



Positive Criminal Records Disclosures – guidelines for applicants

1 What is a positive Criminal Records Bureau Disclosure?

The Criminal Records Bureau (CRB) uses the Police National Computer record to detail an individual's criminal record, and the Protection of Children Act (POCA) List, the Protection of Vulnerable Adults (POVA) List, information held under section 142 of the Education Act 2002 (formerly known as List 99) to detail those who are barred from working with children or vulnerable adults. An Enhanced CRB disclosure may also reveal other non-conviction information held on local police records.

A positive Enhanced CRB Disclosure is one where information of any kind is disclosed. This may be details of convictions or cautions, both spent and unspent, and may be additional information supplied by the local police. Speeding tickets and parking fines do not appear on Disclosures.

A criminal record or other information disclosed will not necessarily be a bar to obtaining a post.

2 What happens when a positive Disclosure is received?

- 1 The CRB sends the Disclosure to the applicant at their home address. A duplicate is sent to the Diocesan CRB Administrator, who checks that the name, date of birth and address on the duplicate is consistent with the diocesan disclosure application which was submitted.
- 2 If the disclosure is positive, the application and the disclosure are passed to the Diocesan Safeguarding Adviser (DSA) for assessment.
- 3 If the applicant is barred from working with children or vulnerable adults, the DSA advises the incumbent of the parish and the archdeacon of this without delay, and advises that it is an offence for the applicant to continue any direct work with children or vulnerable adults, and therefore this must cease with immediate effect.
- 4 For all other kinds of information disclosed, the DSA writes to the applicant to arrange an interview with him or her, in order to discuss the information disclosed, both for its accuracy and its context.
- 5 The DSA follows the criteria for assessment set by NACRO:
 - whether the conviction or information is relevant to the post in question
 - the seriousness of any offence or information disclosed
 - the length of time since the offence or other relevant matters
 - whether the applicant has a pattern of offending behaviour or other relevant matters
 - whether the applicant's circumstances have changed since the offending behaviour or other relevant matters
 - the circumstances surrounding the offence or other relevant matters, the explanation(s) offered by the applicant, and his or her attitude towards it.
- 6 The DSA may contact the incumbent or the person in the parish who has submitted the application, either before or after the applicant has been interviewed, in order to assess to what extent the information revealed is relevant to the post.

- 7 If following interview the DSA is satisfied that the information disclosed is not relevant to the post, she will inform the applicant and the Diocesan CRB Administrator of this. The CRB Administrator will send a standard letter to the Parish Safeguarding Officer (PSO) which states there is nothing to hinder the person being employed in this role. The parish is not sent a copy of the Disclosure, and the information on the disclosure is not revealed. The Diocese keeps a record of the advice given. Under the Data Protection Act the Disclosure should normally be destroyed after 6 months, unless an appeal is in progress.
- 8 If the information revealed is more significant, the DSA will consult a Risk Assessment Panel of the Diocesan Safeguarding Reference Group. The Risk Assessment Panel will consist of three professionals with expertise in working with children and vulnerable adults. They will consider the information given to them by the DSA, and together make a recommendation to the parish concerning the appropriateness of the appointment of the applicant to the post, and any safeguarding precautions that should be taken.
- 9 The applicant will receive a copy of the DSA's report to the panel before it is submitted, and asked to comment on its accuracy and fairness as a record of events and the views expressed in interview by the applicant. If the applicant is not satisfied that the report is fair and accurate, he or she may submit a written statement to the Panel, and may be supported in writing such a statement. The applicant may be asked to appear before the panel.
- 10 The Panel will record the reasons for its recommendation, and make any comments which they consider appropriate in the light of their recommendation.
- 11 The DSA will inform the applicant and the parish of the recommendation made by the Panel in writing.
- 12 If the DSA/the Risk Assessment Panel decides that the information is relevant and makes the appointment inappropriate, she will advise the incumbent of the parish that the appointment should not be made. The incumbent will then notify the applicant of this decision.

3 What if the applicant doesn't agree with the decision made?

If at the end of this process an applicant feels that the decisions involving Disclosure information regarding their appointment have not been made fairly, he or she may appeal against the decision, using the following procedure:

- 1 Appeals should be made in writing to the Diocesan Secretary, Trinity House, 4 Chapel Court, SE1 1HW, within a three month period of the decision having been made. The applicant should state his/her name and address, the nature of the appeal, the date of the Disclosure document, the identity of the person or appointing body responsible for making the appointment to the post, and any other relevant information.
- 2 If the Diocesan recommendation was made solely by the DSA, the appeal will be referred to an internal Diocesan Risk Assessment Panel for consideration. This internal Appeal Panel will be given all the documentation relevant to the recommendation.
- 3 If the Diocesan recommendation was made by a Diocesan Risk Assessment Panel, the appeal will be referred to an external Risk Assessment Panel of another Diocese for

scrutiny of the process and the recommendation. This external Appeal Panel will receive all the documentation from the previous assessment.

- 4 The applicant may make a written statement to the Appeal Panel if he or she did not do this the first time, and may be asked or request to appear before the Appeal Panel in person to speak to their submission, and for clarification. The applicant may be accompanied by a supporter.
- 5 The Appeal Panel members will sit alone to make a recommendation about whether the decision made by the first panel or the Diocesan Safeguarding Adviser was fair.
- 6 For an internal Appeal Panel, the recommendation will be made to the parish as in 2(8) above.
- 7 For an external Appeal Panel, the recommendation will be made to the original internal Risk Assessment Panel for further consideration, and this panel will make the recommendation to the parish as in 2(8) above, taking into account the recommendations from the external panel.
- 8 The Panel will record the reasons for its recommendation, and make any comments which they consider appropriate in the light of their recommendation.
- 9 The DSA will inform the applicant and the incumbent of the parish of the outcome in writing, within a month of the appeal being made.