



University of the  
West of England

## **CRIMINAL RECORDS CHECKS: POLICY**

### **Introduction: The Legal Context**

The University is required to obtain information from the Criminal Records Bureau (CRB) for staff, and students fulfilling certain roles within the University, for the protection of children and vulnerable adults, and also for the assurance of the individual, external agencies and the University itself.

The legislation that applies is as follows:

- Under the Police Act 1997, the University can seek disclosures from the CRB for individuals carrying out particular roles. It does not place an obligation on employers or voluntary organisations to use the disclosure service.
- The Protection of Children Act 1999 creates in some cases a legal obligation to seek information about employees or volunteers in certain positions that is only available from the CRB and relating to the protection of children.
- The Criminal Justice and Court Services Act 2000 establishes provision for the protection of children and vulnerable adults, and specifies 'regulated positions' for which criminal records checks and assurances have to be undertaken.
- The Rehabilitation of Offenders Act 1974 (Exceptions) Order sets out those professions, occupations and posts for which questions relating to past convictions can be asked.

A list of these positions, taken from the CRB guidance is attached (Appendix1)

New legislation was introduced in 2008, which altered the checking requirements and procedures for the protection of children and vulnerable adults, and established a new Vetting and Barring Scheme under the auspices of the Independent Safeguarding Authority. This will come into effect during 2010. This policy attempts to take the new legislation into account, but is being reviewed and will be revised as necessary in due course.

### **University Position**

The legal requirements are of limited application within the University itself and do not apply to much of its core activity. They are relevant, however, to certain activities undertaken by some staff in the course of their work and some students in the course of their studies or other activities both within the University and in external agencies. Thus, in many cases the University will be undertaking a check on behalf of an external agency or partner which in some cases are coming under increasing requirements or expectations to redouble their efforts to ensure the safety of children and vulnerable adults in their care.

The Government recommends that institutions obtain enhanced CRB disclosures for all staff working in 'regulated' positions, as set out in Part 2 of the Criminal Justice and Court Services Act 2000. It is important that 'regulated position' is not interpreted too widely, to ensure that the University complies with the Rehabilitation of Offenders Act.

While the University is under an obligation to obtain disclosures from the CRB for some staff and students, it is important to achieve a balance based on the assessment of the risk involved in particular roles and activities being carried out and recognising the legal limits on the range of positions for which checks may be sought.

This policy identifies those roles (both staff and students) for which a criminal records check is required and others for which an assessment will need to be made at the time of appointment, both of whether a check is required and at what level. Guidance on such a risk assessment will be provided for Deans and Heads of Services. Separate guidance will be provided to cover contractors.

## **Relevant Roles and Positions**

There are a number of ways in which staff and students have contact with children and/or vulnerable adults in course of their work, study or other activities. These are set out below together with guidance on the requirement or not for criminal records checks and the level of those checks. It also covers those other positions for which a check is considered appropriate.

The CRB provides two levels of disclosure 'standard' and 'enhanced' which apply to different roles and activities.

## **STAFF**

### **1 In External Settings**

There is an increasing expectation from some external partners, in some cases led by government and other pressures, for University staff visiting in the course of their work to have been CRB checked.

#### **1.1 School of Education**

Government guidance is increasingly prescriptive and all-embracing regarding visitors to schools in whatever capacity.

Academic staff who visit students on placement, including HPLs, and some technicians who go into schools on placement-related activities will be required to apply for an enhanced disclosure.

- i) Checks are to be introduced as a requirement of appointment to these roles.
- ii) Checks will be obtained for current staff, with their agreement.
- iii) All staff for whom a check is required are obliged to inform the University of any change in their criminal record.

#### **1.2 School of Health and Social Care**

Although health agencies are not currently under the same pressure as schools, the same approach will be taken as for staff in the School of Education. All staff visiting students in placement situations involving children and vulnerable adults

eg social work, children's nursing, mental health nursing will be CRB checked (enhanced disclosure).

- i) Checks are to be introduced as a requirement of appointment to these roles.
- ii) Checks will be obtained for current staff, with their agreement.
- iii) All staff for whom a check is required are obliged to inform the University of any change in their criminal record.

### 1.3 Others

Particular roles/activities for which checks are required or are to be risk assessed are:

- i) Staff in the Outreach Centre: for some positions checks will be required, others will be assessed on an individual basis
- ii) Staff in faculties and services whose roles involve school (and some other organisations for young people or vulnerable adults) visits for eg marketing or schools liaison: for some positions checks will be required, others will be assessed on an individual basis
- iii) Staff undertaking research work which involves one-to-one or other unsupervised contact with children or vulnerable adults: are usually to be checked. The level of the check to be determined by the Dean/Head of Service and Human Resources depending on the nature of the activity, and for which guidance will be provided.  
Although the need for a check should be identified by the researcher and manager, Research Ethics Committees may make recommendations regarding CRB checks for projects they review, in line with this policy.
- iv) Staff undertaking knowledge exchange activities which involve one- to-one or other unsupervised contact with children or vulnerable adults: are usually to be checked. The level of the check to be determined by the Dean/Head of Service and Human Resources depending on the nature of the activity, and for which guidance will be provided.
- v) Centre for Sport: some staff may be involved in eg coaching activities on behalf of the University but elsewhere - to be assessed on an individual basis.

## 2 Within the University

There are various situations in which staff will come into contact with children or vulnerable adults:

- 2.1 Students under 18 who are on University courses: A separate policy and guidance have been drawn up covering such students. Individual staff taking particular responsibilities for such students will require an enhanced disclosure.
- 2.2 Summer Schools, Schools Visits, other similar events: Guidance for risk assessing particular types of events and in what circumstances any staff should be checked/level of disclosure.

- 2.3 Nursery: all staff require an enhanced disclosure.
- 2.4 Student Services department: Staff working on a regular individual basis primarily with students who might fall within the definition of 'vulnerable adult' will require an enhanced disclosure as a condition of appointment. Checks will also be carried out for current staff with their agreement. Advice on how this applies to particular roles is available.
- 2.5 Chaplaincy: An enhanced disclosure will be obtained for chaplains employed by the University, on appointment.  
Those who are representatives from faith groups will usually have had a check done by their employer. The University will ask to see their most recent disclosure, and will check its validity with the registered body concerned.
- 2.6 Student Residences:  
Student wardens are required to have an enhanced disclosure.  
Some other staff will be required to apply for a disclosure depending on their role in connection with external residential events, that may include staff from Facilities, IT Services and other services. Guidance is available.
- 2.7 Centre for Sport: Many staff and volunteers will come into contact with children or vulnerable adults in their work at the Centre and most will require a CRB check. The level of the check to be determined by the Head of Service organizing the activity, in consultation with the external agency concerned, and Human Resources depending on the nature of the activity, and for which guidance will be provided.
- 2.8 Disabled student support workers: most will require an enhanced disclosure, though this will depend to some extent on the nature of their particular role.
- 2.9 Community Service Volunteers (both staff and students): May need to be checked depending on the nature of the activity they are volunteering for. The level of the check to be determined by the Head of Service organising the activity, in consultation with the external agency concerned, depending on the nature of the activity. Guidance will be provided.
- 2.10 Staff supervising University employees who are under 18: guidance available from HR.

Checks will be renewed on a three-yearly basis. However, all staff for whom a check is required are obliged to inform the University of any change in their criminal record that might affect their role in the University.

The University will not apply for criminal records checks for staff where the requirement for a check is not connected with their University role.

Managers and Human Resources will need to be aware of and alert to the implications for staff progressing or moving between roles within the University and in allocating new duties to existing staff which require checks being carried out. Guidance will be provided on how to deal with any issues that arise for them.

### **Process**

Human Resources will be responsible for obtaining CRB disclosures for staff. In the main this will be incorporated into the recruitment and selection process for those positions for

which a disclosure is required. It is the responsibility of the Dean/Head of Service to carry out an initial risk assessment and to inform Human Resources whether a check is required for an advertised post.

There will also be occasions when existing staff will be required to apply for a disclosure – for instance when they progress or move between positions, are allocated new duties, or undertake research involving contact with children or vulnerable adults. Deans and Heads of Services need to be mindful of this possibility and of the issues it might raise. They should always consult and refer the matter to Human Resources in these circumstances.

Further advice is available from Human Resources or from the Clerk to the Governors.

Relevant papers:        Policy on the recruitment of ex-offenders  
                                 Information for staff who are required to apply for a CRB disclosure  
                                 Policy on secure storage etc of disclosures  
                                 CRB guidance

## **STUDENTS**

- 1        Enhanced disclosures are obtained for student on the following programmes of study:
  - all students entering initial teacher education programmes and other programmes in the School of Education such as Careers Guidance
  - all students entering pre-qualification health and social care award routes.
  
- 2        Students undertaking research as part of their programme of study/research students whose work involves one-to-one or other unsupervised contact with children or vulnerable adults: are usually to be checked. The level of the check to be determined by the Supervisor and the countersignatory, depending on the nature of the activity.  
This is to be discouraged for undergraduate students but will occur from time to time.
  
- 3        Student Ambassadors, Mentors and Tutors and students participating in activities arranged by the Outreach Centre, the Admissions office, and Marketing and Communications.  
Students can be split into two groups:
  - those undertaking mentoring/tutoring/unsupervised contact - to be checked, level to be determined by supervisor/countersignatory, usually enhanced
  - those who are involved only in activities such as guiding tours around the University - not usually checked, though limited risk assessment to be undertaken.
  
- 4        Community Service Volunteers: May need to be checked depending on the nature of the activity they are volunteering for. The level of the check to be determined by the Head of Service organizing the activity, in consultation with the external agency concerned, depending on the nature of the activity. Guidance will be provided.

Checks will not usually be repeated during a single programme of study, unless a student breaks their studies for a period longer than six months. However, returning students will be required to confirm at registration that their criminal record has not changed. They are also obliged to inform the University of any change in their criminal record that might affect their 'fitness to practice' within their programme of study or participation in other activities. This applies to students in all the above categories.

Relevant papers: Admission of students with criminal convictions  
CRB disclosure process for applicants  
Information for students who are required to apply for a CRB disclosure  
Policy on secure storage etc of disclosures  
CRB guidance

### **Process**

The process for obtaining disclosures for applicants and students is set out separately.

### **Portability**

The CRB's current guidance on 'portability' of disclosures (ie the use of a disclosure for another purpose, or the use of a disclosure carried out by another organisation) will be followed. However, if there is any concern about the validity of a disclosure, a new check must be requested.

### **Payment**

The University will currently pay the fee for disclosures for new and existing staff where their work within the University requires a criminal record check.

The University will currently pay the fee for applicants to health related programmes of study as this is reimbursed to the University by the NHS.

The University will currently pay for checks for student ambassadors, mentors etc.

No fee is payable to the CRB for those working in a voluntary capacity, though this does not apply when the work contributes to a student's programme of study, when a fee is payable.

This policy is under review, particularly in the context of changing requirements.

### **Lead countersignatory/countersignatories**

The Clerk to the Governors is the University's lead countersignatory. She/he will ensure that there are sufficient countersignatories in place, and in appropriate areas of the University, to support the operation of this policy. She/he will also ensure that countersignatories are briefed and trained in order to carry out their responsibilities.