

EAST HAMPSHIRE DISTRICT COUNCIL AND HAVANT BOROUGH COUNCIL

At a meeting of the Joint Human Resources Committee held on 9 October 2012

Present

Councillor Mrs Smallcorn (Chairman)

East Hampshire District Council: Councillors Carter (Vice-Chairman), Glass, Onslow and Wherrell

Havant Borough Council: Councillors Hart, Hilton, Hunt and Wride

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Mrs Marjorie Smallcorn be appointed as Chairman of the Joint Human Resources Committee for 2012/13.

Councillor Mrs Smallcorn in the Chair

2. APPOINTMENT OF VICE- CHAIRMAN

RESOLVED that Councillor Carter be appointed as Vice-Chairman of the Joint Human Resources Committee for 2012/13.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Gwen Blackett, Bill Moulard and Maurice Johnson MBE.

4. MINUTES

RESOLVED that the minutes of the Havant Borough Council Staffing Matters Committee held on 19 June 2012 be approved as a correct record.

5. MATTERS ARISING

Shared Management and Joint Working

In response to a member, the officers undertook to explore options for providing training for members of both HBC and EHDC with regard to the different social, economic and cultural characteristics pertaining to each area.

Risk Management

In response to a query from a member, officers confirmed that arrangements were now in place at HBC for the corporate key risks register to be monitored by the Governance and Logistics Scrutiny Panel on a quarterly basis in conjunction with the Corporate Performance Healthcheck. A similar arrangement for risk management to be monitored through the EHDC overview and scrutiny function was also in place.

6. EXCLUSION OF THE PUBLIC

RESOLVED that the public be excluded from the meeting during consideration of the minute headed and numbered as below it being likely, in view of the nature of the business to be transacted, or the nature of the proceedings that if members of the public were present during that minute there would be disclosure to them of exempt information of the description specified in paragraphs 1 and 2 of Part I of Schedule 12A of the Local Government Act 1972 shown against the heading in question.

Minute 12 – Terms and Conditions Review – Update Paper (paragraph 4)

7. DECLARATIONS OF INTERESTS

There were no declarations of interests from any of the members present.

8. CHAIRMAN'S REPORT

There were no matters the Chairman wished to report.

9. HUMAN RESOURCES PANELS

The Committee considered a report recommending the appointment of two Human Resources Panels for the purpose of dealing with appeals against dismissal locally.

The Committee also noted that both Councils' adopted grievance procedures provided for appeals against the outcome of grievances to be referred to members for determination. It was therefore recommended that the Committee's terms of reference be amended so as to enable any such appeals to be referred to the relevant local Human Resources Panel.

(A) RESOLVED that

- (1) the following members from each authority be appointed to sit on two local Human Resources Panels in accordance with the Committees' terms of reference:

East Hampshire District Council

Cllr Judy Onslow

Cllr Ken Carter

Cllr Angela Glass

Cllr Chris Wherrell (Standing Deputy)

Havant Borough Council

Cllr John Hunt

Cllr Mrs G Blackett

Cllr Mrs M Smallcorn

Cllr C Hilton (Standing Deputy)

Joint Human Resources Committee (9.10.12)

- (2) Training be provided for members of the Panels on dealing with grievances and appeals against dismissal.
- (B) RECOMMENDED to both Full Councils that paragraph (2)(d) of the Committee's terms of reference be amended to read:
 - “(2)(d) to appoint Panels as appropriate to hear appeals against dismissal from the Council's employment and appeals at stage two of the Grievance Procedure.”

10. CRIMINAL RECORDS BUREAU DISCLOSURE POLICY

The Committee received a report setting out an overview of the revised Criminal Records Bureau (CRB) Disclosure Policy which had been drafted for use across Havant Borough Council (HBC) and East Hampshire District Council (EHDC).

A Criminal Convictions Procedure had also been drafted to support HBC and EHDC to reach appropriate decisions relating to the employment of staff with a criminal record.

Both the Policy and Procedure were intended to ensure HBC and EHDC fulfilled the legal obligations governing criminal record checks for regulated positions and complied fully with the CRB Code of Practice.

The Committee was now requested to recommend that the draft CRB Disclosure Policy and the Criminal Convictions Procedure be approved and adopted by EHDC Full Council at its meeting on 25 October 2012 and by HBC Full Council at its meeting on 17 October 2012.

- (A) RESOLVED that the content of the report be noted;
- (B) RECOMMENDED to EHDC Full Council that the draft CRB Disclosure Policy set out in Appendix 1a and the Criminal Convictions Procedure set out in Appendix 2a be approved and adopted; and
- (C) RECOMMENDED to HBC Full Council that the draft CRB Disclosure Policy set out in Appendix 1b and the Criminal Convictions Procedure set out in Appendix 2b be approved and adopted.

11. SHARED E-LEARNING

Members of Joint HR Committee were asked to note that a review had recently been undertaken of the e-learning systems at both Councils.

The review had been undertaken by the Human Resources team to identify ways in which the cost of e-learning could be reduced, the usage of e-learning could be increased and learning opportunities could be equal for all staff across both Councils.

The report provided members of the Committee with information on the review and also provided information on the recommendations that had been approved by Joint Executive Board on 18 September 2012.

During the course of the debate, officers gave an assurance that, where staff failed to achieve satisfactory levels of achievement through e-learning, alternative training tailored to their needs, would be provided. The officers also agreed to arrange for members of the Committee to be given a demonstration of the e-learning system.

RESOLVED that the following Joint Executive Board decision in relation to shared e-learning be noted:

- (a) the implementation of a shared E-Learning system across both Councils;
- (b) the use of 'Learningpool' as the provider; and
- (c) the implementation of an annual E-Learning plan to ensure regulatory and compliance requirements are met.

12. TERMS AND CONDITIONS REVIEW - UPDATE PAPER

(This minute was taken in Camera)

The Committee received a confidential report providing an update with regard to the ongoing review of terms and conditions.

During the course of the debate the officers undertook to circulate additional financial information to members of the Committee after the meeting.

RESOLVED that the content of the report be noted and that a further updated be provided in due course as negotiations continue.

The meeting commenced at 5.00 pm and concluded at 6.05 pm

NON EXEMPT

HAVANT BOROUGH COUNCIL/EAST HAMPSHIRE DISTRICT COUNCIL

Joint Human Resources Committee

9 October 2012

HUMAN RESOURCES PANELS

Report of the Democratic Services Officer

REPORT NO 9

FOR DECISION YES

**Marketing and Development Portfolio (HBC): Cllr M Cheshire
Business Development Portfolio(EHDC): Cllr D Phillips**

Key Decision: N/A

1.0 Purpose of Report

- 1.1 To appoint two Human Resources Panels for the purpose of determining grievances and appeals against dismissal locally.

2.0 Recommendation

RECOMMENDED

- 2.1 that the Committee appoints three of its members representing East Hampshire District Council and three of its members representing Havant Borough Council to sit on two Human Resources Panels for the purpose of determining appeals against dismissal locally; and
- 2.2 that the Committee recommends to both Councils that paragraph (2)(d) of the Committee's terms of reference be amended to read:
- “(2)(d) to appoint Panels as appropriate to hear appeals against dismissal from the Council's employment and appeals at stage two of the grievance procedures”

3.0 Summary

- 3.1 At their respective Council meetings on 21 June and 25 July 2012 , East Hampshire District Council (EHDC) and Havant Borough Council (HBC) each resolved to establish a Joint Human Resources Committee with terms of reference as set out in Appendix A.
- 3.2 In accordance with paragraph (2)(d) the Committee is now requested to appoint three of its members representing East Hampshire District Council and three of

its members representing Havant Borough Council to sit on two local Human Resources Panels for the purpose of determining appeals against dismissal.

- 3.3 The Councils' adopted grievance procedures also provide for an appeal against the outcome of a grievance to be referred to members for determination. It is therefore recommended that the terms of reference of this Committee be amended as at 2.2 above, so as to enable any such appeals to be referred to the relevant local Human Resources Panel.

4.0 Implications

4.1 Resources:

None arising directly from this report.

4.2 Legal:

None arising directly from this report.

4.3 Strategy:

None arising directly from this report.

4.4 Risks:

None arising directly from this report.

4.5 Communications:

None arising directly from this report.

4.6 For the Community:

None arising directly from this report.

4.7 The Integrated Impact Assessment (IIA) has been completed and concluded the following:

None arising directly from this report.

5.0 Consultation

Not applicable

Appendices:

Appendix A – Joint Human Resources Committee Terms of Reference

Background Papers:

Nil

Agreed and signed off by:

Legal Services: 30 August 2012

Executive Head of Governance & Logistics: 30 August 2012

Executive Head for Marketing and Development: 25 September 2012

Contact Officer: Penny Milne
Job Title: Democratic Services Officer
Telephone: (023) 9244 6234
E-Mail: penny.milne@havant.gov.uk

Joint Human Resources Committee Terms of Reference

Membership: 12 members (6 from each Authority)

(1) With regard to appointments:

- (a) to recommend the appointment of Chief Executive to the Council;
- (b) with regard to posts of Executive Directors and Executive Heads, the Committee has the right to comment on proposed appointments (being made by Panels set up for that purpose) but without a right of veto

(2) With regard to pension matters, appeals and dismissals:

- (a) to agree to retirement of all employees in the interests of efficiency and to agree to the redundancy of Executive Heads, Executive Directors and Chief Executives;
- (b) to agree whether or not, and if so, to what extent to, augment pensionable service when an employee will be leaving the Council's employment;
- (c) to agree other payments in relation to termination of employment when required;
- (d) to appoint Panels as appropriate to hear appeals against dismissal from the Council's employment (3 Havant Borough Councillors);

(3) To adopt new and updated policy aims in respect of the following staffing matters:

- (a) recruitment and resourcing
- (b) pay, pensions and other terms and conditions of employment;
- (c) employee relations;
- (d) learning;
- (e) health and absence management;
- (f) health and safety (in relation to Council staff and Council activities);
- (g) dignity at work/equal opportunities;
- (h) conduct of employees.

NON EXEMPT

HAVANT BOROUGH COUNCIL

Joint Human Resources Committee

9 October 2012

CRIMINAL RECORDS BUREAU DISCLOSURE POLICY

Report of the Service Manager, Human Resources

REPORT NO 10

FOR DECISION YES

**Marketing & Development Portfolio (HBC): Cllr M Cheshire
Business Development Portfolio (EHDC): Cllr D Phillips**

Key Decision: N/A

1.0 Purpose of Report

- 1.1 This report provides the Committee with an overview of the revised Criminal Records Bureau (CRB) Disclosure Policy which has been drafted for use across Havant Borough Council (HBC) and East Hampshire District Council (EHDC).
- 1.2 A Criminal Convictions Procedure has also been drafted to support HBC and EHDC to reach appropriate decisions relating to the employment of staff with a criminal record.
- 1.3 Both the Policy and Procedure are intended to ensure HBC and EHDC fulfil the legal obligations governing criminal record checks for regulated positions and comply fully with the CRB Code of Practice.
- 1.4 The Committee is now requested to recommend that the draft CRB Disclosure Policy and the Criminal Convictions Procedure be approved and adopted by EHDC Full Council at its meeting on 25 October 2012 and by HBC Full Council at its meeting on 17 October 2012.

2.0 Recommendation

RECOMMENDED that the Committee

- 2.1 notes the content of the report;
- 2.2 recommends to EHDC Full Council that the draft CRB Disclosure Policy set out in Appendix 1a and the Criminal Convictions Procedure set out in Appendix 2a be approved and adopted; and

- 2.3 recommends to HBC Full Council that the draft CRB Disclosure Policy set out in Appendix 1a and the Criminal Convictions Procedure set out in Appendix 2b be approved and adopted

3.0 Summary

- 3.1 HBC and EHDC conduct pre-employment checks for all staff. These checks include verification of identity; confirmation of qualifications and obtainment of satisfactory references.
- 3.2 However, certain roles within HBC and EHDC are classed as 'regulated roles'. These are roles which involve contact with children and/or vulnerable adults or where a higher degree of integrity is expected. These roles also require a satisfactory CRB disclosure to determine suitability of appointment.
- 3.3 Employers who recruit to regulated roles are required to comply with the CRB Code of Practice. This code of practice has been developed to provide assurance to any person applying for a CRB disclosure that their information will be used fairly. HBC and EHDC are required to comply with this code.
- 3.4 A review of current procedures identified a number of improvements which could be made to ensure continued and in some areas greater compliance with the CRB Code of Practice. Approval of the attached documents will support in ensuring sufficient safeguards are in place for HBC and EHDC when administering and processing CRB disclosures on behalf of employees.

4.0 Subject of Report

- 4.1 Pre-employment checks are conducted for all HBC and EHDC staff and include verification of identity, verification of qualifications, satisfactory references and for some roles a CRB Disclosure.
- 4.2 There are three types of criminal record checks that can be conducted. The level of check will be dependent on the role the individual is being recruited for:
- a) A basic disclosure is usually sufficient for most employment related criminal record checks and will detail to the employer only unspent convictions.
 - b) A standard disclosure is required for regulated positions which involve **working with** children or vulnerable adults and will detail both current and spent convictions.
 - c) An enhanced disclosure is the highest level of check and is for regulated positions which involve **regularly** caring for, training, supervising or being in sole charge of vulnerable groups. This check will also include any non-conviction information which the chief police officer may feel is relevant.

- 4.3 The revised CRB Disclosure Policy for HBC and EHDC outlines a) the principles which HBC and EHDC will adopt when administering and processing CRB disclosures; b) provides greater clarity on the processes associated with CRB disclosures; c) highlights the roles and responsibilities of parties involved and d) identifies how HBC and EHDC will treat unsatisfactory or non disclosures This revised policy will provide greater clarity on the way CRB disclosures will be managed by the Councils (Appendices 1a and 1b).
- 4.4 The Criminal Convictions Procedure for HBC and EHDC has been drafted to ensure consistency in decision making when determining suitability of appointment (Appendices 2a and 2b)
- 4.5 This criteria has been based on Home Office guidance previously issued to the Police Service to follow when considering potential candidates for employment.
- 4.6 The proposed criteria contained within the procedure has been developed to take account of the types of roles held within HBC and EHDC. The use of this criteria will enable HBC and EHDC to assess an applicants' suitability for employment to a regulated position and ensure consistency in the treatment of applications across both organisations.

5.0 Implications

5.1 Resources:

There are no financial implications associated with the approval of these procedures.

However, Councillors are asked to note that there may be financial penalties if robust processes aren't in place and an audit by the CRB found this to be the case.

5.2 Legal:

The legal implications associated with the introduction of this CRB policy relate primarily to the Councils' duty of care to protect those children and vulnerable young people and adults who come into contact with our staff from abuse. The Councils also have a duty of care to their staff which this policy will ensure is discharged.

5.3 Strategy:

The adoption of joint procedures in respect of CRB Disclosures supports the commitment of HBC and EHDC to work together and where possible, treat staff in the same way.

5.4 Risks:

Managing CRB Disclosures in line with the conditions of registration of the CRB will ensure we have the necessary safeguards in place to protect the councils from deregistration; imprisonment or a fine.

5.5 Communications:

The policy and procedures will need to be communicated to staff following approval by the two Councils.

5.6 For the Community:

There are no direct customer impacts associated with this item.

5.7 The Integrated Impact Assessment (IIA) has been completed and concluded the following:

Councillors are asked to note that there are no equality and diversity impacts identified.

6.0 Consultation

6.1 Consultation has been held with UNISON and agreement reached on the attached Policy and associated Procedure.

7.0 Conclusion

7.1 Information provided by the CRB in the form of a disclosure enables employers to make their own recruitment judgements.

7.2 The adoption of these procedures will ensure that recruitment decisions are made robustly and consistently and ensure HBC and EHDC comply with the legislation governing CRB disclosures.

Appendices:

Appendix 1a – CRB Disclosure Policy (EHDC)

Appendix 1b – CRB Disclosure Policy (HBC)

Appendix 1a – Criminal Convictions Procedure (EHDC)

Appendix 2b – Criminal Convictions Procedure (HBC)

Background Papers:

None

Agreed and signed off by:

Legal Services: (1/10/12)

Executive Head of Governance & Logistics: (1/10/12)

Relevant Executive Head: (26/10/12)

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Criminal Records Bureau (CRB) Disclosure Policy & Procedure

April 2012

Document Version Control

Issue No	Date
Version 1	6.12.11
Final Version	12.4.12

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1. Statement of Intent

- 1.1 East Hampshire District Council (EHDC) and have a responsibility to ensure that criminal record checks are undertaken in accordance with the requirements contained within the CRB Code of Practice and all relevant legislation.
- 1.2 EHDC is a 'Registered Body' with the CRB for the purpose of obtaining CRB disclosures for posts which have been risk assessed and are deemed to require a satisfactory disclosure check.
- 1.3 The purpose of this procedure is to ensure that an employee's suitability of appointment is adequately assessed to safeguard vulnerable people (particularly children and older people) within the communities of EHDC.
- 1.4 The Councils' are committed to being an equal opportunities employer and are committed to equality and diversity principles in operating this procedure.

2. Scope

- 2.1 The CRB Disclosure procedure will apply to all existing EHDC staff and prospective employees in posts where it has been identified that a satisfactory CRB disclosure is required.
- 2.2 For the purposes of this procedure, the definition of staff* applies to:
 - Substantive
 - Temporary/Fixed Term
 - Agency Workers
 - Work experience placements
 - Volunteers

*Please note this list is not exhaustive and applies to both paid and unpaid employment. This definition excludes taxi licensing applications, a separate policy is available from [INSERT LOCATION].

The Council does not normally allow any person to commence employment in a regulated role until a satisfactory CRB disclosure has been received.

- 2.3 Advice must be sought from HR for applicants from overseas as the CRB does not have access to overseas criminal records.
- 2.4 Service providers must ensure that their vetting procedures are

appropriately applied where a CRB disclosure is required. This must be explicitly written into any service level agreement or contract.

- 2.5 This procedure will be reviewed from time to time and may be amended to ensure compliance with statutory requirements and the CRB Code of Practice.

3. Principles

- 3.1 EHDC is committed to ensuring that a robust approach is taken when recruiting people to roles which require contact with children and/or vulnerable people or roles which require a higher degree of integrity.
- 3.2 EHDC will not unfairly discriminate against any person with a criminal conviction, however, EHDC reserves the right to consider the nature of the conviction and to assess this against a set criteria to determine suitability. (Please refer to EHDC Criminal Convictions Criteria Procedure for further information)
- 3.3 EHDC requires honesty and integrity from existing and prospective employees. Non disclosure of information will be considered to be a serious matter and will be treated as a breach of the employment relationship.
- 3.4 EHDC is committed to complying fully with the CRB Code of Practice to ensure fair and appropriate use of information provided through the CRB. For further information on the CRB Code of Practice please refer to www.crb.gov.uk
- 3.5 EHDC will ensure that disclosure information is kept secure and confidential in line with the CRB Code of Practice. All disclosure information will be treated in the strictest confidence and only used for the purposes for which it was provided. Access to disclosure information will only be available to staff who are authorised to view it in the course of their duties.

4. Types of Disclosure

- 4.1 The Criminal Records Bureau was established under Part V of the Police Act (1997) to provide wider access to criminal information for employers who recruit to roles which require contact with children and/or vulnerable adults or roles where a higher degree of integrity is required. These are known as 'regulated' roles and are exempt from the Rehabilitation of Offenders Act (1974).

- 4.2 For these roles, the Criminal Records Bureau will check records held by the Police National Computer, local police forces and (where relevant) the Department of Health and the Department for Education and Skills. This ensures that organisations can make safer recruitment decisions when recruiting staff to regulated roles.
- 4.3 There are two levels of disclosure available for regulated roles – a ‘Standard Disclosure’ and an ‘Enhanced Disclosure’. The level of disclosure required will be dependent on the amount of contact an employee would have with a child or vulnerable adult in the course of their duties or the level of integrity required in the role.

Standard Disclosure

This is primarily available to anyone involved in **working with** children or vulnerable adults, as well as certain other occupations and entry into professions as specified in the Exceptions Order to the Rehabilitation of Offenders Act (1974).

Standard Disclosures show current and spent convictions, cautions, reprimands and warnings held on the Police National Computer.

If the post involves working with children and/or vulnerable adults, searches may also be conducted of a) children and/or vulnerable adult barred lists (known as POCA & POVA lists) and b) information that is held under section 142 of the Education Act (2002).

Enhanced Disclosure

This is the highest level of check available to anyone involved in **regularly** caring for, training, supervising or being in sole charge of those under the age of 19 or vulnerable adults. It is also required for certain licensing purposes and judicial appointments.

An Enhanced Disclosure will contain the same details as a Standard Disclosure, however, it may also contain non-conviction information from local police records which the chief police officer may think relevant and proportionate to the role applied for.

- 4.4 A list of roles which have been identified as requiring a level of disclosure is held by Human Resources. In addition, where new roles may require a CRB Disclosure, the recruiting manager in conjunction with HR will determine if the post requires a CRB Disclosure and at what level. This will be achieved through the use of a CRB Risk Assessment (Appendix A).
- 4.5 All applicants will be notified in advance if a role requires a CRB Disclosure. Job application forms, job advertisements and associated recruitment papers will contain a statement that a disclosure will be requested.

- 4.6 Any offer of employment which requires a satisfactory CRB Disclosure will be made on a conditional basis. EHDC reserves the right to determine suitability of appointment.
- 4.7 Recruiting managers will be responsible for ensuring that there are adequate controls in place and that staff do not commence employment until a satisfactory CRB Disclosure has been received.

5. CRB Process

- 5.1 EHDC has an appointed Lead Signatory (Service Manager Human Resources) and a number of Counter Signatories within the HR function.

The purpose of the Lead Signatory role is to oversee the use of CRB Disclosures in EHDC.

The purpose of the Counter Signatory roles are to countersign CRB applications and receive the CRB Disclosure.

- 5.2 Applications for a CRB Disclosure will be made by the applicant at the request of EHDC. Each applicant will be required to complete a CRB Disclosure Application Form and a Rehabilitation of Offenders Form (Appendix B). This will need to be returned to a designated verifier for checking before it is returned to a counter signatory in HR for countersigning and then sent to the CRB for processing.
- 5.3 Once the application has been processed, the CRB will send a copy of the Disclosure to the applicant and the counter signatory who signed the form. On occasion, 'additional' information may be released by the police to the Counter Signatory in the interests of the prevention or detection of crime. This will be sent in a separate letter and the applicant will not receive this information.
- 5.4 This 'additional' information will be held in the same way as the disclosure information but **will never** be revealed to the applicant or any other person involved in the recruitment decision as this is deemed to be a criminal offence and can only be disclosed with written permission from the Chief Police Officer.

6. Consideration of Disclosure Information

- 6.1 When a CRB Disclosure identifies that an applicant possesses a criminal conviction(s) or there is indication of any other matter, EHDC will not automatically debar an employee or applicant from the role.

- 6.2 EHDC will use a 'Criminal Convictions Criteria' to determine suitability of appointment. This criteria will take into account a number of factors in respect of the disclosure, such as:
- The seriousness of the offence
 - The length of time since the offence occurred
 - The relevance of the offence to the role
 - Whether there is a pattern of offending
 - Whether the applicants circumstances have changed since this date
 - Whether the offence(s) or other relevant matters have been disclosed by the applicant
- 6.3 EHDC will discuss any matter revealed in a disclosure with the applicant/employee prior to reaching a decision.

7. Non Disclosure or Unsatisfactory Disclosure

During Recruitment Processes

- 7.1 Applicants are provided with a number of opportunities to disclose any spent or unspent convictions they have. E.g. Application form; Interview; CRB Disclosure Form.
- 7.2 Where a conviction is detailed prior to a CRB Disclosure being received, a Counter Signatory must review the information and consider:
- The nature of the offence
 - The age the offence was committed
 - The relevance of the offence to the role
 - Whether there is a pattern of offending
 - Whether the applicants circumstances have changed
- 7.3 The final decision to determine whether an applicant will proceed to interview will rest with the Counter Signatory in conjunction with the Lead Signatory.
- 7.4 If an applicant declares a conviction during the interview process which hadn't previously been detailed, then advice must be sought from Human Resources before a conditional offer is made.
- 7.5 Where information is consistent following the completion of pre-employment checks including a satisfactory CRB Disclosure, the position can formally be offered.
- 7.6 In circumstances where pre-employment checks are unsatisfactory, a meeting will be arranged with the applicant to discuss this and determine whether there is a satisfactory explanation. Any explanation should be formally documented. In cases where there is no satisfactory

explanation, the offer of employment (if made) should be withdrawn. Please seek advice from Human Resources in these circumstances.

Existing Employees

- 7.7 There is an obligation for any employee to notify EHDC of any change in circumstance which could affect the status of their CRB Disclosure. Employees are therefore required to notify their Line Manager/HR immediately.
- 7.8 In cases where an internal applicant applies for a role which requires a CRB Disclosure and this proves to be unsatisfactory, EHDC reserve the right to hold a meeting with the employee to discuss this further. This may result in Disciplinary procedures being brought.
- 7.9 Where it comes to light that an employee has failed to declare a conviction, then this will be investigated under EHDC Disciplinary Procedures.
- 7.10 If there is a concern that an employee has not disclosed a conviction, then EHDC reserves the right to require an employee to obtain a CRB Disclosure.

8.Storage, Handling, Use, Retention and Disposal of Information

- 8.1 Disclosure information will be stored securely in a sealed envelope separate from an employee's/applicants file in secure lockable cabinets in Human Resources.
- 8.2 Disclosure information will not be kept for longer than required and generally will be destroyed in a confidential way after six months from the date on which the decision on suitability has been made
- 8.3 This period of retention will only be exceeded in exceptional and justifiable circumstances. EHDC will notify the individual concerned if this is the case.
- 8.4 The following information will be kept for longer than six months for recording purposes by HR as follows:
 - Date of issue of the Disclosure
 - Type of Disclosure
 - Role the Disclosure was requested for
 - The unique reference number of the Disclosure
 - Details of the decision take
 - Date information will be destroyed

9. Renewal Process

- 9.1 Renewals of CRB Disclosures will occur on a rolling three year basis unless there is a change in circumstances or role which requires a further disclosure to be undertaken in the intervening period. HR will support in notifying managers of when renewals are due.
- 9.2 Existing employees may also be required to apply for a disclosure as a result of changes to guidance or statute.
- 9.3 Where there has been a break in service of more than three months, a new CRB disclosure must be applied for.
- 9.4 An employee must inform their Line Manager/HR immediately if they are convicted of a criminal offence or receive any cautions, warnings or reprimands within this period. Failure to report any change in circumstance may result in an investigation being conducted under EHDC Disciplinary Procedures.

10. Roles & Responsibilities

10.1 Responsibilities of Employees

Employees must notify their respective Council in writing of any criminal convictions they receive whilst in employment.

If called to a meeting to discuss any matters relating to their CRB Disclosure or suitability of appointment, employees are required to attend.

10.2 Responsibilities of Line Managers

Line Manager's are required to notify their Service Manager immediately when a member of staff reports a criminal conviction or change in circumstance which may affect their suitability for the role.

Service Manager's must ensure that HR is notified immediately so the case can be discussed on an individual basis and appropriate action can be taken.

10.3 Responsibilities of Recruiting Managers

Recruiting Managers must ensure that all job adverts and associated recruitment information notify prospective applicants of the need to undergo a CRB Disclosure and at what level.

Any concerns as to the suitability of an applicant must be raised with HR and discussed fully. The Lead Signatory will have the overriding decision on whether an offer of appointment can be made in these circumstances.

Recruiting managers must also ensure that successful candidates are not able to commence in their role until a satisfactory CRB Disclosure has been received.

Recruiting managers are responsible for making the recruitment panel aware of their responsibilities to ensure candidates are not unfairly discriminated and confidentiality is maintained throughout the process and thereafter.

10.4 Responsibilities of Human Resources

Human Resources are responsible for providing advice and guidance to managers and employees in the operation and application of the procedure.

Human Resources will also provide support and advice to managers dealing with any CRB related matters.

11. Review of Procedure

- 11.1 This protocol will be reviewed every two years or earlier at the request of either UNISON or EHDC.

Appendix A: CRB Risk Assessment

Post Title:	
Assessment carried out on:	<i>Date</i>
By:	<i>Name</i>
	<i>Job title</i>
	<i>Signature</i>

Question	Response
1. Does the post involve working with, or having regular contact with, children or vulnerable adults?	Yes / No
2. Is the post a profession, office, employment, work or occupation known as an exception to the Rehabilitation of Offenders Act 1974 ¹	Yes / No
3. If the answer to question 1 and 2 is no	No CRB disclosure check is required
4. If the answer to question 1 is yes	Enhanced CRB check is required
5. If the answer to question 2 is yes	Standard CRB check is required

Please note:

Any postholders designated as lead or counter signatories must have an enhanced CRB check.

¹ The Rehabilitation of Offenders Act (ROA) 1974 is aimed at helping people who have been convicted of a criminal offence and who have not re-offended since.

Anyone who has been convicted of a criminal offence, and received a sentence of less than 2.5 years in prison, benefits as a result of the Act, if they are not convicted again during 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, their conviction becomes 'spent'.

Sentences can carry fixed or variable rehabilitation periods and 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 working with vulnerable people. If a person wants to apply for a position that involves working with children or working with vulnerable people they are required to reveal all convictions, both spent and unspent.*

Appendix B: Rehabilitation of Offenders Form

EAST HAMPSHIRE DISTRICT COUNCIL & HAVANT BOROUGH COUNCIL

RECRUITMENT OF EX - OFFENDERS

REHABILITATION OF OFFENDERS ACT (1974)

(Applicable for custodial sentences of less than 2.5 years)

1. If you have been convicted of a criminal offence in either England, Scotland or Wales and have not re-offended for the time specified within the Rehabilitation of Offenders Act (1974) then your conviction becomes 'spent'. This means that in most circumstances you would not be required to reveal your offence to a prospective employer.
2. There are, however, exceptions to this which are detailed in the Exceptions order of the ROA (1974). These include jobs working with children and vulnerable adults. In these circumstances, a CRB Disclosure would be required and would reveal both spent and unspent convictions.
3. A rehabilitation period is a set length of time from the date of your conviction. After this period, you are not normally obliged to mention your conviction when applying for a job.
4. The length of your rehabilitation period depends on the sentence given - not the offence committed. For a custodial sentence, the length of time actually served is irrelevant: the rehabilitation period is decided by the original sentence. Custodial sentences of more than 2 1/2 years can **never** become spent. If this applies in your circumstances, you would always be required to disclose your conviction to a future employer.
5. For custodial sentences below six months - the rehabilitation period is seven years. If there is no re-offending in this period of time, then the sentence is considered to be 'spent'. For custodial sentences of between six months and 2.5 years the rehabilitation period is ten years before becoming spent.

CRIMINAL RECORD BUREAU DISCLOSURES

(Applicable for custodial sentences of more than 2.5 years and jobs which are exempt from the Rehabilitation of Offenders Act (1974))

1. As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, East Hampshire District Council (EHDC) comply fully with the CRB Code of Practice and undertake to treat all applicants for positions fairly. EHDC also undertakes not to discriminate unfairly against any person who is the subject of a Disclosure on the basis of conviction or other information revealed.
2. EHDC are committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
3. Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the job and the circumstances and background of your offences.
4. We have a written statement on the recruitment of ex-offenders which is contained within EHDC Criminal Records Bureau Disclosure Procedure. This is available to you to view online at the following web address: xxxxxxxxx. A hard copy is available on request from HR. Any requests made will remain confidential and will not be shared with the recruiting manager.
5. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
5. We ensure that only authorised staff who are involved in the recruitment process have access to view your criminal record check. These staff 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.
6. A Disclosure is only requested after a thorough risk assessment has indicated that one is proportionate and relevant to the job. For those jobs where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of you being offered the position.
7. Unless the nature of the position allows EHDC to ask questions about your entire criminal record we will only ask you about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.
8. Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request

that this information is sent under separate, confidential cover, to a designated person within EHDC and we guarantee that this information is only seen by those who need to see it as part of the course of their duties.

9. At interview, or in a separate discussion, we 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 position sought could lead to withdrawal of an offer of employment or, dismissal if your employment has already commenced.
10. We ensure every person subject to a CRB Disclosure is aware of the existence of the CRB Code of Practice and make a copy available on request.
11. We undertake to discuss any matter revealed in a Disclosure with the person seeking the job before withdrawing a conditional offer of employment.

For further information please refer to www.crb.gov.uk

Note: This Policy Statement is modelled on the sample policy produced by the CRB.

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Criminal Records Bureau (CRB) Disclosure Policy & Procedure

April 2012

Document Version Control

Issue No	Date
Version 1	6.12.11
Final Version	12.4.12

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1. Statement of Intent

- 1.1 Havant Borough Council (HBC) and have a responsibility to ensure that criminal record checks are undertaken in accordance with the requirements contained within the CRB Code of Practice and all relevant legislation.
- 1.2 HBC is a 'Registered Body' with the CRB for the purpose of obtaining CRB disclosures for posts which have been risk assessed and are deemed to require a satisfactory disclosure check.
- 1.3 The purpose of this procedure is to ensure that an employee's suitability of appointment is adequately assessed to safeguard vulnerable people (particularly children and older people) within the communities of HBC.
- 1.4 The Councils' are committed to being an equal opportunities employer and are committed to equality and diversity principles in operating this procedure.

2. Scope

- 2.1 The CRB Disclosure procedure will apply to all existing HBC staff and prospective employees in posts where it has been identified that a satisfactory CRB disclosure is required.
- 2.2 For the purposes of this procedure, the definition of staff* applies to:
 - Substantive
 - Temporary/Fixed Term
 - Agency Workers
 - Work experience placements
 - Volunteers

*Please note this list is not exhaustive and applies to both paid and unpaid employment. This definition excludes taxi licensing applications, a separate policy is available from [INSERT LOCATION].

The Council does not normally allow any person to commence employment in a regulated role until a satisfactory CRB disclosure has been received.

- 2.3 Advice must be sought from HR for applicants from overseas as the CRB does not have access to overseas criminal records.

- 2.4 Service providers must ensure that their vetting procedures are appropriately applied where a CRB disclosure is required. This must be explicitly written into any service level agreement or contract.
- 2.5 This procedure will be reviewed from time to time and may be amended to ensure compliance with statutory requirements and the CRB Code of Practice.

3. Principles

- 3.1 HBC is committed to ensuring that a robust approach is taken when recruiting people to roles which require contact with children and/or vulnerable people or roles which require a higher degree of integrity.
- 3.2 HBC will not unfairly discriminate against any person with a criminal conviction, however, HBC reserves the right to consider the nature of the conviction and to assess this against a set criteria to determine suitability. (Please refer to HBC Criminal Convictions Criteria Procedure for further information)
- 3.3 HBC requires honesty and integrity from existing and prospective employees. Non disclosure of information will be considered to be a serious matter and will be treated as a breach of the employment relationship.
- 3.4 HBC is committed to complying fully with the CRB Code of Practice to ensure fair and appropriate use of information provided through the CRB. For further information on the CRB Code of Practice please refer to www.crb.gov.uk
- 3.5 HBC will ensure that disclosure information is kept secure and confidential in line with the CRB Code of Practice. All disclosure information will be treated in the strictest confidence and only used for the purposes for which it was provided. Access to disclosure information will only be available to staff who are authorised to view it in the course of their duties.

4. Types of Disclosure

- 4.1 The Criminal Records Bureau was established under Part V of the Police Act (1997) to provide wider access to criminal information for employers who recruit to roles which require contact with children and/or vulnerable adults or roles where a higher degree of integrity is required. These are known as 'regulated' roles and are exempt from the Rehabilitation of Offenders Act (1974).

- 4.2 For these roles, the Criminal Records Bureau will check records held by the Police National Computer, local police forces and (where relevant) the Department of Health and the Department for Education and Skills. This ensures that organisations can make safer recruitment decisions when recruiting staff to regulated roles.
- 4.3 There are two levels of disclosure available for regulated roles – a ‘Standard Disclosure’ and an ‘Enhanced Disclosure’. The level of disclosure required will be dependent on the amount of contact an employee would have with a child or vulnerable adult in the course of their duties or the level of integrity required in the role.

Standard Disclosure

This is primarily available to anyone involved in **working with** children or vulnerable adults, as well as certain other occupations and entry into professions as specified in the Exceptions Order to the Rehabilitation of Offenders Act (1974).

Standard Disclosures show current and spent convictions, cautions, reprimands and warnings held on the Police National Computer.

If the post involves working with children and/or vulnerable adults, searches may also be conducted of a) children and/or vulnerable adult barred lists (known as POCA & POVA lists) and b) information that is held under section 142 of the Education Act (2002).

Enhanced Disclosure

This is the highest level of check available to anyone involved in **regularly** caring for, training, supervising or being in sole charge of those under the age of 19 or vulnerable adults. It is also required for certain licensing purposes and judicial appointments.

An Enhanced Disclosure will contain the same details as a Standard Disclosure, however, it may also contain non-conviction information from local police records which the chief police officer may think relevant and proportionate to the role applied for.

- 4.4 A list of roles which have been identified as requiring a level of disclosure is held by Human Resources. In addition, where new roles may require a CRB Disclosure, the recruiting manager in conjunction with HR will determine if the post requires a CRB Disclosure and at what level. This will be achieved through the use of a CRB Risk Assessment (Appendix A).
- 4.5 All applicants will be notified in advance if a role requires a CRB Disclosure. Job application forms, job advertisements and associated recruitment papers will contain a statement that a disclosure will be requested.

- 4.6 Any offer of employment which requires a satisfactory CRB Disclosure will be made on a conditional basis. HBC reserve the right to determine suitability of appointment.
- 4.7 Recruiting managers will be responsible for ensuring that there are adequate controls in place and that staff do not commence employment until a satisfactory CRB Disclosure has been received.

5. CRB Process

- 5.1 HBC has an appointed Lead Signatory (Service Manager Human Resources) and a number of Counter Signatories within the HR function.

The purpose of the Lead Signatory role is to oversee the use of CRB Disclosures in HBC.

The purpose of the Counter Signatory roles are to countersign CRB applications and receive the CRB Disclosure.

- 5.2 Applications for a CRB Disclosure will be made by the applicant at the request of HBC. Each applicant will be required to complete a CRB Disclosure Application Form and a Rehabilitation of Offenders Form (Appendix B). This will need to be returned to a designated verifier for checking before it is returned to a counter signatory in HR for countersigning and then sent to the CRB for processing.
- 5.3 Once the application has been processed, the CRB will send a copy of the Disclosure to the applicant and the counter signatory who signed the form. On occasion, 'additional' information may be released by the police to the Counter Signatory in the interests of the prevention or detection of crime. This will be sent in a separate letter and the applicant will not receive this information.
- 5.4 This 'additional' information will be held in the same way as the disclosure information but **will never** be revealed to the applicant or any other person involved in the recruitment decision as this is deemed to be a criminal offence and can only be disclosed with written permission from the Chief Police Officer.

6. Consideration of Disclosure Information

- 6.1 When a CRB Disclosure identifies that an applicant possesses a criminal conviction(s) or there is indication of any other matter, HBC will not automatically debar an employee or applicant from the role.

- 6.2 HBC will use a 'Criminal Convictions Criteria' to determine suitability of appointment. This criteria will take into account a number of factors in respect of the disclosure, such as:
- The seriousness of the offence
 - The length of time since the offence occurred
 - The relevance of the offence to the role
 - Whether there is a pattern of offending
 - Whether the applicants circumstances have changed since this date
 - Whether the offence(s) or other relevant matters have been disclosed by the applicant
- 6.3 HBC will discuss any matter revealed in a disclosure with the applicant/employee prior to reaching a decision.

7. Non Disclosure or Unsatisfactory Disclosure

During Recruitment Processes

- 7.1 Applicants are provided with a number of opportunities to disclose any spent or unspent convictions they have. E.g. Application form; Interview; CRB Disclosure Form.
- 7.2 Where a conviction is detailed prior to a CRB Disclosure being received, a Counter Signatory must review the information and consider:
- The nature of the offence
 - The age the offence was committed
 - The relevance of the offence to the role
 - Whether there is a pattern of offending
 - Whether the applicants circumstances have changed
- 7.3 The final decision to determine whether an applicant will proceed to interview will rest with the Counter Signatory in conjunction with the Lead Signatory.
- 7.4 If an applicant declares a conviction during the interview process which hadn't previously been detailed, then advice must be sought from Human Resources before a conditional offer is made.
- 7.5 Where information is consistent following the completion of pre-employment checks including a satisfactory CRB Disclosure, the position can formally be offered.
- 7.6 In circumstances where pre-employment checks are unsatisfactory, a meeting will be arranged with the applicant to discuss this and determine whether there is a satisfactory explanation. Any explanation should be formally documented. In cases where there is no satisfactory

explanation, the offer of employment (if made) should be withdrawn. Please seek advice from Human Resources in these circumstances.

Existing Employees

- 7.7 There is an obligation for any employee to notify HBC of any change in circumstance which could affect the status of their CRB Disclosure. Employees are therefore required to notify their Line Manager/HR immediately.
- 7.8 In cases where an internal applicant applies for a role which requires a CRB Disclosure and this proves to be unsatisfactory, HBC reserves the right to hold a meeting with the employee to discuss this further. This may result in Disciplinary procedures being brought.
- 7.9 Where it comes to light that an employee has failed to declare a conviction, then this will be investigated under HBC Disciplinary Procedures.
- 7.10 If there is a concern that an employee has not disclosed a conviction, then HBC reserves the right to require an employee to obtain a CRB Disclosure.

8.Storage, Handling, Use, Retention and Disposal of Information

- 8.1 Disclosure information will be stored securely in a sealed envelope separate from an employee's/applicants file in secure lockable cabinets in Human Resources.
- 8.2 Disclosure information will not be kept for longer than required and generally will be destroyed in a confidential way after six months from the date on which the decision on suitability has been made
- 8.3 This period of retention will only be exceeded in exceptional and justifiable circumstances. HBC will notify the individual concerned if this is the case.
- 8.4 The following information will be kept for longer than six months for recording purposes by HR as follows:
 - Date of issue of the Disclosure
 - Type of Disclosure
 - Role the Disclosure was requested for
 - The unique reference number of the Disclosure
 - Details of the decision take
 - Date information will be destroyed

9. Renewal Process

- 9.1 Renewals of CRB Disclosures will occur on a rolling three year basis unless there is a change in circumstances or role which requires a further disclosure to be undertaken in the intervening period. HR will support in notifying managers of when renewals are due.
- 9.2 Existing employees may also be required to apply for a disclosure as a result of changes to guidance or statute.
- 9.3 Where there has been a break in service of more than three months, a new CRB disclosure must be applied for.
- 9.4 An employee must inform their Line Manager/HR immediately if they are convicted of a criminal offence or receive any cautions, warnings or reprimands within this period. Failure to report any change in circumstance may result in an investigation being conducted under HBC Disciplinary Procedures.

10. Roles & Responsibilities

10.1 Responsibilities of Employees

Employees must notify their respective Council in writing of any criminal convictions they receive whilst in employment.

If called to a meeting to discuss any matters relating to their CRB Disclosure or suitability of appointment, employees are required to attend.

10.2 Responsibilities of Line Managers

Line Manager's are required to notify their Service Manager immediately when a member of staff reports a criminal conviction or change in circumstance which may affect their suitability for the role.

Service Manager's must ensure that HR is notified immediately so the case can be discussed on an individual basis and appropriate action can be taken.

10.3 Responsibilities of Recruiting Managers

Recruiting Managers must ensure that all job adverts and associated recruitment information notify prospective applicants of the need to undergo a CRB Disclosure and at what level.

Any concerns as to the suitability of an applicant must be raised with HR and discussed fully. The Lead Signatory will have the overriding decision on whether an offer of appointment can be made in these circumstances.

Recruiting managers must also ensure that successful candidates are not able to commence in their role until a satisfactory CRB Disclosure has been received.

Recruiting managers are responsible for making the recruitment panel aware of their responsibilities to ensure candidates are not unfairly discriminated and confidentiality is maintained throughout the process and thereafter.

10.4 Responsibilities of Human Resources

Human Resources are responsible for providing advice and guidance to managers and employees in the operation and application of the procedure.

Human Resources will also provide support and advice to managers dealing with any CRB related matters.

11. Review of Procedure

- 11.1 This protocol will be reviewed every two years or earlier at the request of either UNISON or HBC.

Appendix A: CRB Risk Assessment

Post Title:	
Assessment carried out on:	<i>Date</i>
By:	<i>Name</i>
	<i>Job title</i>
	<i>Signature</i>

Question	Response
1. Does the post involve working with, or having regular contact with, children or vulnerable adults?	Yes / No
2. Is the post a profession, office, employment, work or occupation known as an exception to the Rehabilitation of Offenders Act 1974 ¹	Yes / No
3. If the answer to question 1 and 2 is no	No CRB disclosure check is required
4. If the answer to question 1 is yes	Enhanced CRB check is required
5. If the answer to question 2 is yes	Standard CRB check is required

Please note:

Any postholders designated as lead or counter signatories must have an enhanced CRB check.

¹ The Rehabilitation of Offenders Act (ROA) 1974 is aimed at helping people who have been convicted of a criminal offence and who have not re-offended since.

Anyone who has been convicted of a criminal offence, and received a sentence of less than 2.5 years in prison, benefits as a result of the Act, if they are not convicted again during 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, their conviction becomes 'spent'.

Sentences can carry fixed or variable rehabilitation periods and 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 working with vulnerable people. If a person wants to apply for a position that involves working with children or working with vulnerable people they are required to reveal all convictions, both spent and unspent.*

Appendix B: Rehabilitation of Offenders Form

EAST HAMPSHIRE DISTRICT COUNCIL & HAVANT BOROUGH COUNCIL

RECRUITMENT OF EX - OFFENDERS

REHABILITATION OF OFFENDERS ACT (1974)

(Applicable for custodial sentences of less than 2.5 years)

1. If you have been convicted of a criminal offence in either England, Scotland or Wales and have not re-offended for the time specified within the Rehabilitation of Offenders Act (1974) then your conviction becomes 'spent'. This means that in most circumstances you would not be required to reveal your offence to a prospective employer.
2. There are, however, exceptions to this which are detailed in the Exceptions order of the ROA (1974). These include jobs working with children and vulnerable adults. In these circumstances, a CRB Disclosure would be required and would reveal both spent and unspent convictions.
3. A rehabilitation period is a set length of time from the date of your conviction. After this period, you are not normally obliged to mention your conviction when applying for a job.
4. The length of your rehabilitation period depends on the sentence given - not the offence committed. For a custodial sentence, the length of time actually served is irrelevant: the rehabilitation period is decided by the original sentence. Custodial sentences of more than 2 1/2 years can **never** become spent. If this applies in your circumstances, you would always be required to disclose your conviction to a future employer.
5. For custodial sentences below six months - the rehabilitation period is seven years. If there is no re-offending in this period of time, then the sentence is considered to be 'spent'. For custodial sentences of between six months and 2.5 years the rehabilitation period is ten years before becoming spent.

CRIMINAL RECORD BUREAU DISCLOSURES

(Applicable for custodial sentences of more than 2.5 years and jobs which are exempt from the Rehabilitation of Offenders Act (1974))

1. As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, Havant Borough Council (HBC) comply fully with the CRB Code of Practice and undertake to treat all applicants for positions fairly. HBC also undertakes not to discriminate unfairly against any person who is the subject of a Disclosure on the basis of conviction or other information revealed.
2. HBC are committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
3. Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the job and the circumstances and background of your offences.
4. We have a written statement on the recruitment of ex-offenders which is contained within HBC Criminal Records Bureau Disclosure Procedure. This is available to you to view online at the following web address: xxxxxxxxx. A hard copy is available on request from HR. Any requests made will remain confidential and will not be shared with the recruiting manager.
5. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
5. We ensure that only authorised staff who are involved in the recruitment process have access to view your criminal record check. These staff 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.
6. A Disclosure is only requested after a thorough risk assessment has indicated that one is proportionate and relevant to the job. For those jobs where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of you being offered the position.
7. Unless the nature of the position allows HBC to ask questions about your entire criminal record we will only ask you about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.
8. Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request

that this information is sent under separate, confidential cover, to a designated person within HBC and we guarantee that this information is only seen by those who need to see it as part of the course of their duties.

9. At interview, or in a separate discussion, we 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 position sought could lead to withdrawal of an offer of employment or, dismissal if your employment has already commenced.
10. We ensure every person subject to a CRB Disclosure is aware of the existence of the CRB Code of Practice and make a copy available on request.
11. We undertake to discuss any matter revealed in a Disclosure with the person seeking the job before withdrawing a conditional offer of employment.

For further information please refer to www.crb.gov.uk

Note: This Policy Statement is modelled on the sample policy produced by the CRB.

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Criminal Convictions Procedure

April 2012

Document Version Control

Issue No	Date
Version 1	6.12.11
Final Version	12.4.12

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1. Statement of Intent

- 1.1 East Hampshire District Council (EHDC) has a responsibility to ensure that criminal record checks are undertaken in accordance with the requirements contained within the CRB Code of Practice and all relevant legislation.
- 1.2 Of particular relevance to this is the Rehabilitation of Offenders Act (1974). Ordinarily, after a period of time, criminal convictions become 'spent', however, there are some roles which require a higher level of vetting and as such, 'spent' convictions must also be disclosed. These are known as 'regulated' positions.
- 1.3 EHDC are committed to ensuring that all CRB Disclosures for regulated positions are assessed against a clear criminal convictions criteria to determine suitability of appointment. This will ensure that all applicants are treated in a fair and consistent manner and that sufficient safeguards are in place to protect the most vulnerable groups within the communities of East Hampshire and Havant.
- 1.4 The Councils' are committed to being an equal opportunities employer and are committed to equality and diversity principles in operating this procedure.

2. Scope

- 2.1 The CRB Disclosure procedure will apply to all existing EHDC staff and prospective employees in posts where it has been identified that a satisfactory CRB disclosure is required.
- 2.2 For the purposes of this procedure, the definition of staff* applies to:
 - Substantive
 - Temporary/Fixed Term
 - Agency Workers
 - Work experience placements
 - Volunteers

*Please note this list is not exhaustive. This definition excludes taxi licensing applications, a separate policy is available from [INSERT LOCATION].

- 2.3 This procedure will be reviewed from time to time and may be amended to ensure compliance with statutory requirements and the CRB Code of Practice.

3. Principles

- 3.1 EHDC are committed to ensuring that a robust approach is taken when recruiting people to roles which require contact with children and/or vulnerable people or roles which require a higher degree of integrity..
- 3.2 EHDC will not unfairly discriminate against any person with a criminal conviction, however, EHDC reserve the right to consider the nature of the conviction and to assess this in line with EHDC's Criminal Convictions Criteria.
- 3.3 EHDC requires honesty and integrity from existing and prospective employees. Non disclosure of information will be considered to be a serious matter and will be treated as a breach of the employment relationship.
- 3.4 EHDC is committed to complying fully with the CRB Code of Practice to ensure fair and appropriate use of information provided through the CRB. For further information on the CRB Code of Practice please refer to www.crb.gov.uk
- 3.5 EHDC will ensure that disclosure information is kept secure and confidential in line with the CRB Code of Practice.

4. Rehabilitation of Offenders Act (1974)

- 4.1 The Rehabilitation of Offenders Act (1974) enables those individuals who have been convicted of an offence in the past, but have remained free of convictions for a specified period to not be placed at a disadvantage when applying for jobs.
- 4.2 The Act provides specific detail on the length of rehabilitation periods for different types of criminal convictions. The length of the rehabilitation period depends on the sentence given – not the offence committed. For a custodial sentence, the rehabilitation period is decided by the original sentence, not the time served.
- 4.3 Anyone who has been convicted of a criminal offence and sentenced to less than two and a half years in prison can be classed as a 'Rehabilitated Person' at the end of their Rehabilitation period, provided there have been no further convictions. Custodial sentences of more than two and a half years can never become spent.
- 4.4 Under the Act, applicants with a criminal record that contain only 'spent' convictions are entitled to answer 'no' if asked whether they have any 'unspent' convictions during the selection process. As

cautions and reprimands are not criminal convictions, applicants need not disclose these either.

- 4.5 The table below provides detail on the time periods for rehabilitation for sentences of less than two and a half years:

Sentence	Rehabilitation Period People aged under 18 when convicted	Rehabilitation Period People aged 18 or over when convicted
Prison sentences* of 6 months or less	3 ½ years	7 years
Prison sentences* of more than 6 months to 2 ½ years	5 years	10 years
Borstal (abolished in 1983)	7 years	7 years
Detention Centres (abolished in 1988)	3 years	3 years
Fines, compensation, community service, combination and curfew orders	2 ½ years	5 years
Absolute discharge	6 months	6 months

**** Including suspended sentences, youth custody (abolished 1988) and detention in a young offender institution.***

5. Regulated Positions

- 5.1 Regulated positions are exempt from the Rehabilitation of Offenders Act (1974) to ensure there are appropriate safeguards in place, particularly when dealing with the most vulnerable in society. As such, applicants to regulated positions must disclose all convictions even if they have been classed as 'spent' under the Rehabilitation of Offenders Act (1974).
- 5.2 To ensure that all applicants are treated in a fair and consistent manner, a specific criminal convictions criteria has been developed to assess a person's suitability to a regulated role.
- 5.3 This criteria will be used by the designated counter signatory to assess each application where criminal convictions have been identified. Suitability will depend on the nature and circumstance of the offence. A risk assessment will be completed for each application to ensure there is a clear audit trail and the rationale for the decision is recorded.
- 5.4 There may also be circumstances where an individual does not fall

within the criteria, but whose suspected involvement in crime, or criminal associations make an offer of employment inappropriate.

6. Criminal Convictions Criteria

6.1 Criteria for automatic rejection of an application

Applications should be automatically rejected if any applicant of any age has been sentenced to a term of imprisonment of six months or more; or been convicted or cautioned for a serious arrestable offence such as:

- Treason
- Murder
- Manslaughter
- Rape
- Kidnapping
- Incest/intercourse with a child under 13
- Buggery with a person under 16 or a person who has not consented
- Hostage taking, hi-jacking or torture
- Involvement in espionage, terrorism, sabotage or any actions to overthrow/undermine parliamentary democracy
- Death by reckless driving
- Firearms offences
- Racially motivated or homophobic offences

6.2 Any term of imprisonment below six months would need to be spent for a minimum of five years, with no pattern of re-offending. Any applications of this nature would require a risk assessment to be conducted to determine whether the application could proceed.

6.3 Any convictions for violent/dishonest/drug or driving offences would need to be spent for a minimum of five years with no pattern of re-offending. Any decision on employment would be made on a case by case basis following a risk assessment being completed on receipt of the disclosure.

6.4 For any minor offences such as common assault, drunk and disorderly, drug offences or substance abuse there must be no more than one recorded offence and a minimum of two years must have lapsed following a caution or three years from conviction. Any decision on employment would be made on a case by case basis following a risk assessment being completed on receipt of the disclosure.

6.5 Where an individual discloses an outstanding charge or summons, their application should be put on hold until the outcome is known, at which point it will be considered in accordance with the above criteria and as detailed at Appendix A.

- 6.6 Where it is suspected that an individual has failed to declare a conviction or caution, enquiries should be made to ascertain whether the conviction or caution is attributable to the individual. This should include enquiries to the relevant court to ensure that the conviction has not been overturned on appeal.
- 6.7 Where it is evident that an individual has deliberately failed to disclose a conviction or caution, his or her application should be managed in line with the CRB Disclosure Procedure.

7. Risk Assessment

- 7.1 A risk assessment form must be used to assess the suitability of a person to a regulated role where a matter comes to light on their CRB Disclosure which causes concern.
- 7.2 The risk assessment will be conducted by the Counter Signatory who will have the responsibility for determining suitability of appointment.
- 7.3 The risk assessment will be used in conjunction with the criminal convictions criteria as set out in this document. Please see appendix B for the appropriate risk assessment form.

8. Review of Procedure

- 11.1 This protocol will be reviewed every two years or earlier at the request of either UNISON or EHDC.

Appendix A: Detailed Criminal Convictions Criteria

Criteria for automatic rejection of an application

a) Applications should be automatically rejected if any applicant of any age has been convicted or cautioned for a serious arrestable offence or for a term of imprisonment above 6 months

b) Any term of imprisonment below 6 months would need to be spent for a minimum of 5 years and with no pattern of re-offending. Applications of this nature will require a risk assessment to be conducted.

c) Convictions which will lead to rejection unless there are **exceptionally compelling circumstances**, include:

Violence

Offences involving serious violence or injury including Grievous Bodily Harm (GBH) and Actual Bodily Harm (ABH)

Offences involving solicited violence towards others

Unlawful possession of weapons, firearms or going equipped to steal

Gross indecency

Acts of indecency

Abuse or neglect of children

Public Order offences

Dishonesty

Interference with the Administration of Justice or the investigation of offences

Burglary

Offences which involve elements or acts of dishonesty, corruption, substantial financial gain or serious loss to anyone including theft, fraud and deception.

Drug/driving offences

Serious involvement in drugs including possession of a class A drug or more than one class B drug and/or supplying drugs of any kind.

Reckless or Dangerous Driving within the last ten years

One offence of drink driving or drunk in charge or drugs driving within the preceding ten years

More than one offence of drink driving or drunk in charge or drugs driving

Other serious motoring offences such as convictions within the last five years of driving without insurance, failing to stop after an accident or driving whilst disqualified

More than three endorseable traffic convictions (including fixed penalties) within the last five years (for offences on different dates)

Two or more convictions for regulatory offences such as failure to renew vehicle excise licence within the last five years

General

Any cautions (including reprimands and final warnings) for recordable offences within the last five years

Juvenile convictions within the last five years for any recordable offence

Any recordable offence other than listed above within the last five years

Minor Offences

For any minor offences such as common assault, drunk and disorderly, drug offences or substance abuse there must be no more than one recorded offence and a minimum of two years must have lapsed following a caution or three years from conviction.

Any decision on employment would be made on a case by case basis following a risk assessment being completed on receipt of the disclosure.

Undisclosed Convictions

Where it is suspected that an individual has failed to declare a conviction or caution, enquiries should be made to ascertain whether the conviction or caution is attributable to the individual. This should include enquiries to the relevant court to ensure that the conviction has not been overturned on appeal.

Where it is evident that an individual has deliberately failed to disclose a conviction or caution, his or her application should be rejected.

Outstanding charges and summonses

Where an individual discloses an outstanding charge or summons, their application should be put on hold until the outcome is known, at which point it will be considered in accordance with the above criteria.

Appendix B

Risk Assessment Form – Determining Suitability of Appointment

This is to be used to assess the suitability of the candidate in light of matter(s) disclosed on their CRB Certificate.

Name of Applicant:

Position Applied For:

Date of Birth:

Type of Disclosure:

Disclosure Issue Date:

Disclosure Ref. No:

Date of Risk Assessment:.....

Risk Assessment undertaken by authorised person(s):

.....

.....

Please ensure that the Risk Assessment Process form is completed entirely and that full account is given of any matters which have been disclosed.

Any queries with regards to the CRB process should in the first instance be directed to one of the CRB Counter Signatories on [insert contact details].

Once the form is completed please return it in a private and confidential envelope to the Service Manager (HR) - Lead Signatory.

Question	Applicable (Please delete as appropriate)	Comments <i>This must be completed with full details or the form could be returned</i>
Did the applicant declare the matters on the CRB Disclosure Application form and/or the declaration form and or at interview. If not why not.	Yes / No	
Does the individual agree that the information detailed on the CRB Certificate is correct?	Yes / No	
Does the individual regret the matter(s) or what is their attitude towards the matters now?	Yes / No /Not applicable	
Would they do anything differently now?	Yes / No / Not applicable	
Have the individual's circumstances changed since the conviction? E.g. location, friends, partner, education?	Yes / No / Not applicable	
Are there any mitigating circumstances? (E.g. peer pressure, financial need or lack of judgment)	Yes / No / Not applicable	
Do the matters disclosed form any pattern? E.g. is there a cycle or history, reoccurrence, repeat offences	Yes / No / Not applicable	

Can the applicant demonstrate any efforts not to re-offend? E.g. Rehabilitation Course	Yes / No / Not applicable	
What is the nature of the contact the individual has with children / vulnerable adults?	Yes / No / Not applicable	
Can any safeguards be implemented to reduce/remove any risk? E.g. no unsupervised contact	Yes / No / Not applicable	
Will the nature of the post present any realistic opportunities for re-offending?	Yes / No / Not applicable	
Does the post have any direct contact with the public and how vulnerable are they?	Yes / No / Not applicable	
What supervision is available and how readily?		

Declaration by Applicant and any additional comments in support of their employment

I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required, could make an offer of employment invalid or lead to termination of employment.

Signature:

Date:.....

Recommendation/Additional Comments from authorised persons:

Signature:

Date:

HR use only

Date Risk Assessment received:

Date passed to Lead Signatory:

Withdraw Offer of Employment / Continue with Offer of Employment*

Please state (if applicable) whether approval is dependent upon conditions being met, such as recommendations, restrictions, safeguards to be implemented by the organisation:

Date Risk Assessment authorised:

Name of Authorising Officer:

Signature of Authorising Officer:

Authorisation by Counter Signatory and Lead Signatory for OK to proceed to be sent

Date Risk Assessment signed:



Criminal Convictions Procedure

April 2012

Document Version Control

Issue No	Date
Version 1	6.12.11
Final Version	12.4.12

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1. Statement of Intent

- 1.1 Havant Borough Council (HBC) has a responsibility to ensure that criminal record checks are undertaken in accordance with the requirements contained within the CRB Code of Practice and all relevant legislation.
- 1.2 Of particular relevance to this is the Rehabilitation of Offenders Act (1974). Ordinarily, after a period of time, criminal convictions become 'spent', however, there are some roles which require a higher level of vetting and as such, 'spent' convictions must also be disclosed. These are known as 'regulated' positions.
- 1.3 HBC is committed to ensuring that all CRB Disclosures for regulated positions are assessed against a clear criminal convictions criteria to determine suitability of appointment. This will ensure that all applicants are treated in a fair and consistent manner and that sufficient safeguards are in place to protect the most vulnerable groups within the communities of East Hampshire and Havant.
- 1.4 The Councils' are committed to being an equal opportunities employer and are committed to equality and diversity principles in operating this procedure.

2. Scope

- 2.1 The CRB Disclosure procedure will apply to all existing HBC staff and prospective employees in posts where it has been identified that a satisfactory CRB disclosure is required.
- 2.2 For the purposes of this procedure, the definition of staff* applies to:
 - Substantive
 - Temporary/Fixed Term
 - Agency Workers
 - Work experience placements
 - Volunteers

*Please note this list is not exhaustive. This definition excludes taxi licensing applications, a separate policy is available from [INSERT LOCATION].

- 2.3 This procedure will be reviewed from time to time and may be amended to ensure compliance with statutory requirements and the CRB Code of Practice.

3. Principles

- 3.1 HBC are committed to ensuring that a robust approach is taken when recruiting people to roles which require contact with children and/or vulnerable people or roles which require a higher degree of integrity..
- 3.2 HBC will not unfairly discriminate against any person with a criminal conviction, however, HBC reserve the right to consider the nature of the conviction and to assess this in line with HBC's Criminal Convictions Criteria.
- 3.3 HBC requires honesty and integrity from existing and prospective employees. Non disclosure of information will be considered to be a serious matter and will be treated as a breach of the employment relationship.
- 3.4 HBC is committed to complying fully with the CRB Code of Practice to ensure fair and appropriate use of information provided through the CRB. For further information on the CRB Code of Practice please refer to www.crb.gov.uk
- 3.5 HBC will ensure that disclosure information is kept secure and confidential in line with the CRB Code of Practice.

4. Rehabilitation of Offenders Act (1974)

- 4.1 The Rehabilitation of Offenders Act (1974) enables those individuals who have been convicted of an offence in the past, but have remained free of convictions for a specified period to not be placed at a disadvantage when applying for jobs.
- 4.2 The Act provides specific detail on the length of rehabilitation periods for different types of criminal convictions. The length of the rehabilitation period depends on the sentence given – not the offence committed. For a custodial sentence, the rehabilitation period is decided by the original sentence, not the time served.
- 4.3 Anyone who has been convicted of a criminal offence and sentenced to less than two and a half years in prison can be classed as a 'Rehabilitated Person' at the end of their Rehabilitation period, provided there have been no further convictions. Custodial sentences of more than two and a half years can never become spent.
- 4.4 Under the Act, applicants with a criminal record that contain only 'spent' convictions are entitled to answer 'no' if asked whether they have any 'unspent' convictions during the selection process. As

cautions and reprimands are not criminal convictions, applicants need not disclose these either.

- 4.5 The table below provides detail on the time periods for rehabilitation for sentences of less than two and a half years:

Sentence	Rehabilitation Period People aged under 18 when convicted	Rehabilitation Period People aged 18 or over when convicted
Prison sentences* of 6 months or less	3 ½ years	7 years
Prison sentences* of more than 6 months to 2 ½ years	5 years	10 years
Borstal (abolished in 1983)	7 years	7 years
Detention Centres (abolished in 1988)	3 years	3 years
Fines, compensation, community service, combination and curfew orders	2 ½ years	5 years
Absolute discharge	6 months	6 months

**** Including suspended sentences, youth custody (abolished 1988) and detention in a young offender institution.***

5. Regulated Positions

- 5.1 Regulated positions are exempt from the Rehabilitation of Offenders Act (1974) to ensure there are appropriate safeguards in place, particularly when dealing with the most vulnerable in society. As such, applicants to regulated positions must disclose all convictions even if they have been classed as 'spent' under the Rehabilitation of Offenders Act (1974).
- 5.2 To ensure that all applicants are treated in a fair and consistent manner, a specific criminal convictions criteria has been developed to assess a person's suitability to a regulated role.
- 5.3 This criteria will be used by the designated counter signatory to assess each application where criminal convictions have been identified. Suitability will depend on the nature and circumstance of the offence. A risk assessment will be completed for each application to ensure there is a clear audit trail and the rationale for the decision is recorded.
- 5.4 There may also be circumstances where an individual does not fall

within the criteria, but whose suspected involvement in crime, or criminal associations make an offer of employment inappropriate.

6. Criminal Convictions Criteria

6.1 Criteria for automatic rejection of an application

Applications should be automatically rejected if any applicant of any age has been sentenced to a term of imprisonment of six months or more; or been convicted or cautioned for a serious arrestable offence such as:

- Treason
- Murder
- Manslaughter
- Rape
- Kidnapping
- Incest/intercourse with a child under 13
- Buggery with a person under 16 or a person who has not consented
- Hostage taking, hi-jacking or torture
- Involvement in espionage, terrorism, sabotage or any actions to overthrow/undermine parliamentary democracy
- Death by reckless driving
- Firearms offences
- Racially motivated or homophobic offences

6.2 Any term of imprisonment below six months would need to be spent for a minimum of five years, with no pattern of re-offending. Any applications of this nature would require a risk assessment to be conducted to determine whether the application could proceed.

6.3 Any convictions for violent/dishonest/drug or driving offences would need to be spent for a minimum of five years with no pattern of re-offending. Any decision on employment would be made on a case by case basis following a risk assessment being completed on receipt of the disclosure.

6.4 For any minor offences such as common assault, drunk and disorderly, drug offences or substance abuse there must be no more than one recorded offence and a minimum of two years must have lapsed following a caution or three years from conviction. Any decision on employment would be made on a case by case basis following a risk assessment being completed on receipt of the disclosure.

6.5 Where an individual discloses an outstanding charge or summons, their application should be put on hold until the outcome is known, at which point it will be considered in accordance with the above criteria and as detailed at Appendix A.

- 6.6 Where it is suspected that an individual has failed to declare a conviction or caution, enquiries should be made to ascertain whether the conviction or caution is attributable to the individual. This should include enquiries to the relevant court to ensure that the conviction has not been overturned on appeal.
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- 7.1 A risk assessment form must be used to assess the suitability of a person to a regulated role where a matter comes to light on their CRB Disclosure which causes concern.
- 7.2 The risk assessment will be conducted by the Counter Signatory who will have the responsibility for determining suitability of appointment.
- 7.3 The risk assessment will be used in conjunction with the criminal convictions criteria as set out in this document. Please see appendix B for the appropriate risk assessment form.

8. Review of Procedure

- 11.1 This protocol will be reviewed every two years or earlier at the request of either UNISON or HBC.

Appendix A: Detailed Criminal Convictions Criteria

Criteria for automatic rejection of an application

a) Applications should be automatically rejected if any applicant of any age has been convicted or cautioned for a serious arrestable offence or for a term of imprisonment above 6 months

b) Any term of imprisonment below 6 months would need to be spent for a minimum of 5 years and with no pattern of re-offending. Applications of this nature will require a risk assessment to be conducted.

c) Convictions which will lead to rejection unless there are **exceptionally compelling circumstances**, include:

Violence

Offences involving serious violence or injury including Grievous Bodily Harm (GBH) and Actual Bodily Harm (ABH)

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Unlawful possession of weapons, firearms or going equipped to steal

Gross indecency

Acts of indecency

Abuse or neglect of children

Public Order offences

Dishonesty

Interference with the Administration of Justice or the investigation of offences

Burglary

Offences which involve elements or acts of dishonesty, corruption, substantial financial gain or serious loss to anyone including theft, fraud and deception.

Drug/driving offences

Serious involvement in drugs including possession of a class A drug or more than one class B drug and/or supplying drugs of any kind.

Reckless or Dangerous Driving within the last ten years

One offence of drink driving or drunk in charge or drugs driving within the preceding ten years

More than one offence of drink driving or drunk in charge or drugs driving

Other serious motoring offences such as convictions within the last five years of driving without insurance, failing to stop after an accident or driving whilst disqualified

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Two or more convictions for regulatory offences such as failure to renew vehicle excise licence within the last five years

General

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Juvenile convictions within the last five years for any recordable offence

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Any decision on employment would be made on a case by case basis following a risk assessment being completed on receipt of the disclosure.

Undisclosed Convictions

Where it is suspected that an individual has failed to declare a conviction or caution, enquiries should be made to ascertain whether the conviction or caution is attributable to the individual. This should include enquiries to the relevant court to ensure that the conviction has not been overturned on appeal.

Where it is evident that an individual has deliberately failed to disclose a conviction or caution, his or her application should be rejected.

Outstanding charges and summonses

Where an individual discloses an outstanding charge or summons, their application should be put on hold until the outcome is known, at which point it will be considered in accordance with the above criteria.

Appendix B

Risk Assessment Form – Determining Suitability of Appointment

This is to be used to assess the suitability of the candidate in light of matter(s) disclosed on their CRB Certificate.

Name of Applicant:

Position Applied For:

Date of Birth:

Type of Disclosure:

Disclosure Issue Date:

Disclosure Ref. No:

Date of Risk Assessment:.....

Risk Assessment undertaken by authorised person(s):

.....

.....

Please ensure that the Risk Assessment Process form is completed entirely and that full account is given of any matters which have been disclosed.

Any queries with regards to the CRB process should in the first instance be directed to one of the CRB Counter Signatories on [insert contact details].

Once the form is completed please return it in a private and confidential envelope to the Service Manager (HR) - Lead Signatory.

Question	Applicable (Please delete as appropriate)	Comments <i>This must be completed with full details or the form could be returned</i>
Did the applicant declare the matters on the CRB Disclosure Application form and/or the declaration form and or at interview. If not why not.	Yes / No	
Does the individual agree that the information detailed on the CRB Certificate is correct?	Yes / No	
Does the individual regret the matter(s) or what is their attitude towards the matters now?	Yes / No /Not applicable	
Would they do anything differently now?	Yes / No / Not applicable	
Have the individual's circumstances changed since the conviction? E.g. location, friends, partner, education?	Yes / No / Not applicable	
Are there any mitigating circumstances? (E.g. peer pressure, financial need or lack of judgment)	Yes / No / Not applicable	
Do the matters disclosed form any pattern? E.g. is there a cycle or history, reoccurrence, repeat offences	Yes / No / Not applicable	

Can the applicant demonstrate any efforts not to re-offend? E.g. Rehabilitation Course	Yes / No / Not applicable	
What is the nature of the contact the individual has with children / vulnerable adults?	Yes / No / Not applicable	
Can any safeguards be implemented to reduce/remove any risk? E.g. no unsupervised contact	Yes / No / Not applicable	
Will the nature of the post present any realistic opportunities for re-offending?	Yes / No / Not applicable	
Does the post have any direct contact with the public and how vulnerable are they?	Yes / No / Not applicable	
What supervision is available and how readily?		

Declaration by Applicant and any additional comments in support of their employment

I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required, could make an offer of employment invalid or lead to termination of employment.

Signature:

Date:.....

Recommendation/Additional Comments from authorised persons:

Signature:

Date:

HR use only

Date Risk Assessment received:

Date passed to Lead Signatory:

Withdraw Offer of Employment / Continue with Offer of Employment*

Please state (if applicable) whether approval is dependent upon conditions being met, such as recommendations, restrictions, safeguards to be implemented by the organisation:

Date Risk Assessment authorised:

Name of Authorising Officer:

Signature of Authorising Officer:

Authorisation by Counter Signatory and Lead Signatory for OK to proceed to be sent

Date Risk Assessment signed:

NON EXEMPT

HAVANT BOROUGH COUNCIL/EAST HAMPSHIRE DISTRICT COUNCIL

Joint Human Resources Committee

9 October 2012

SHARED E-LEARNING

Report of the Service Manager, Human Resources

REPORT NO 11

FOR INFORMATION

Marketing & Development Portfolio (HBC): Councillor M Cheshire
Business Development Portfolio (EHDC): Councillor D Phillips

Key Decision: N/A

1.0 Purpose of Report

- 1.1 Members of Joint HR Committee are asked to note that a review has recently been undertaken of the e-learning systems at both Councils.
- 1.2 This review was undertaken by HR to identify ways in which the cost of e-learning could be reduced; the usage of e-learning could be increased and learning opportunities could be equal for all staff across both Councils.
- 1.3 This report provides members of Joint HR Committee with information on this review. It also provides information on the recommendations that were approved by Joint Executive Board on 18th September, 2012.

2.0 Recommendation

RECOMMENDED

- 2.1 that members of Joint HR Committee note the approved decisions by the Joint Executive Board as follows:
 - a) Implementation of a shared E-Learning system across both Councils
 - b) The use of 'Learningpool' as the provider
 - c) Implementation of an annual E-Learning plan to ensure regulatory and compliance requirements are met

2.0 Introduction

- 3.1 Members of Joint HR Committee may be aware that for some years both councils have had an e learning system in place. At East Hampshire District Council (EHDC) the offering has been in the form of a suite of 'off

the shelf' courses via 'Jenison'. At Havant Borough Council (HBC) the offering has been through a range of bespoke and in house authored courses via 'Learningpool'.

- 3.2 An HR review commenced last quarter to review the current e-learning systems. It was anticipated that by combining the offering and creating a shared e-learning system, cost savings could be made. As part of this review, a further system 'Skillgate' was also considered as a comparator.

3.0 Subject of the report

- 4.1 Members of Joint HR Committee may be aware that e-learning is widely accepted as an effective tool for organisational learning. If used as part of a blended learning programme i.e. with other forms of training, it can be an extremely cost effective way to deliver training to large numbers of staff.
- 4.2 For the council, the cost of delivering training via e-learning is significantly less than the traditional types of training methods. In addition, it reduces the need for dedicated training rooms and trainers and supports the 'Flexible, Smarter Working' ethos in existence at the Council.
- 4.3 For employees, e-learning can provide a more flexible training solution which enables staff to fit in training around work commitments. As well as providing flexibility for busy employees, e-learning also provides huge benefits for staff with disability or mobility problems who may find it difficult to attend the more traditional types of training.

Current Systems

- 4.4 The current e-learning system used at EHDC is provided by a company called Jenison. This is an off-the-shelf system which provides staff access to a wide range of generic training courses. These courses are automatically updated as and when changes in legislation occur. Customisation of the content of any of the training courses attracts additional cost over and above the annual fee of £9,500 plus VAT.
- 4.5 The current e-learning system used at HBC is provided by a company called 'Learningpool'. This provider offers a wide range of developed e-learning courses targeted for the public sector along with an authoring tool to enable bespoke course design. There is no additional cost charged for this. There is also functionality to run reports, which is especially useful for regulatory/compliance training. The annual fee is £6,000 plus VAT. Learningpool also offer 'add ons' at an additional cost such as performance management tools.

Review of Shared E-Learning Systems

- 4.6 As part of this review, in addition to reviewing the current providers of e-learning, a third provider was also considered called 'Skillgate'. This provider offered off-the-shelf and bespoke on-line content which was similar to Learningpool, however their offering was not directly aimed at

the public sector. They did offer add on's in the same way as Learningpool, such as performance management tools to record and link appraisals with learning, and whilst this could be offered free initially, there would be no long term commitment on this provision.

- 4.7 A quick glance comparison of the offerings of each provider and the associated costs for a shared e-learning system are detailed below. A more detailed breakdown of costs can be found at Appendix A.

Provider	Hosted system	Learning Management System	Can course be tailored?	Automated reporting	Authoring Ability	Annual Cost across <u>both</u> councils
Learning Pool	y	y	y	y	y	£9000
Jenison	y	y	n (but can at a cost)	n	n	£9500
Skillgate	y	y	y	y	y	Special deal of £9702**

** special deal of Skillgate also includes the performance management software.

- 4.8 In proposing a shared e-learning system to Joint Executive Board, HR committed to actively market and promote the benefits of e-learning. In addition to this re-branding and re-launching of the site, HR confirmed that there would be regular mandatory courses of the month to cover compliance and regulatory training. (Please see Appendix B for further detail).
- 4.9 The capabilities of each system were reviewed and a proposal put forward to Joint Executive Board to rebrand the offering from Learningpool for use across EHDC and HBC. This was identified as being the cheapest and quickest solution to implement a shared e-learning system. JEB approved this recommendation on 18th September, 2012.

3.0 Implications

3.1 Financial

There were cost savings of £6,500 identified in moving to a shared e-learning system.

3.2 Legal

There were no legal implications associated with this item.

3.3 Strategy

It was identified to Joint Executive Board that the implementation of a shared e-learning system would support the overall learning and development strategy for the Councils. In addition, e-learning would support cultural change and flexible smarter working.

3.4 Customer access

None reported.

3.5 Risks

None reported.

3.6 Communications/Public Relations

Joint Executive Board members were made aware that their commitment to a shared e-learning system would enable the Council to demonstrate their investment in learning and development.

3.7 East Hampshire/Havant

The delivery of a shared e-learning system would ensure that all staff would have the same access to the e-learning resources.

4.0 Conclusions

4.1 Joint HR Committee members are asked to note that moving to a combined offering that is rebranded will provide consistent cost effective learning opportunities and create a saving as a consequence of developing a shared provision.

4.1 This report is for information only.

Appendices

Nil

Background Papers

Nil

Contact Officer:	Caroline Tickner
Job Title:	Service Manager (Human Resources)
Telephone:	02392 446139
E-Mail:	caroline.tickner@havant.gov.uk

Appendix A: Detailed breakdown of costs & savings

Current Costs

Council	Cost per annum (excluding VAT)
EHDC (using Jenison system)	£9500
HBC (using Learningpool)	£6000
Total	£15,500

Costs for a Shared Provision

Provider	Annual Cost across <u>both</u> councils	Identified Cost Saving
LearningPool	£9000	£6,500
Jenison	£9500	£6,000
Skillgate	£9702	£5,798

Cost Benefit of using E-Learning

Listed below are the regulatory/knowledge/compliance learning requirements which the Council needs to deliver. These are able to be delivered through e-learning.

The below table demonstrates the cost of delivery through more traditional methods to demonstrate the value of e-learning if implemented in the correct way in the Councils'.

Course	Est No of courses	Full or ½ day?	Face to face costs (£)
Data Protection	35	½	8750
Managing Sickness Absence*	10	full	5000
Managing Stress*	8	½	2000
Introduction to Health & Safety	35	½	8750
Fraud Awareness	35	½	8750
Safeguarding	35	1	17500
Freedom of Information – the essentials	35	½	8750
Environmental Information Regulations*	20	1/2	5000
Fire Safety	35	½	8750
Display Screen Equipment*	10	½	2500
Equality, Diversity & Customer Care	35	1	17500
Total			93,250

*Assumes courses are either half or full day in length. Daily rate for trainer set at £500 per day or £250 per ½ day for 20 people attending each course. Assumes 700 people in total complete each training course bar those * where training is specific to certain groups.

Appendix B: Proposed Annual E-Learning Plan

It is proposed that a 'course of the month' is run to encourage the use of e-learning and ensure that our legislative/compliance requirements are met.

The proposed plan is as follows:

Month	Course	Man dat ory ?	Comments
Nov 12	Data Protection	Y	Internal audit requirement
Dec 12	Managing Stress	Y	Support H&W strategy
Jan 13	Managing Sickness Absence	Y	Support H&W strategy
Feb 13	Fraud Awareness	Y	Reduce risk in Councils'
Mar 13	Appraisals	Y	Support performance
Apr 13	Safeguarding	Y	Regulatory requirements
May 13	Freedom of Information	Y	Regulatory requirements
Jun 13	Environmental Information Regulations	Y	Regulatory requirements
Jul 13	Fire Safety	Y	Regulatory requirements
Aug 13	Display Screen Equipment	Y	Regulatory requirements
Sep 13	Equality, Diversity & Customer Care	Y	Regulatory requirements

(Please note this plan can be subject to change dependent on risks identified by audit and suggested mitigations re training which are recommended).

In addition to the above, there are a number of other courses already available which HR will promote by raising awareness with managers and staff. These include:

- Recruitment & Selection
- Government Connect
- Lone Working
- Change Management
- Manual Handling
- Personal Safety at Work
- Induction – HBC specific Induction
- Introduction to local Government
- Introduction to E Learning