which is less than three years old and that the eCRB Disclosure contains no information that makes the applicant unsuitable as a ContactPoint User. This confirmation should be provided in section B3 of the Access Application Form as part of the ContactPoint access application process.

When providing the written confirmation the partner organisation must not reveal any information from the Disclosure to the ContactPoint management team except for the Disclosure number and date.

If you have considered any offences, convictions and/or non-conviction information and do not think you should recommend the applicant as suitable for access to ContactPoint, you should inform the applicant that their eCRB Disclosure is not valid for ContactPoint purposes.

If you are unsure whether the information in the Disclosure might prevent the applicant from being a ContactPoint User, seek the advice of your line manager and / or the ContactPoint Management Team.

Flowchart - New eCRB Disclosures



Title	<i>CRB Secure Storage, Handling, Use, Retention and Disposal of Disclosures Policy</i>
Type:	Employment Policy
Distribution	All managers and staff via SBC Insite and Schools
Approved by:	Employment & Appeals Committee – 6 th April 2009
Issue Date:	Xxxxxxxxxx 2009
Review Date:	As required
Replaces Policy:	n/a
Contact for guidance	Yvonne Harris Assistant Director, Human Resources Slough Borough Council 01753 875 Yvonne.Harris@slough.gov.uk

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3. Storage and Access
4. Handing
5. Usage
6. Retention
7. Disposal
8. Acting as an Umbrella Body

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CRB Secure Storage, Handling, Use, Retention and Disposal of Disclosures Policy

Policy Statement

Slough Borough Council is committed to ensuring safe recruitment and best practice to fulfil its safeguarding commitments to children, young people and vulnerable adults.

1. INTRODUCTION

- 1.1 It is a requirement of the CRB's Code of Practice that all Registered Bodies have a written policy on the correct handling and safe keeping of Disclosure information. It also obliges Registered Bodies to ensure that a body or individual, on whose behalf they are countersigning Disclosure applications, has a written policy.
- 1.2 As an organisation using the Criminal Records Bureau (CRB) service to assist with the assessment of suitability of applicants for positions of trust, Slough Borough Council complies fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosure information
- 1.3 Slough Borough Council is a Registered Body of the CRB.

2. SCOPE

- 2.1 This policy applies to all employees of Slough Borough Council including school-based staff who use Slough Borough Council as the recognised Registered Body. Agency workers are not employed by Slough Borough Council and whilst the Council will specify the clearances it requires it is the agency, as the employer, that must obtain these.

3. STORAGE AND ACCESS

- 3.1 All disclosure documentation is kept securely, in a lockable, filing cabinet within the HR Team with access strictly controlled and limited to those entitled to see this information as part of their duties. The Fostering and Adoption Team, Hackney Carriage and Private Hire Licence applications, which also require a CRB disclosure are kept in a lockable, filing cabinet located within their offices of Slough Borough Council.
- 3.2 For each employee/volunteer subject to a CRB disclosure, the HR database holds a record of the employee/volunteer's name; date of issue of a Disclosure; the type of Disclosure requested; the position for which the Disclosure was requested and the unique reference number. Access is strictly limited to authorised personnel only.

4. HANDLING

- 4.1 In accordance with section 124 of the Police Act 1997, disclosure information is only passed to those who are authorised to receive it in the course of their duties. HR retain a record of all those to whom Disclosures or Disclosure information is revealed and it is a criminal offence to pass this information onto anyone who is not entitled to receive it.

5. USAGE

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

6. RETENTION

- 6.1 Once a recruitment decision (or other relevant) decision has been made, the disclosure documentation is not retained for any longer than necessary. This is generally for a period of up to 6 months, to allow for the consideration and resolution of any disputes or complaints. Where staff are subject to CSCI (Commission for Social Care Inspection) Regulations, disclosure information will be retained for three years. In exceptional circumstances, where it may also be considered necessary to keep the disclosure information for longer than 6 months Slough Borough Council will consult with the CRB about this and give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

7. DISPOSAL

- 7.1 Once the retention period has elapsed, Slough Borough Council will ensure that any Disclosure information is destroyed by secure means, ie by shredding. While awaiting destruction, Disclosure information, will be retained within a lockable filing cabinet within the HR Business Partner Team. The HR database holds a record of the employee name; date of issue of a Disclosure; the type of Disclosure requested; the position for which the Disclosure was requested and the unique reference number.

8. ACTING AS AN UMBRELLA BODY

- 8.1 Before Slough Borough Council acts as an Umbrella body (one which countersigns applications and receives Disclosure information on behalf of unregistered bodies, such as schools, People First and other employers where there is a commission of services), all reasonable steps will be taken to satisfy ourselves that these organisations will handle, use, store, retain and dispose of Disclosure information in full compliance with the CRB code and in full accordance with this policy.
- 8.2 Slough Borough Council provides all employers with comprehensive guidance in respect of both our responsibilities in relation to Disclosures before any agreement is entered into.

- 8.3 As there is no relationship between the unregistered body, Slough Borough Council will forward the disclosure information to the employer for their consideration.
- 8.4 Further information can be obtained from the HR Business Partner Team on 01753 875726.

Appendix 1

Slough Borough Council has a Borough affiliation with the following organisations/groups and will undertake to act as a registered body for the purposes of countersigning CRB applications:-

- People First
- Independent Schools and Academies
- Volunteer organisations where there have been a commission of services, ie Pitstop

Updated: March 2009

Disclosure Information - Code of Practice

Our Responsibilities of being a Registered Body and an Umbrella Body

A Registered Body is one specifically registered with the CRB to countersign applications for Standard and Enhanced Disclosures which are available only in relation to posts and positions within the terms of the Exemptions Order under the Rehabilitation of Offenders Act 1974.

An Umbrella Body is simply a Registered Body and as well as accessing the Disclosure service for its own purposes it may also decide to countersign Disclosure applications on behalf of others where there is a Borough affiliation.

As an Umbrella Body we must however take reasonable steps to ensure that any organisation to which the Disclosure service is provided can comply with the relevant obligations of the Code of Practice.

Responsibilities

The **CRB Code of Practice** binds all recipients of Disclosure information. It is the responsibility of the individual organisations to ensure that they comply with the obligations set out in the CRB Code of Practice. A requirement of being a Registered/Umbrella Body is that we have a written Policy on the Recruitment of Ex-Offenders. This policy is available on SBC Insite or for schools and external partners via www.slough.gov.uk. Individual organisations operating within our Umbrella Body should also ensure that they have a similar written policy. If this is not the case then a copy of our policy will be provided for their use.

When countersigning applications on behalf of organisations, as an Umbrella Body we must always satisfy ourselves that an organisation is genuinely **likely to ask exempted questions** under the Exemptions Order to the Rehabilitation of Offenders Act (ROA). In order for us to countersign any application for a client organisation you are required to confirm that you have referred to the Rehabilitation of Offenders Act of 1974 prior to submitting applications for countersigning (see Appendix 1). If we have any particular queries in this respect then we will seek further clarification from the organisation in question.

It is strongly recommended that evidence checking to support a Disclosure be carried out on a face-to-face basis. This is particularly relevant when using photographic ID. (Refer to Appendix 1 for further guidance).

Any passing of information between the Umbrella Body and individual organisation will be fair, reasonable and balanced. We will ensure upon the transmission of any correspondence that it is marked strictly private and confidential and for the nominated contact only. Any email data received by the organisation would need to be securely retained and destroyed as per our Secure Storage, Handling, Use, Retention & Disposal of Disclosures policy, a copy of which will be provided to you.

The CRB normally processes applications within a timeframe of approx 4-6 weeks upon receipt of a completed application form, however, there are peak times of the year such as August/September when the turnaround time may increase due to volume. As an Umbrella body we cannot influence the timescale/turnaround of any checks, but will ensure that we monitor the status on an organisation's behalf.

Disclosure information is always kept securely within Slough Borough Council and only those entitled, in the course of their duties, will have access. We would therefore expect individual organisations to follow this practice accordingly. The security and confidentiality of all Disclosure information is closely regulated under the Police Act 1997. Only those entitled to see the information as part of the recruitment decision are allowed access to it. Failure to observe the proper security procedures can be a criminal offence.

As an Umbrella organisation we would expect that any organisation handles and stores Disclosure information sensibly, therefore each organisation will have suitable arrangements for the handling and storage of this data which we supply to them.

Registered Bodies and Umbrella Bodies are required to have a written Security Policy to govern the handling of Disclosure Information. As an Umbrella Body we will provide a copy of our Secure Storage, Handling, Use, and Retention & Disposal of Disclosures Policy to those individual organisations. This policy outlines in detail the usage and handling of Disclosures by Slough Borough Council and in what form we provide Disclosure data to those organisations, upon which we provide an umbrella service.

As an Umbrella Body we have a responsibility to contact the CRB should we have any concerns about the behaviour of any organisation we are acting on behalf of.

As a registered Body /Umbrella Body we will also keep a **record** of all the names of all people to whom we have revealed any Disclosure information.

As an Umbrella Body countersigning Disclosure Applications for paid or unpaid applicants we will be required to see original documentary evidence of an applicant's identity. If as a counter signatory where we are not involved in the recruitment process, we will need to ensure that before countersigning the application that the recruiter/named contact for that organisation has seen suitable original documents and that they verify that this is the case.

What is a Volunteer?

The definition of a 'Volunteer as set out in the Police Act 1997 (Criminal Records) Regulations 2002 is:

'Any person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative'

Relationships with Volunteer Organisations/those that SBC has agreed/ established an affiliation with

As there is no relationship between the Registered/Umbrella body and the unregistered body then the most appropriate course of action is for Slough Borough Council as the Umbrella Body to forward the Disclosure information received to the user organisation. We are entitled to do this and are under a duty to do so, under the Police Act.

In the event of any conviction information that may be discussed between the Borough's HR Business Partner Team and the organisation via the telephone, then conviction details/nature of offence details are not to be documented as the CRB considers this duplication of Disclosure (conviction) information.

In such circumstances no liability lies with the Registered Body/Umbrella Body if a claim were subsequently made on the basis that the user organisation had acted unfairly against the applicant.

An individual organisation is advised to make recruitment decisions/decisions to appoint or not to appoint as soon as possible after receiving their Disclosure information. No Disclosure carries an absolute guarantee of accuracy; neither does it carry a pre-determined period of validity. Organisations should take further advice from their respective HR providers.

The Relationship with our Schools in Slough

As an LEA, Slough Borough Council has a different relationship with our Schools. It provides a Disclosure service to all Slough schools and we ensure, upon receipt of any Disclosure information causing concern, that our advice to the HeadTeacher is fair and reasonable; it reflects the guidance of the CRB; it does not discriminate unfairly against a person because of a previous criminal conviction or other information provided by the CRB. We will take into account a number of factors in accessing the suitability of an applicant and we work closely to ensure that our HR Business Partner Team provides the appropriate advice and guidance as necessary.

Charging for Umbrella Body Services

It remains at the discretion of each Umbrella Body to decide whether or not to make a charge for providing the Disclosure Service to other organisations. This commercial agreement to pass on any administrative charges remains Slough Borough Council's decision. The current administration charge per disclosure application including volunteers, independent schools and Academies is £10.00. (Please note that Slough Schools are exempt from this charge.)

Slough Borough Council will invoice the external organisation for the charge of a CRB disclosure (as set by the CRB) together with the administration fee (as set by SBC).

Useful Information

CRB Information Line: **0870 90 90 811**
Websites: www.disclosure.gov.uk
<http://www.crb.gov.uk/>

As an umbrella body, once Slough Borough Council have established that we are prepared to act on your behalf, you will be requested to sign your agreement to adhere to abide by the guidelines and provide where requested, information as discussed in this document. Failure to do so will mean that the Council will withdraw from acting on your behalf as an Umbrella Body.

I hereby accept to abide by the conditions as stated above

Named Contact:

Organisation:

Signed:

Date:

Appendix 1

CLIENT ORGANISATIONS

CRB Applicant Log

You will be charged for the CRB applications submitted. Therefore, we require the following information to be completed.

Name of Applicant	
Position Applied For * (Have you checked the R of O Act 1974 to see if you comply) YES/NO	
Organisation	
Volunteer (Y/N)	
Name of Evidence Checker	
Position of Evidence Checker	
Date	

* When countersigning applications on behalf of organisations, as an Umbrella Body we must always satisfy ourselves that an organisation is genuinely likely to ask exempted questions under the Exemptions Order to the Rehabilitation of Offenders Act

DOCUMENTARY EVIDENCE FOR APPLICANT:
REGISTERED BODY NO: – FORM REF:

The person who completes Section X of the CRB Disclosure Application Form needs to see ORIGINAL evidence only (photocopies are not acceptable under any circumstances) and must complete the applicant log (on reverse of this form). This form should then be forwarded with the application form.

The minimum requirement is ONE document from GROUP 1 plus TWO documents from either group OR FIVE documents from GROUP 2 only, if none available from GROUP 1.

- ALL documents must be in the Applicant's CURRENT NAME.**
- At least ONE document must show the Applicant's CURRENT ADDRESS.**
- At least ONE document must show the Applicant's DATE OF BIRTH.**

GROUP 1

- Valid passport (any nationality)
- UK or Isle of Man Driving Licence (either photo card or paper)
- Original UK Birth Certificate (issued within 12 months of the date of birth) (full or short form)
- Adoption Certificate
- Valid photo identity card (EU countries only)
- UK Firearms licence
- HM Forces ID Card (UK)

GROUP 2

- Marriage certificate
- Non-original UK birth certificate (issued after 12 months of date of birth) (full or short form)
- P45/P60 statement**
- Bank or building society statement*
- Utility Bill (electricity*, gas*, water*, telephone* – inc mobile phone contract/bill*
- Valid TV licence
- Credit Card statement*
- Store card statement*
- Mortgage statement**
- Valid insurance certificate
- Certificate of British nationality
- British work permit/visa**
- Correspondence or a document from:
Central/Local Government/Government Agency/Local Authority giving entitlement (UK)
- Financial statement (e.g. pension, endowment, ISA)**
- Valid vehicle registration document
- Mail order catalogue statement*
- Court summons**
- Valid NHS Card
- Addressed payslip*
- National Insurance number card
- Exam certificate (e.g. GCSE, NVQ)
- Child benefit book**
- Connexions card
- CRB Disclosure Certificate **
- Letter from a Head Teacher *
- Council Tax Statement
- One of the following documents from the Borders and Immigration Agency (BIA) (formerly the Immigration and Nationality Directorate – IND) (UK): Convention Travel Document (CTD), Stateless Person's Document (SPD), Certificate of Identity (CID), Application Registration Card (ARC)

***Documentation should be less than three months old months**

****Issued within past 12 months**

Please tick the relevant boxes above to indicate which original evidence has been seen

Extract from DIP002 – CRB Guidance

(This will be continually updated as CRB guidance changes – this is monitored by SBC HR unit on a regular basis and by reference to Disclosure updates)

Registered Bodies play an important role in the provision of the Disclosure service, in particular they must

- Check and validate the information provided by the applicant on the application form; and
- Establish the true identity of the applicant, through the examination of a range of documents as set out in this guidance; and
- Ensure that the applicant provides details of all names by which they have been known and all addresses where they have lived in the last 5 years; and
- Ensure the application form is fully completed and the information it contains is accurate.
- Failure to do this may compromise the integrity of the Disclosure service. If you are unsure about any part of the ID checking process, please contact us.
- Please note that:
 - You must only accept valid original documentation.
 - You must not accept photocopies.
 - You must not accept documentation printed from the internet e.g. internet bank statements.
 - Identity information (e.g. name, date of birth, address etc.) recorded in Section X on the Disclosure application form must be cross-matched with those provided by the applicant in sections A-C.
 - You should where possible, ask for photographic identity (e.g. passport, photocard Driving licence, etc. and for this to be compared against the applicant's likeness).
 - All documents must be in the applicant's current name as recorded in Section A (see below for guidance on recent changes of name).
 - One document must confirm the applicant's date of birth as recorded in Section A.
 - **You must see at least one document to confirm the applicant's current address as recorded in Section A. Only place a cross (x) in Section X15 if you have seen two documents.**
 - You must provide a full and continuous address history covering the last 5 years. Where possible you should seek documentation to confirm this address history.
 - You should cross match the applicant's address history with any other information you have been provided with as part of the recruitment, such as their CV. This can highlight if an address has not been given e.g. if the applicant's CV shows that they have worked in Liverpool in the last 5 years but the application form only shows London addresses, you may wish to question the applicant further about this.
 - Only one document from each of the subgroups in Group 2 should be included in the document count e.g. do not accept two bank statements as two of the required documents, if they are from the same bank.
 - If the applicant has completed any part of Section X on the application form, you must cross out any information that has not been seen by the Counter signatory or the approved document checker.
 - You cannot accept the foreign equivalent of an identity document if that document is listed as '(UK)' on the list of valid identity documents.
 - If an identity document is provided in a foreign language, you must obtain a translation of that document, certified by a Notary Public.

What identity document can be used?

The CRB has produced guidance on the type and range of identity documents that must be used by the Counter signatory or approved person, to validate the applicant's identity. These documents are divided into two groups: Group 1 and Group 2. The number of documents from each group the Counter signatory or approved person needs to see is set out in the following flow diagram.

If you have insufficient identity documents, please contact the CRB Information Line on 0870 9090 811 for further guidance.

How many documents do I need to see?

Can the applicant produce any documents from Group 1?

- Yes - 3 documents must be seen. One document from Group 1 plus any two from Groups 1 or 2.
- No - 5 documents to be seen. Five documents from Group 2

List of Valid Identity Documents

Group 1	
Passport	EU National Identity Card
Driving Licence (UK) (Full or provisional) -England/ Wales/ Scotland/ Northern Ireland/ Isle of Man; either photo card or paper (a photo card is only valid if the individual presents it with the counterpart licence)	Birth Certificate (UK) - issued within 12 months of date of birth – full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces
HM Forces ID Card (UK)	Firearms Licence (UK)
Adoption Certificate (UK)	

Group 2	
Marriage/Civil Partnership Certificate	Financial Statement ** - e.g. pension, endowment, ISA
Birth Certificate	Vehicle Registration Document (Document V5 old style and V5C new style only)
P45/P60 Statement (UK) **	Mail Order Catalogue Statement *
Bank/Building Society Statement *	Court Claim Form (UK) ** - Documentation issued by Court Services
Utility Bill* - electricity, gas, water, telephone – including mobile phone contract/bill	Exam Certificate e.g. GCSE, NVQ, O Levels, Degree
TV Licence **	Addressed Payslip *
Credit Card Statement *	National Insurance Card (UK)
Store Card Statement *	NHS Card (UK)
Mortgage Statement **	Benefit Statement* - e.g. Child Allowance, Pension
Insurance Certificate **	Certificate of British Nationality (UK)
Council Tax Statement (UK) **	Work Permit/Visa (UK) **
A document from Central/ Local Government/ Government Agency/ Local Authority giving entitlement (UK)*: e.g. from the Department for Work and Pensions, the Employment Service,	One of the following documents from the Borders and Immigration Agency (BIA) (formerly the Immigration and Nationality Directorate – IND) (UK): Do not use more than one of the

Customs & Revenue, Job Centre, Job Centre Plus, Social Security	following documents Convention Travel Document (CTD) Stateless Person's Document (SPD) Certificate of Identity (CID) Application Registration Card (ARC) Letter from a Head Teacher *
CRB Disclosure Certificate ** Connexions Card (UK)	

*Documentation should be less than three months old

**issued within past 12 months

At least one document must confirm the applicant's current address and at least one document must confirm the applicant's date of birth.

This list is subject to amendment.

What do I do if I can't record all of the documents that I have seen in Section X?

Where it is possible, try to record the identity documents seen in Section X. Where this is not possible, list all documents seen on a continuation sheet, as attached, and return with the application form.

How can I check Driving Licences?

Do not accept licences other than those stated in the list of valid identity documents. English, Welsh and Scottish driving licence numbers contain information about the applicant's name, sex and date of birth. This information is written in a special format but can be gleaned and matched against the information provided by the applicant in Section A-C.

Please note that the date of birth on English, Welsh and Scottish driving licences, issued before 1977, is not recorded as a separate entry on the licence. The date of birth must be deciphered from the driving licence number and entered in the relevant field on the application form.

For example the format of the number for Christine Josephine Robinson, born 2 July 1975

ROBIN 757025 CJ99901
NNNNN YMMDDY IICCC C

N = 1st five letters of the surname (if the surname begins MAC or MC it is treated as MC for all).

Y = YEAR of birth.

M = MONTH of birth (In the case of a female, the number represented by the first M will have the value 5 added to the first digit e.g. a female born in November (i.e. 11) would display '61' in the MM boxes) or if born in February (i.e. 02) would display '52').

D = DAY of month of birth.

I = Initial letter of the first two forenames - if only one, then 9 will replace the second letter. If the licence indicates that the applicant has a middle name, ensure that one has been provided in Section A.

C = Computer generated.

Please note, for Northern Ireland driving licences the licence number is in a different format. The licence number is unique to the driver and the 'name' or 'date of birth' validation, as shown above, cannot be used.

Do not accept licences from British dependencies (e.g. Gibraltar, Channel Islands and Falkland Islands).

What if the applicant has been adopted?

Registered Bodies should inform applicants that if they were adopted before the age of 10, they do not need to provide their surname at birth in Section C of the Disclosure application form, they should give their adoptive name in this section.

This is because the age of criminal responsibility is deemed to be 10 years, under the Children and Young Persons Act 1933, Chapter 12, Section 50. This means that there is no possibility that an individual could have a criminal record in a name that was used until the age of 10.

What if the applicant has changed their name recently and cannot provide ID documents in this new name?

Documents in a previous name can be accepted ONLY where the applicant can provide documentation supporting a recent change because of:

Marriage/civil partnership {marriage/civil partnership certificate

divorce/civil partnership dissolution {decree absolute/civil partnership dissolution certificate}

deed poll {Deed Poll certificate}

In these instances, you must:

1. Return a 'Continuation Sheet' with the application form clearly stating
current and previous names
date of the change
reason for the change
the document you have seen to support this change

2. Ensure that all 'Previous names' and 'Dates used' are recorded in Section B (Other Names)

How do I check for indicators of fraud?

Always check for signs of tampering when checking identity documents. Documents should be queried if they display any signs of damage, especially in the areas of personal details such as the name and the photograph. The following guidelines should help you look out for any suspicious signs when authenticating documents.

Passport

Check the general quality and condition of the passport. Treat it with suspicion if it is excessively damaged; accidental damage is often used to conceal tampering. Photographs should be examined closely for signs of damage to the laminate or for excessive glue or slitting of the laminate; these signs would indicate photo substitution. If the photograph appears excessively large, this might indicate an attempt to hide another photograph underneath. There should also be an embossed strip embedded into the laminate, which will catch a portion of the photograph. Check

there is no damage to this area. If the passport is from a foreign national, you can still follow the same general procedures as above.

Photo driving licence

Examine the licence for evidence of photo tampering or any amendment of the printed details.

Old style driving licence (no photograph)

Remove the document from the plastic wallet and check that it is printed on both sides. It should have a watermark visible by holding the licence up to the light and there should be no punctuation marks in the name or address. The 'Valid To' date should be the day before the bearer's 70th birthday (unless the bearer is already over 70). The 'Valid To' date can therefore be cross-referenced with the applicant's date of birth detailed in Section A.

Birth certificate

Birth certificates are not wholly reliable for confirming identity, since copies are easily obtained. However, certificates issued at the time of birth are more reliable than recently issued duplicates.

Check the quality of paper used; genuine certificates use a high grade. There should be a watermark visible when the document is held up to the light. Any signs of smoothness on the surface would indicate that original text might have been washed or rubbed away. There should be no signs of tampering, changes using liquid paper, overwriting or spelling mistakes.

EU Photo Identity Card

Examine the card for evidence of photo tampering or any amendment of the printed details.

HM Forces ID Card

Examine the card for evidence of photo tampering or any amendment of the printed details.

Firearms licence

Check the licence is printed on blue security paper with a Royal crest watermark and a faint pattern stating the words 'Home Office'. Examine the licence for evidence of photo tampering or any amendment of the printed details, which should include home address and date of birth. The licence should be signed by the holder and bear the authorising signature of the chief of police for the area in which they live, or normally a person to whom his authority has been delegated.

Other forms of identification

Ensure all letters and statements are recent, i.e. within a 3 month period. Do not accept documentation printed from the internet. Check letter headed paper is used, bank headers are correct and all documentation looks genuine. The address should be cross-referenced with that quoted in Section A.

Town / City:

County:

Postcode:

Country:

From:

To:

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Title

Recruitment of Rehabilitation of Offenders Policy

Type:

Employment Policy

Distribution

All managers and staff via SBC Insite and Schools

Approved by:

Employment & Appeals Committee – 6th April 2009

Issue Date:

Xxxxxxxxxx 2009

Review Date:

As required

**Replaces
Policy:**

n/a

**Contact for
guidance**

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Yvonne.Harris@slough.gov.uk

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Recruitment of Rehabilitation of Offenders Policy

Policy Statement

The aim of this policy is to state Slough Borough Council's approach towards employing people who have criminal records. This policy should be read in conjunction with the Policy on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information (available on request).

The Council is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

1. INTRODUCTION

The Council will consider ex-offenders for employment on their individual merits. The Council's approach towards employing ex-offenders differs, however, depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

2. SCOPE

2.1 This policy applies to all employees of Slough Borough Council. It excludes school-based staff who are under the control of Governing Bodies.

3. PROCEDURE

Applicants should apply to the HR Business Partner Teams for assistance and may do so in complete confidence.

Applicants cannot be forced to undergo the checking process. However, the Council are fully within their rights not to offer a post involving working with children and other vulnerable groups to those who refuse to agree to the relevant criminal record checks. The welfare of children and other vulnerable groups will be paramount.

Where questions are required to be asked regarding past records, these will reflect the principles of the Rehabilitation of Offenders Act 1974 and will thus be composed taking into account the 'time expired' nature of the offence.

In line with the Council's Equal Opportunities policy all applicants for positions within the council will be assessed on merit and ability. The Council will give a fair opportunity of employment to people with criminal records (subject to the nature of the post).

When considering the relevance of a criminal record the recruiting manager will carry out a risk assessment based on the following:-

- The nature of the offence in relation to the nature of the job
- The examination of the circumstances leading up to the offence
- Repeat offences
- The length of time since an offence took place
- The nature of the job, workplace environment, exposure to money, property and vulnerable people
- The extent of job supervision
- An individual's attempt to go 'straight'

Criminal Convictions Received Whilst in Employment of the Council

Employees must disclose any criminal offence they have been convicted of and any criminal charges that they may face. The requirement is stipulated in the Employee Code of Conduct, a copy of which is available on SBC Insite and referred to in the Corporate Induction.

Should an employee be convicted of an offence, the circumstance of and the type of offence will be considered in relation to their continued employment, before a decision is made regarding retention. If it is felt that the offence is not one which affects continuation of the employment, ie it has no bearing on the type of work being carried out; employment may be able to continue. If a custodial sentence is imposed, in excess of the time that could be covered by the application of leave of absence and holiday amalgamation rules, it may be necessary to treat the contract as having been frustrated and thus, the employment as having ended. If continuation of employment is not found to be appropriate the Council's Disciplinary procedure must be invoked.

A dismissal on the grounds of a legal restriction Employment Rights Act 1998, Section 98 will not preclude the employee from applying to rejoin the council on release, when an application will be considered on its individual merits.

Rehabilitation Periods of Offence

All managers should make themselves conversant with the rehabilitation periods for offences as outlined below:

Sentence Period	Rehabilitation
Disqualification orders or orders imposing a penalty etc	until the order ceases
Absolute discharge, discharge by children's hearing Under social work (Scotland) Act	6 months
Remand Home or approved school custody	1 year after cessation of Order

Conditional discharge, care supervision and approved School orders	1 year from date of conviction or the order, Whichever is the longer
Probation Orders (persons under 18)	2.5 years from the date of the conviction or date probation order ceases (whichever is the longer)
Probation orders (persons over 18)	5 years from date of conviction
Detention of up to 6 months, order for detention In a centre	3 years from date of conviction
Mental Health Order	5 years from conviction or 2 years from the cessation of the order whichever is the longer
Fine or other sentence subject to rehabilitation	5 years from date of conviction
Borstal training, detention of over 6 but not more than 30 months, imprisonment or youth custody for 6 months or less	7 years from date of conviction
Imprisonment of youth custody for over 6 months but less than 30 months	10 years from date of conviction

The above periods after which the conviction is spent are reduced by 50% for offenders aged 18 or under.

Some sentences are not subject to ROA 1974 and hence do not become spent at any time; these are life imprisonment (and life custody), imprisonment or youth custody for a period in excess of 30 months, a sentence of preventative detention, a sentence of detention during the Sovereign's pleasure.

Anyone who has been convicted of a criminal offence, and received a sentence of not more than 2.5 years in prison, benefits as a result of the Act, if he or she is not convicted again during a specified period otherwise known as the

'rehabilitation period'. The length of this period depends on the sentence given for the original offence and runs from the date of the conviction. If the person does not re-offend during this rehabilitation period, they become a 'rehabilitated person', and their conviction becomes 'spent'.

For example, if a person receives a sentence of imprisonment or detention in a young offenders institute of between 6 months and 2.5 years, the rehabilitation period is 10 years, or 5 years if the individual was under 18 at the time of conviction. For an absolute discharge the rehabilitation period is six months.

Sentences can carry fixed or variable rehabilitation periods and these periods can be extended if the person offends again during the rehabilitation period. **However, if the sentence is more than 2.5 years in prison the conviction never becomes 'spent'**. It is the sentence imposed by the courts that counts, even if it is a suspended sentence, not the time actually spent in prison.

Once a conviction is 'spent', the convicted person does not have to reveal it or admit its existence in most circumstances. However, there are some exceptions relating to employment and these are listed in the Exceptions order to the ROA. **The two main exceptions relate to working with children or other vulnerable groups. If a person wants to apply for a position that involves working with children or other vulnerable groups they are required to reveal all convictions, both spent and unspent.**

Driving Offences

In endeavouring to discover a driver's record, questions should be phrased as follows:

- In the last 4 years have you received an endorsement (or penalty points) for a driving offence?
- In the last 5 years have you received a fine for a driving offence?
- In the last 7 years have you received a prison sentence of less than 6 months in respect of a driving offence?
- In the last 11 years have you received a penalty in respect of a drink driving offence? If so, please give details.

It should also be stressed that failure to provide accurate answers will be regarded as gross misconduct, the information provided on the basis on which insurance cover is provided and inaccurate information may lead to the employee driving without insurance cover and the insurer refusing to accept a claim.

Confidentiality

Confidentiality of information throughout the whole process of disclosure is paramount.

All documents relating to disclosure information will only be made available to the relevant HR Officer and the recruiting manager to the post and will be kept in a lockable and non-portable storage container. Please see CRB Secure

Storage, Handling, Use, Retention and Disposal of Disclosures Policy for further information.

Employers are liable for the misuse of CRB information not the CRB.

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