

## **Coventry Local Involvement Network (LINK) Criminal Record Bureau Check Policy and Procedures**

### **Scope**

This document sets out Coventry LINK's policy on undertaking Criminal Record Bureau (CRB) checks for volunteers engaged in volunteering roles within the LINK. This document will be made available to those interested in applying for all relevant volunteering roles.

### **Responsibility**

As the Host organisation supporting the Coventry LINK, Voluntary Action Coventry's (VAC) Board of Trustees has obligations under the Rehabilitation of Offenders Act 1974 and the Police Act 1997. The Chief Executive of VAC is responsible for ensuring that this policy is put into practice and that staff have sufficient information and training to enable them to follow this policy and make appropriate recruitment decisions.

As Host organisation for the Coventry LINK VAC is charged with ensuring that LINK regulation regarding CRB checks is enforced.

### **Policy Statement**

Some Coventry LINK volunteering opportunities involve positions of trust and contact with vulnerable people and children. The volunteering roles within LINK which are subject to CRB checks are those of 'Authorised member'. This is an active role, which will require visits to health and social care premises and interaction with vulnerable adults and possible children in the course of LINK work.

Therefore Criminal Record Checks for such roles are necessary as part of the process to assess potential volunteers' suitability. Such checks aim to both to ensure the safety of children and vulnerable adults LINK volunteers may come into contact with during the course of LINK activities and to justify public trust and confidence in the LINK.

Checks are made using the Criminal Records Bureau (CRB) Disclosure Service.

However, having a criminal record does not necessarily mean that an individual cannot take on the volunteer role of Authorised Member. Some convictions are not relevant to the role and for others we carry out a careful process of assessment

balancing the nature of the volunteering role and the circumstances and background of offences

Coventry LINK complies fully with the CRB Code of Practice and undertakes to treat all applicants fairly. A Disclosure is only requested if it is both proportionate and relevant to the volunteering role concerned.

Coventry LINK is committed to the fair treatment of people who wish to be considered for volunteering roles and to volunteers. We undertake not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

For the majority of LINK participants a CRB check will not be necessary as the LINK aims to offer different ways for people to engage and feed in their perspectives and views which will not require direct contact with children or vulnerable adults.

## **Application Process**

Advertisements for volunteers for roles, which require a Disclosure, will clearly state this requirement. People expressing an interest in such positions will be advised that a CRB check is necessary. We will also make it clear that having a criminal conviction is not necessarily a bar to undertaking the volunteering role.

People wanting to volunteer in such roles will be given the opportunity to provide details of their criminal record during a discussion with the LINK Project Manager or Project Officers.

We guarantee that this information is only available to members of staff who need to be aware of it as part of the recruitment process.

When a person applies for a volunteering position, which requires a CRB disclosure the process of applying for the Disclosure will be implemented as soon as possible. The prospective volunteer will be given assistance in completing the paperwork as needed and will be kept informed of the process and developments.

For volunteering roles requiring Disclosure a person will not be able to begin the volunteering role until a satisfactory Disclosure is received.

We will make every subject of CRB Disclosure aware of the existence of the CRB Code of Practice and make a copy available on request.

## **Nature of Record Checks**

Unless the nature of the volunteering role requires Coventry LINK to ask questions about applicants' entire criminal record we will only ask the Criminal Records Bureau about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.

We ensure that all those in VAC who are involved in the volunteer recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate

guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

We will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position.

Failure to reveal information that is directly relevant to the volunteering role could lead to the volunteer being asked to leave the role/not be able to volunteer in that role.

## **Assessing relevance of offences**

The LINK Host will discuss any matter revealed in a Disclosure with the person seeking a volunteering role with Coventry LINK before coming to a decision on suitability for the role. This is to provide the opportunity for the potential volunteer to provide explanation or to query the CRB findings where they feel there has been an error.

The suitability of a person with a criminal record to become a volunteer will vary depending upon the circumstances and the details of their conviction. This will be assessed by considering:

- the nature of the offence ( some offences will not be relevant to the role)
- circumstances that led up to the offence
- the outcome of the court appearance
- the action taken by the individual to demonstrate a change in the circumstances which would make re-offending less likely

Assessing the relevance of convictions cannot be taken in isolation – it will be done in relation to particular tasks within the volunteering role. It is important to balance the ‘risk’ of the volunteering against the ‘risk’ of re-offending i.e. would the duties and responsibilities relating to the role create an opportunity for the individual to re-offend? If not the person may not be at risk.

Decisions will be made by two members of VAC staff: the person with day to day responsibility for the volunteer: the LINK Project Manager role and a senior manager: usually the Director of Policy and Partnership. If a decision cannot be reached the matter will be referred the Chief Executive. The final decision not to accept a person as a volunteer will be taken with the Chief Executive.

The LINK Project Manager will inform applicants of decisions in writing.

The LINK governing group will be informed when a volunteer has been turned down as a result of CRB Disclosure information. However it would not be appropriate to share details of the offences with the membership of this group and a person’s name will only be passed on if there is a specific need.

## **Retention of information**

VAC complies fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosure information and its obligations under the Data Protection Act.

Once recruitment (or other relevant decision) has been made, we do not keep disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep disclosure information for longer than six months, we will consult the CRB about this and will give full consideration to the Data Protection and Human Rights of an individual before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

Disclosure information is kept separately and securely with access limited to those who are entitled to see it. VAC recognises it is a criminal offence to pass this information to anyone not entitled to receive it.

In accordance with section 124 of the Police Act 1997, disclosure information is only passed to those who are authorised to receive it. We maintain a record of all those to whom disclosures or disclosure information has been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

We may keep a record of the date of issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the details of the recruitment decision taken.

## **Rechecks**

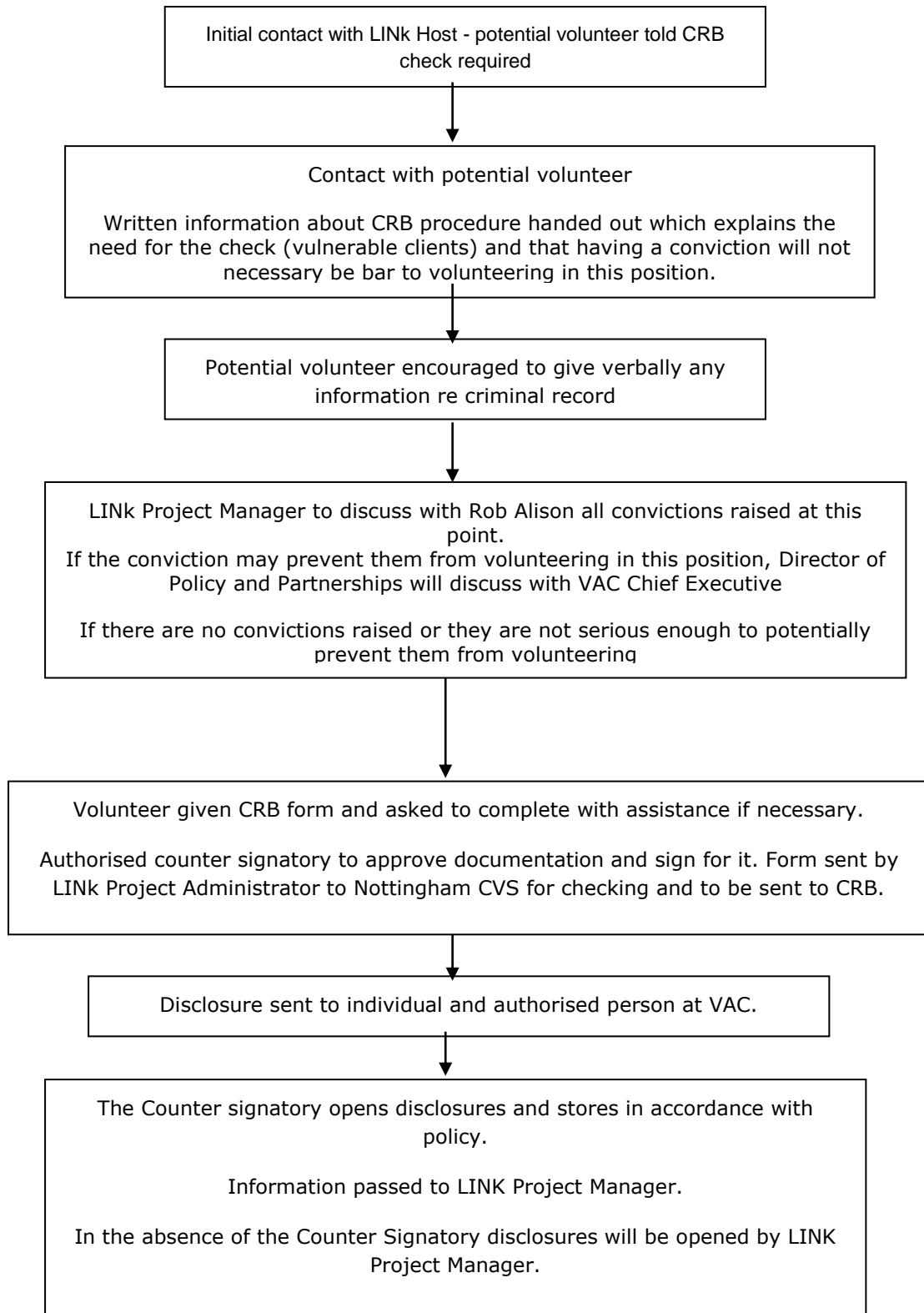
To ensure information is kept up to date. Volunteers will be rechecked after 2 years

## **Appeals**

Should an applicant wish to appeal against a decision that they are unsuitable for the LINK volunteering role because of the convictions revealed in their CRB check they should write to the Chief Executive of Voluntary Action Coventry stating the reasons why they consider the decision to be unfair. The Chief Executive may decide to meet with the applicant to gather further information. The final decisions will be taken by the Chief Executive and a member of the LINK Steering Group (nominated by the group).

## CRB Check Process: LINK VOLUNTEER

The process should follow as below:



## **Guidance on addressing relevant convictions**

The suitability of a person with a criminal record for voluntary work will vary, depending on the nature of the role and the details and circumstances of any convictions. Deciding on the relevance of convictions to specific roles is not an exact science. An assessment of an applicant's skills, experience and conviction circumstances should be weighed up against the risk assessment criteria for the role.

An applicant's criminal record should be assessed in relation to the tasks they will be required to perform and the circumstances in which the work is to be carried out. These points should be considered when deciding on the relevance of offences to particular roles:

- Does the role involve one-to-one contact with children or other vulnerable groups as employees, customers or clients?
- What level of supervision will the volunteer receive?
- Does the role involve direct contact with the public?
- Will the nature of the role present any opportunities for the post holder to re-offend in the course of their activities?

In some cases, the relationship between the offence and the volunteering role will be clear enough for the LINK to decide easily on the suitability of the applicant for the job. If prospective volunteers disclose a criminal record that is not related directly to the role then the offence should be discussed with the applicant and the following issues need to be taken into account

- the seriousness of the offence and its relevance to the safety of other employees, customers, clients or property
- the length of time since the offence occurred
- any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example, the influence of domestic or financial difficulties
- whether the offence was a one-off, or part of a history of offending
- whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely
- whether the offence has been decriminalised by Parliament
- the country in which the offence was committed. Some activities are offences in Scotland and not in England and Wales, and vice versa
- the degree of remorse, or otherwise, expressed by the applicant and their motivation to change.

## **Dealing with disclosures when received**

All information regarding offences will be treated as highly confidential. All information will be kept in locked filing cabinets. The keys to this cabinet will only be available to Senior Staff.

Prospective volunteers will be assured that their convictions will not be disclosed to anyone unless there is a specific reason for doing so. This decision is made by the LINK Project Manager, Director of Policy and Partnerships and Chief executive.

The Director of Policy and Partnerships, LINK Project Manager, VAC Chief Executive will be the only people informed of an individual's criminal record.

Once a volunteer is taken on they will be told who has knowledge of their record and why.

The diagram below details the procedure to take when a volunteer's CRB disclosure is positive.

