

Employment of

**Ex-offenders
Policy**

a model for schools



Employment of Ex-offenders Policy

1. Introduction

- 1.1 Essex County Council has had a policy and guidance on the recruitment of people with criminal convictions and police records since 1986. This was enhanced following the decision by the Corporate Development Sub-Committee in June 1998 that corporate guidance will be issued on this matter in response to the Director of Social Services 'Enough is Enough' report on reducing the risks of sexual and physical abuse of vulnerable people.
- 1.2 Since that time there have been a number of significant developments (see paras 1.3 and 2 below) which reinforce existing safeguards in recruitment to sensitive posts and significantly widen the pool of sensitive posts for which criminal record checks may be sought. Such changes require the previous guidance to be revised.
- 1.3 The Home Office has set up a Criminal Records Bureau (CRB) as an executive agency to exercise the powers and fulfil the responsibilities of the Secretary of State under the Police Act 1997. Its purpose is to act as a one-stop shop for accessing the Police National Computer, Department of Health records (DoH), Department for Education and Skills (DfES) records and local police information.
- 1.4 The CRB has published a Code of Practice and accompanying explanatory guide. The Council is committed to ensuring that the principles of the Code of Practice will be observed by all recipients of Disclosure information, including organisations for whom the Council acts as an Umbrella Body.
- 1.5 This revised ECC policy reflects the Council's continuing commitment to take all available steps to protect children and vulnerable groups within the community through good recruitment practice and through seeking relevant information on criminal, Department of Health (DoH) and Department for Education and Skills (DfES) records for:
 - job applicants
 - volunteers
 - existing staff

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- staff/volunteers in external organisations who wish to use ECC as their 'Umbrella Body' (see separate Umbrella Body Guidelines)
- 1.6 This commitment is reinforced by the Council becoming a 'Registered Body' for the purpose of accessing Disclosures through the Criminal Records Bureau (CRB) and by committing to act as an Umbrella Body for those organisations e.g. voluntary organisations, in the community who wish to access the CRB through ECC.
- 1.7 At the same time, the Council is committed to ensuring that people who have been convicted are treated fairly and given every opportunity to establish their suitability for positions. To this end, the Council's recruitment literature carries a statement to the effect that a criminal record will not necessarily be a bar to obtaining a position, and this policy sets out the considerations which will be taken into account when determining the relevance of a criminal record to the post.

2. Relevant Legislation

- 2.1 The relevant legislation in this area, and on which this policy is based is:
- The Rehabilitation of Offenders Act 1974, which makes it illegal for an organisation to discriminate against an ex-offender on the grounds of a spent conviction.
 - The Rehabilitation of Offenders Act 1974 (Exceptions) from time to time enacted and in force, which exclude certain, specified posts from the ROA.
 - The Police Act 1997, which introduces new arrangements for obtaining criminal record information. These arrangements are now encompassed in the establishment of the Criminal Records Bureau.
 - The Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000, which make it an offence for any organisation to offer employment that involves regular contact with young people under the age of 18 to anyone who has been convicted of certain specified offences, or is included on lists of people considered unsuitable for such work held by the DfES and the DoH.

3. Background

3.1 Since 1986 the County Council's policy has been as follows:

- To require all applicants for employment in the Council to disclose criminal convictions which are unspent within the terms of the Rehabilitation of Offender's Act
- To require all applicants for employment in posts which are covered by the Rehabilitation of Offenders Act Exceptions Orders to disclose all convictions, whether spent or unspent
- To undertake police checks against local and national police records through the local police force for employees and volunteers for posts and roles having 'a substantial level of access to children which may also be unsupervised and will be regular or sustained'
- To require staff who are convicted or cautioned for any offence during their employment with the County Council to notify their Human Resource officer, in writing of the offence and penalty.

3.2 In addition, the Council maintains a number of internal registers of individuals whose previous employment history may give cause for concern. These are:

- The List - a list of persons considered unsuitable for working with children or vulnerable adults
- Index A - a list of individuals where the Council has been notified by other agencies that an individual is unsuitable for working with children and/or vulnerable adults
- Index B - a list of former employees whose previous employment history may give cause for concern
- Index C - a list of former volunteers or agency staff whose previous working involvement with the Council may give cause for concern

3.3 The above provisions will continue to apply, except that: access to criminal record information will now be undertaken through the CRB Disclosure process, rather than through police checks, and the pool of positions for which disclosures can be sought is now much wider (and includes all school based posts). Self-declaration forms (SD1 - spent convictions, or SD2 – spent and unspent convictions) will now be sent only to short-listed candidates.

4. Employment of ex-Offenders – Existing Employees

4.1 Disclosures will not be sought for existing employees who have previously been police checked. Existing staff for whom police checks were not available at the time of recruitment will only be asked to apply for a disclosure where there is cause for some suspicion or where they are recruited to a different post for which a relevant check has not already been carried out.

4.2 All ECC employees are, however, required to declare any convictions or cautions which arise during the course of their employment. This is set out in

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the statement of written particulars which require any caution or conviction which arises during the course of employment to be declared.

- 4.3 Where it comes to light that an ECC employee has failed to disclose a conviction, (including spent convictions for posts where the Rehabilitation of Offenders Exemption Orders apply) then that will be treated as a very serious matter.
- 4.4 The ACAS code of practice on Disciplinary and Grievance Procedures advises that criminal charges or convictions outside employment will not be treated as automatic reasons for dismissal. The main consideration is whether the offence is one that makes workers unsuitable for their type of work. In all cases employers, having considered the facts, will need to consider whether the conduct is sufficiently serious to warrant instituting the disciplinary procedure..."
- 4.5 Nevertheless, in view of the damage the failure to declare the offence will inevitably have done to the spirit of trust and confidence between the Council and employee; it will cause their continued employment to be questioned. It is County Council policy that this may be treated as gross misconduct and there may be a disciplinary investigation, possibly resulting in dismissal. This is particularly the case in respect of employment involving work with vulnerable people.
- 4.6 In assessing the seriousness of failure to declare an offence by an existing employee, consideration will be given firstly, to both the breakdown in trust and confidence caused by the failure to declare an offence and, secondly, to the degree of risk the conviction carries in relation to the post with regard to the factors outlined in para 6 below.

5. Employment of ex-Offenders – Potential Employees

- 5.1 Criminal record information will generally come to light in one of two ways – either through the self declaration of spent and/or unspent convictions which will be completed by all shortlisted applicants, or through a CRB disclosure for the successful applicant to a relevant post.
- 5.2 Where criminal record information comes to light through a self-declaration form completed by a short-listed candidate, this will be discussed with the applicant during the recruitment process.
- 5.3 Where there is a direct link between the offence and the job, Human Resource advice will be sought on whether or not to continue with the recruitment for that individual.
- 5.4 Where the relationship between the offence and the job is less obvious, the applicant will be invited to comment on the conviction or caution during the recruitment process.
- 5.5 Any decision will be made with reference to the factors outlined in para 6 below.

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- 5.6 Criminal record information which comes to light through a CRB disclosure will be treated as one tool in the overall recruitment process and will only be considered in relation to applicants where an offer of employment has been made. The successful applicant will be invited to discuss this information before a final recruitment decision is made.
- 5.7 Offers of employment will not normally be confirmed until the relevant disclosure has been obtained from the CRB. An exception might be, for example, an employee taken on to cover a vacancy existing on that day. In this event it is important that the employee has no substantial unsupervised access to children or vulnerable people.

6. Assessing the Relevance of Criminal Records

- 6.1 Having an unspent conviction (or a spent conviction for posts exempted from the Rehabilitation of Offenders Act under the Exemptions orders listed above), will not necessarily be a bar to employment. This will depend on the background and circumstances to the offence(s) and the risk assessment of such for the job in question. When considering the relevance of an offence to a particular post, the following factors will be taken into consideration:
- Whether a conviction or caution is relevant to the job e.g. child pornography offences would almost certainly disqualify any person required to work with children, fraud may disqualify employees from posts involving handling significant amounts of money.
 - The seriousness of the offence.
 - The length of time since the offence occurred e.g. offences which occurred many years in the past may often have less relevance than recent offences. However convictions for serious violent or sexual offences or serious offences involving substance abuse are more likely to give cause for continuing concern than, say an isolated case of dishonesty committed when the person was young. The chance for rehabilitation will be weighed against the need to protect children and vulnerable people.
 - Whether the applicant has a pattern of offending behaviour or whether the offence was a one-off – a series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.
 - Whether the applicant's circumstances have changed since the offence.
 - The circumstances surrounding the offence and the explanation offered.
- 6.2 The relevance of some combinations of job and offence will be easy to establish e.g. theft and money/stock handling, child pornography offences and working with children. In other cases, however, the decision may not be so clear-cut, hence the importance of discussing with the short-listed applicant or successful applicant any criminal records information which comes to light.
- 6.3 The decision on whether or not to appoint in the case of information, which comes to light at the pre-employment stage, must take account of the above factors.

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7. ECC Disclosure Unit

- 7.1 The HR Systems Team, Disclosure Unit deals with the administration of the disclosure system for all ECC and umbrella body disclosures, and also maintains the internal List and Indices.

Procedure on the Employment of Ex-Offenders

1. Introduction

- 1.1 Under the CRB Disclosure system, it is the County Council's policy to seek relevant CRB Disclosures only in respect of those posts which are exempt under the Rehabilitation of Offenders Act 1974, particularly those which involve working with children or vulnerable adults in regulated positions as defined by the Criminal Justice and Court Services Act, 2000 (see Appendices A & B).
- 1.2 This procedure sets out the process for obtaining CRB standard and enhanced disclosures.

2. Criminal Record Disclosures

- 2.1 There are three types of Disclosure:

- Basic

This will contain details of convictions held on central police records which are not spent under the terms of the Rehabilitation of Offenders Act, 1974, or will state if there are no convictions.

Basic Disclosures are available to any individual on request, subject to verification of identity; these must be obtained by individuals directly from the CRB.

Note: The introduction of Basic Disclosures has been delayed and it is not currently known when this system will come on line

- Standard

This will contain details of any spent and unspent convictions, as well as cautions, reprimands and warnings, recorded by the police centrally. It will also state if there are no such matters of record. If an individual is applying to work with children, the Standard Disclosure will also reveal whether the individual is barred from working with children by virtue of his/her inclusion on lists of those considered unsuitable to work with children maintained by the

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Department for Education and Skills (DfES) and the Department of Health (DoH).

Standard Disclosures are available in respect of those positions exempted under the Rehabilitation of Offenders Act 1974, including those involving work with children in regulated positions.

- Enhanced

This will contain the same details as a Standard Disclosure. It may also contain non-conviction information from local police records which the chief police officer thinks may be relevant in connection with the employment in question. It will also state if there are no such matters on record.

Enhanced Disclosures are also available in respect of those positions exempted under the Rehabilitation of Offenders Act 1974, including those involving work with children in regulated positions. However they are reserved for those involved in regularly caring for, training, supervising or being in sole charge of those aged under 18, or of vulnerable adults. They are also available for fostering and adoption and certain statutory licensing purposes.

3. Recruitment

3.1 Job Applications

3.1.1 The School/County Council will seek a relevant CRB disclosure for the successful applicant to all posts. This will be made clear in the recruitment documentation (ie the application form and candidate information), which will contain the following information:

- A statement that the successful applicant will be required to apply for an enhanced or standard Disclosure, as appropriate. This must be done through the County Council, unless the applicant already has a relevant disclosure – see paragraphs 3.4.5 and 3.4.6.
- A statement to the effect that the School/County Council will consider applicants with criminal records on their merits and in the context of the record and the nature of the post.
- Reference to the County Council's Policy on the employment of ex-offenders. Where relevant, this will be included in the Candidate Details pack.
- Reference to the fact that the School/County Council operates in accordance with the CRB Code of Practice.

3.2 Self Declarations by job applicants

- 3.2.1 The County Council's policy is to require short-listed applicants for all posts to declare criminal convictions which are 'unspent' under the terms of the Rehabilitation of Offenders Act 1974 and, for positions which are covered by the Rehabilitation of Offenders Act,1974 (Exceptions) Orders 1975,1986 and 2001, to declare all convictions whether 'spent' or 'unspent' and including any cautions and pending prosecutions.
- 3.2.2 Such declarations will be made on the relevant self-declaration form (SD2) and will be submitted, in a sealed envelope, marked private and confidential, to the Chair of the selection panel/headteacher, prior to interview. The Chair of the panel/headteacher will discuss relevant, positive declarations confidentially with the applicant.
- 3.2.3 The disclosure of convictions, cautions or pending cases by applicants will not necessarily prevent employment but will be considered in the same way as positive CRB Disclosures (see employment of ex-offenders policy).

3.3 Proof of Identity

- 3.3.1 Short-listed applicants for posts which require an enhanced or standard disclosure will be required to provide proof of identity by producing the original of the following documents on the day of the interview:

One document from Group 1 plus any two others from Groups 1 or 2.

Group 1
Valid passport (any nationality)
UK Driving Licence (either photocard or paper)
Original UK Birth Certificate (issued within 12 months of date of birth) (full or short form acceptable)
UK Firearms licence
Valid photo identity card (EU countries only)
Group 2
Marriage certificate
Non-original UK birth certificate (issued after 12 months of date of birth) (full or short form acceptable)
Foreign Birth Certificate
Foreign Driving Licence

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P45/P60 statement**
Bank or building society statement*
Utility bill (electricity, gas, water, telephone (inc mobile phone contract / bill)*)
Valid TV Licence**
Credit card statement*
Store card statement*
Mortgage statement **
Valid insurance certificate**
Certificate of British nationality
British work permit/visa**
Correspondence or a document from: the Benefits Agency; the Employment Service; the Inland Revenue; or a Local Authority*
Financial statement (e.g. pension, endowment, ISA)**
Valid Vehicle registration document
Mail order catalogue statement*
Court summons**
Valid NHS Card
Addressed payslip*
National Insurance number card
Exam certificate (e.g. GCSE, NVQ)
Child benefit book**
Connexions card

*Documentation will be less than three months old

** Documentation issued within the past 12 months

Proof of identity will be verified by the Chair of the selection panel/headteacher on an ECC verification form.

CRB Disclosure Certificates will not be accepted as proof of identity.

3.4 Offer of Employment

- 3.4.1 Confirmation of an offer of appointment for relevant posts will be subject to receipt of relevant Disclosure details.

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- 3.4.2 Offers of appointment for all other posts will require receipt of a signed and dated self-declaration (SD2) from the applicant. Basic disclosures will also be accepted, but are not a pre-requisite to appointment provided that a self-declaration has been received.
- 3.4.3 For posts requiring a Standard or Enhanced Disclosure, the Chair of the selection panel/headteacher, will contact the successful candidate as soon as possible after the interview and ask them to complete a blank CRB Disclosure form.
- 3.4.4 Process:
- The school will send a blank CRB Disclosure form to the successful candidate and will ask for it to be completed and returned to the chair of the panel/headteacher by return.
 - The verification part of the disclosure form will be completed by the person who completed the verification information at the interview stage and then sent to the disclosure unit for countersigning, logging and despatch to the CRB.
 - On receipt of the CRB Disclosure, the unit/personnel will advise the chair of the panel/headteacher of the outcome in writing.
- 3.4.5 For posts subject to a Standard Disclosure, a previously issued Standard or Enhanced Certificate will be accepted provided it was issued no longer than two years before the date that the appointment is due to be effective. The 'Proof of Identity' must also be carefully checked.
- 3.4.6 The County Council has determined a Policy that previously issued certificates, should only be accepted providing they were issued in respect of employment with Essex, are of the right level, relate to employment in a similar post and are no more than 2 years old. It is strongly recommended that schools follow this policy. However, in the current climate, the DfES recommends that employers accept previously issued (by Essex or other LEA's) Disclosure certificates, providing there has been no break in service exceeding three months since its issue and the disclosure is of the right level. In such cases the previous employer should be contacted, prior to confirmation of employment and asked whether there is any information you should be aware of - this may be done as part of the reference request. If there is any doubt about whether or not the post is 'of the same type', the relevant Human Resource team should be consulted. For further information refer to the HR Schools letter issued by Nicki Harris on 26th June 2003 'Criminal records Bureau System – Update'.
- 3.4.7 In the case of agency staff, the agency will be expected to have obtained a satisfactory disclosure. It will be clear in any agreement between the School and the agency that the School expects all workers supplied to work in posts

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where a disclosure is required, including supply teachers, to have a relevant disclosure, which is not more than 2 years old. A separate disclosure does not have to be applied for through Essex County Council in this situation.

The agency worker will be required to show their copy of the disclosure to the School on commencement of the placement.

- 3.4.8 Employees joining from another local authority, non-maintained school, or other organisation, to take up a similar post in Essex can use their disclosure certificate obtained through another Registered Body, providing there has been no break in service exceeding three months since its issue and the disclosure is of the right level.
- 3.4.9 Disclosure Information will be regarded as complementary to other pre-employment checks (e.g. references, medical checks, etc.) and the full normal range of checks will continue to be undertaken.
- 3.4.10 Under s.35 of the Criminal Justice and Court Services Act it is an offence for anyone debarred from working with children to apply for a regulated position. If such an application is received, the police will be notified.
- 3.4.11 It is also an offence to knowingly offer a regulated position to a person who is debarred from working with children. Whilst this is unlikely to occur, in the event that it does, disciplinary action may be taken against the person who made the offer.

4. Charging

- 4.1 The cost of obtaining a disclosure certificate is set by the CRB and is currently:

Enhanced	£29
Standard	£24

There will be no charge for volunteers.

- 4.2 The County Council will, in most cases, meet the costs of Standard and Enhanced Disclosure Certificates. However in areas where budgets are delegated or areas which are subject to contract, reimbursement of the cost will be at the discretion of the relevant service area e.g. schools, DSO.

5. Overseas Applicants

- 5.1 It may be difficult to obtain satisfactory disclosure information for applicants with a substantial record of overseas residence as the CRB does not generally have access to overseas criminal records. A judgement will need to be made by the Chair of the selection panel/headteacher as to whether a disclosure application will be made. If the applicant has lived in the UK for any period of time then a disclosure application will be made. If, however, the

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Chair/headteacher is satisfied (see 5.2) that the person has never resided in the UK, then there is little point in applying for a disclosure, but a Certificate of Good Conduct (or equivalent) from the Country of origin will be sought - contact the Disclosure Unit for further information on this.

- 5.2 In order to be satisfied that the person has never lived in the UK, and gaps in employment history will be fully explored and any uncertainties checked out through references. All other pre-employment checks must be carried out. In the event of any doubt regarding UK residency, a disclosure application must be made.

6. Evaluation of Disclosure Information

- 6.1 The School/County Council aims to promote equality of opportunity for all. Disclosure information will be taken into account for recruitment purposes only where the disclosure is relevant to the applied for position and in accordance with the County Council's policy on the employment of ex-offenders – see PF/01.14 "Policy".

7. Action on Receipt of a Disclosure

- 7.1 Where a satisfactory Disclosure is received, the Disclosure Unit will notify the Chair of the selection panel/headteacher of the outcome on the ECC 'notification of disclosure' form, which will then be placed the employee's personal file by the school.
- 7.2 Where a Disclosure requiring further discussion is received by the ECC Disclosure Unit this will be passed to the relevant HR team who will discuss the nature of the disclosure with the Chair of the selection panel/headteacher. The chair/headteacher will then make a decision about the applicant's/employee's future employment position in accordance with the County Council's policy on the employment of ex-offenders. The Chair/headteacher will then discuss the Disclosure with the applicant/employee before any final decision is made.
- 7.3 The decision about whether to proceed with the appointment in the case of information which comes to light at the pre-employment stage or whether to take disciplinary action in the case of existing employees, and if so whether with a view to dismissal, needs to be taken by the Chair of the selection panel/headteacher after discussing with the HR team and with reference to the employment of ex-offenders policy.
- 7.4 The employment decision is to be reported to the County Council's Disclosure Unit.
- 7.5 All Disclosure information will be stored securely and processed and destroyed in accordance with the CRB Code of Practice and the ECC CRB

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security policy. Access to such information will only be given to those entitled to see it as part of their duties.

8. Appeals Against Disclosure Information

- 8.1 Individuals have the right to query the accuracy of disclosure information through the CRB appeals procedure.
- 8.2 Where an employee registers such an appeal, a decision will need to be made about whether interim action needs to be taken. Where the Disclosure indicates offences which may lead to the withdrawal of an offer of employment or disciplinary action/dismissal, consideration will be given to temporarily suspending the appointment process/employee until the appeal has been processed.

9. Volunteered Conviction Information During the Course of Employment

- 9.1 It is an existing term of employment of all ECC employees and incorporated in their Written Statement of Particulars that employees are required to immediately notify their manager/Human Resource officer in writing of the offence and penalty if they are convicted of, or cautioned for, any offence during their employment.

10. Information Obtained from Other Sources about Offences by Employees

- 10.1 Such information may be discovered from newspapers or other media sources; from other employees (i.e. whistleblowing¹); from members of the public or, for some types of employment areas, it may come from the police.
- 10.2 A first step in the case of information provided by third parties other than the police will be to establish the accuracy of the alleged conviction, charge, offence etc. It may well be that the employee has already notified information about the offence/conviction.
- 10.3 If there appears to be no prior management information, an attempt will be made to verify the information with the source and/or police as appropriate. A judgement needs to be made about whether it is appropriate to discuss the information with the employee and advice will be sought from Corporate Law and Human Resources. Where the information received is about an employee having been charged or convicted, then it will normally be in order to raise this with the employee. Where, however, the allegation is of offences that have not apparently been the subject of criminal procedures and may, therefore, be undiscovered, then it may be appropriate to pass the information on in confidence to the police or through a child protection referral, or, if the offences are of a financial and school/ECC job-related nature to ECC audit, so

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as not to prejudice covert investigation and evidence gathering. Again, advice will be sought from Legal Services/HR.

- 10.4 Action taken on information received in this way will be dealt with in the same way as information received through the usual channels – i.e. with reference to the criteria set out in para 6 of the employment of ex-offenders policy.

11. Umbrella Body Role

- 11.1 The Council acts as an umbrella body for a large number of external organisations. There are separate Guidelines covering the Council's responsibilities in this area and these are available from Human resource teams.

12. Misuse of Disclosure System

- 12.1 Any use of the Disclosure system must be for legitimate school/ECC purposes. Any misuse of the system could result in disciplinary action.

Scope This policy and procedure applies to all employees of the County Council.

Delegations CRB Disclosure applications can only be signed by authorised counter signatories (see para 3.4.4 of the procedure) as approved by the Head of HR as lead signatory for the Council

Amendments this issue This update reflects changes in practice resulting from legislation and operational arrangements since the Disclosure System was implemented in March 2002

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Appendix A - Professions, offices, employment and occupations exempted from the Rehabilitation of Offenders Act 1974 by the Rehabilitation of Offenders Act 1974 (exemption) from time to time enacted and in force.

Professions:

- a) Medical Practitioner;
- b) Barrister (in England & Wales), advocate (in Scotland), solicitor;
- c) Chartered accountant, certified accountant;
- d) Dentist, dental hygienist, dental auxiliary;
- e) Veterinary surgeon;
- f) Nurse, midwife;
- g) Ophthalmic optician, dispensing optician;
- h) Pharmaceutical chemist;
- i) Registered teacher (in Scotland);
- j) Any profession to which the Professions Supplementary to Medicine Act 1960 applies and which is undertaken following registration under the Act.

The professions are exempt as far as entry into the profession is concerned. The relevant body can therefore ask questions about unspent convictions. However, when applying for individual jobs with the Authority, only details of unspent convictions need to be given.

Regulated Occupations:

- a) Firearms dealer;
- b) Any occupation in respect of which an application to the Gaming Board for Great Britain for a licence, certificate or registration is required by or under any enactment;
- c) Director, controller, or manager of an insurance company, in respect of which the Secretary of State's authorisation is required under S.3(a)(b) of the Insurance Act 1974 or to which Part II of that Act applies;
- d) Dealer in Securities;
- e) Manager or trustee under a unit trust scheme;
- f) Any occupation which is concerned with:
 - i) the management of a place in respect of which the approval of the Secretary of State is required by S.1 of the Abortion Act 1967; or

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- ii) in England and Wales, carrying on a nursing home in respect of which registration is required by S.187 of the Public Health Act 1936 or S.14 of the Mental Health Act 1959;
- g) Any occupation in respect of which the holder, as occupier of premises on which explosives are kept, is required by any Order in Council made under S.43 of the Explosives Act 1875 to obtain from the police or a court of summary jurisdiction a certificate as to hi fitness to keep explosives.

Other Offices and employments:

- a) Judicial employments;
- b) Director of Public Prosecutions and any employment in his/her office;
- c) Prosecutors Fiscal and District Court Prosecutors, and any employment in their offices or in the Crown Office;
- d) Justices' Clerks and their assistants;
- e) Clerks and officers of the High Court of Judiciary, the Court of Sessions and the district court, sheriff clerks and their clerks and assistants;
- f) Constables, persons appointed as police cadets and persons employed for the purposes of, or to assist the constable of, a police force establishment under any enactment; naval, military or air force police;
- g) Any employment which is concerned with the administration of, or is otherwise normally carried out wholly or partly within the precincts of a prison, remand centre, detention centre, Borstal institution or young offenders institution, and members of boards of visitors appointed under (S.7 of the Prisons (Scotland) Act 1952;
- h) Traffic Warden;
- i) Probation Officer;
- j) Jobs in Social Services: Any employment by a local education authority in connection with the provisions of social services or by any other body in connection with the provisions by it of similar services, being employed which is of such a kind as to enable the holder to have access to any of the following classes of person in the course of his normal duties, namely:
 - i. persons over the age of 65;
 - ii. persons suffering from serious illness or mental disorder of any description;
 - iii. persons addicted to alcohol or drugs;
 - iv. persons who are blind, deaf or dumb;

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- v. other persons who are substantially and permanently handicapped by illness, injury or congenital deformity;
- k) Any employment which is concerned with the provision of health services and which is of a kind as to enable the holder to have access to persons in receipt of such services in the course of normal duties;
- l) Jobs involving contact with children in:
 - i. a regulated position as defined by the Criminal Justice and Court Service Act 2000. (Appendix B defines of Regulated Positions);
 - ii. a further education institution where the normal duties of the work involves regular contact with persons aged under 18.
- m) Building society employees convicted of a 'relevant offence', such as fraud.

Details of the periods of time after which certain convictions become 'spent' for the purposes of the Rehabilitation of Offenders Act 1974

Sentence	Becomes Spent After
For a sentence of imprisonment, detention in a young offender institution, or youth custody, or corrective training exceeding 6 months but not exceeding	10 Years*
For a sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service	10 years*
A sentence of imprisonment or youth custody for a term not exceeding 6 months	7 years*
A sentence of dismissal from Her Majesty's service	7 years*
Any sentence of detention in respect of a conviction in service disciplinary proceedings	5 years*
A fine or any other sentence subject to Rehabilitation under the Act, for example community service	5 years*
An order for detention in a detention centre	3 years
An absolute discharge	6 months
A conditional discharge	1 year
Probation	5 years*

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Notes

- (i) A sentence of more than 30 months imprisonment or youth custody can never become spent.
- (ii) *The rehabilitation periods are cut in half where the person was under 18 years of age at the conviction
- (iii) It is immaterial for the purposes of calculating a spent conviction whether a sentence is suspended or not.

Appendix B - Definition & List of Regulated Positions/level of check

The definition of Regulated Positions is defined in the Criminal Justice and Court Service Act 2000 (CJCSA). There are seven categories of 'regulated position' and all but one (definition 6) are limited to normal duties. References to children means persons under the age of 18.

1. Any staff whose normal duties involve carrying out work of any sort in certain types of establishments, namely:
 - A care home or residential care home which is exclusively or mainly for children;
 - An educational institution which is exclusively or mainly for the full-time education of children;
 - A children's home or voluntary;
 - A home provided under s.82(5) of the Children Act 1989.
 - Includes all staff who work in one of these establishments, whether or not it is their base.
2. A position whose normal duties include work on day care premises, where;
 - Children under 8 are looked after for at least 2 hours per day.
 - Unlike 1. above, work which is carried out in a discreet part of the building or at times where the children are not on the premises is not counted.
3. A position whose normal duties include caring for, training, supervising or being in sole charge of children.
 - There is some overlap with 1. and 2. above
 - This definition enables an enhanced check to be requested.
4. A position whose normal duties involve unsupervised contact with children under arrangements made by a responsible person, namely:
 - A person in one of the establishments defined in 6. Below;
 - The child's parent or guardian and any adult with whom the child lives;
 - A person in charge of an establishment under definition 1. above;
 - A person registered under part XA of the Children Act for providing day care premises on which the child is cared for;
5. A position whose normal duties include caring for children under the age of 16 in the course of the children's employment

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6. The 'great and the good', e.g.:
 - A school governor;
 - A local authority member who discharges education or social services functions of a local authority;
 - A chief education officer;
 - A director of social services.
7. A position whose normal duties include supervising or managing an individual in his work in a regulated position.
 - Includes those who manage or supervise those in a regulated position as
 - Well as those with the power to dismiss them.

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Appendix C – List of ECC posts and levels of disclosure

Post Title	Level of Disclosure	Service area/Organisation
Admin/Clerical Staff (in sole charge)	Enhanced	Learning Services
Admin/Clerical Staff (not in sole charge)	Standard	Learning Services
Administrator	Standard	Social Services
Advisers (AIS)	Standard	Learning Services
Advisory Head teacher	Enhanced	Learning Services
After School Study Club Assistant	Enhanced	Learning Services
Area Leader of Performing Arts	Enhanced	Learning Services
Area Special Needs Coordinator	Enhanced	Learning Services
Assistant Cook	Standard	Learning Services
Assistant Head teacher	Enhanced	Learning Services
Assistant Psychologist	Enhanced	Learning Services
Behaviour Support Teacher	Enhanced	Learning Services
Behaviour Support Worker	Enhanced	Learning Services
Breakfast Club Assistant	Enhanced	Learning Services
Bursar	Standard	Learning Services
Business Manager	Standard	Learning Services
Careers Assistant	Enhanced	Learning Services
Caretaker	Standard	Learning Services
Catering Manager	Enhanced	Learning Services
Child Care Officer	Enhanced	Learning Services
Child Employment Officer	Enhanced	Learning Services
Child Protection Officer	Enhanced	Learning Services
Children's Community Development Officer	Enhanced	Learning Services
Clacton Plus Co-coordinator	Enhanced	Learning Services
Classroom Assistant	Enhanced	Learning Services
Cleaner	Standard	Learning Services
Clerk to Governing Body	Standard	Learning Services
Community Arts Director	Enhanced	Learning Services
Complementary Education Leader	Enhanced	Learning Services
Consultant Clinical Psychologist	Enhanced	Learning Services
Consultant for Target Tracker	Standard	Learning Services
Cross Phase Co-coordinator	Standard	Learning Services
Curriculum Co-coordinator	Enhanced	Learning Services
Curriculum Development Advisor	Enhanced	Learning Services
Customer Advisor	Enhanced	Learning Services
Customer Service Manager	Enhanced	Learning Services
Cycling Instructors	Enhanced	Road Safety
Dance Tutor	Enhanced	Learning Services
Data Management Officer	Standard	Learning Services
Deputy Head teacher	Enhanced	Learning Services

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Post Title	Level of Disclosure	Service area/Organisation
Deputy Team Leader PTV	Enhanced	Learning Services
District Secretarial Assistant	Enhanced	Learning Services
District Support Officer	Enhanced	Learning Services
Driver	Enhanced	Learning Services
Early Reading Research Assistant	Enhanced	Learning Services
Education Officer	Enhanced	Learning Services
Education Welfare Assistant	Enhanced	Learning Services
Education Welfare Officer	Enhanced	Learning Services
Educational Psychologist	Enhanced	Learning Services
EMA Teacher	Enhanced	Learning Services
Escort	Enhanced	Learning Services
Events Manager	Enhanced	Learning Services
Examination Invigilator	Standard	Learning Services
Expert Unattached Teacher	Enhanced	Learning Services
Facilitator	Enhanced	Learning Services
Field Library Staff	Enhanced	Learning Services
Finance Assistant (directorate finance)	Standard	Learning Services
Finance Officer	Standard	Learning Services
First Aid and Reprographics	Enhanced	Learning Services
First Aid Officer	Enhanced	Learning Services
Foundation Stage Co-coordinator	Standard	Learning Services
Gardener	Standard	Learning Services
Governor (V)	Standard	Learning Services
Handyman	Standard	Learning Services
Head teacher	Enhanced	Learning Services
Home Schools Liaison Worker	Enhanced	Learning Services
Home Schools Link Project Officer	Enhanced	Learning Services
Home Tutor	Enhanced	Learning Services
Homework Club Supervisor	Enhanced	Learning Services
ICT Technician/ITC club (Tutor) After School	Enhanced	Learning Services
Information and Data Officer	Standard	Learning Services
Instructor	Enhanced	Learning Services
Integrated Support Assistant	Enhanced	Learning Services
Integrated Support Manager	Standard	Learning Services
Integrated Support Teacher	Enhanced	Learning Services
Interpreter/Translator/Communicator	Enhanced	Learning Services
Key Family Support Worker	Enhanced	Learning Services
Key Stage 3 Science Consultant	Enhanced	Learning Services
Key Stage One Co-coordinator	Enhanced	Learning Services
Kitchen Staff	Standard	Learning Services

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Post Title	Level of Disclosure	Service area/Organisation
Laundry/Sewing Staff	Standard	Learning Services
Learning Centre Administrative Assistant	Enhanced	Learning Services
Learning Centre Manager	Enhanced	Learning Services
Learning Mentor	Enhanced	Learning Services
Learning Resources Manager	Enhanced	Learning Services
Learning Support Assistant	Enhanced	Learning Services
Learning Support Tutor	Enhanced	Learning Services
Literacy Consultant	Enhanced	Learning Service
Manager	Enhanced	Learning Service
Medical Support Assistant	Enhanced	Learning Services
Mentor	Enhanced	Learning Services
Midday Assistant	Enhanced	Learning Services
Mobility Officers	Enhanced	Learning Services
Music Therapy Student	Enhanced	Learning Services
Music Tutor	Enhanced	Learning Services
Numeracy Consultant	Enhanced	Learning Services
Nursery Nurse	Enhanced	Learning Services
Operations room Assistant	Enhanced	Learning Services
Parent Helper	Standard	Learning Services
Parent Partnership Assistant	Standard	Learning Services
Partner Sharing Residence (V)	Standard	Learning Services
Personnel Manager (Advisory Services)	Standard	Learning Services
Personnel Officers (Field team)	Standard	Learning Services
Personnel Services Advisers	Standard	Learning Services
Photographer	Enhanced	Learning Services
Prince's Trust Volunteer	Enhanced	Learning Services
Principal Library Advisor	Enhanced	Learning Services
Principal Pupil Support Officer	Standard	Learning Services
Project Manager	Standard	Learning Services
Receptionist	Enhanced	Learning Services
Recycling Manager	Enhanced	Learning Services
Reprographics Assistant	Standard	Learning Services
Resident Caretaker	Standard	Learning Services
School Library Service Manager	Enhanced	Learning Services
School Nurse	Enhanced	Learning Services
Science Specialist Status Co-coordinator	Enhanced	Learning Services
Security and Facilities Co-coordinator	Enhanced	Learning Services
SENCOs	Enhanced	Learning Services
Senior Education Welfare Officer	Enhanced	Learning Services
Senior Information Assistant	Enhanced	Learning Services
Senior Manager (School post)	Enhanced	Learning Services
Senior Officer Pupil Support	Standard	Learning Services

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Posts Title	Level of Disclosure	Service area/Organisation
Sessional Worker	Enhanced	Learning Services
SIMS Manager	Standard	Learning Services
Site Assistant	Standard	Learning Services
Site Manager	Standard	Learning Services
Special Needs Assistant	Enhanced	Learning Services
Special School Assistant	Enhanced	Learning Services
Special Welfare Assistant	Enhanced	Learning Services
Sports Co-coordinator & Admin & Finance	Enhanced	Learning Services
Sports Coach	Enhanced	Learning Services
Sports Development Worker	Enhanced	Learning Services
Stockman	Enhanced	Learning Services
Store Person	Standard	Learning Services
Strategic Planning Officer	Standard	Learning Services
Student Assistant	Enhanced	Learning Services
Student Child Care Course	Enhanced	Learning Services
Student Placement	Enhanced	Learning Services
Student Services Assistant	Enhanced	Learning Services
Study Supporter - Libraries	Enhanced	Learning Services
Subject Leader Science	Enhanced	Learning Services
Summer Camp Co-coordinator	Enhanced	Learning Services
Support Worker	Enhanced	Learning Services
Swimming Helper	Enhanced	Learning Services
Swimming Instructor	Enhanced	Learning Services
Target Tracker Administrative Assistant	Standard	Learning Services
Target Tracker Development Manager	Standard	Learning Services
Target Tracker Support	Standard	Learning Services
Teacher	Enhanced	Learning Services
Teaching Assistant	Enhanced	Learning Services
Team Leader	Enhanced	Learning Services
Technician 01	Standard	Learning Services
TLF Consultant KS3	Enhanced	Learning Services
Tutor	Enhanced	Learning Services
Unit Catering Manager	Standard	Learning Services
Voluntary Helpers	Enhanced	Learning Services
Voluntary Youth Worker	Enhanced	Learning Services Youth Office
Walking Bus Volunteers	Enhanced	Road Safety
Welfare Assistant	Enhanced	Learning Services
Youth Worker	Enhanced	Learning Services

N.B. Some posts feature in both lists, this is because the duties of those posts may vary between specialisms & each post will need to be considered individually, in the light of its duties and responsibilities at the time of recruitment.

Appendix D - Form to be completed by the chair of the selection panel / headteacher

Full name of applicant.....

Post title.....

School.....

Evidence of identity seen by the employer

Passport

Passport number:

Date of birth:

Nationality:

Issue Date:

Driving Licence

Driving Licence number:

Date of birth:

Licence type: Paper or Photocard
(Please delete as appropriate)

Licence valid from:

Country of Issue: UK **Or** Other (Please print in full):

Birth Certificate

Birth Certificate

Issue Date:

Date of Birth:

Country of Issue: UK **Or** Other (Please print in full):

Other

Marriage Certificate

P45 or P60 National Insurance

Issue Date:

Number:

Current address details checked against documentation: Yes/No

Evidence seen and checked by Name (Please print)

Signed.....

Appendix E - Notification of Disclosure Form

To: (Chair of Selection Panel / headteacher) From: Disclosure Unit

c.c. Human Resource Officer

Full name of applicant for whom disclosure was sought:

Applicant's National Insurance number

New Starter Post Number

Disclosure Issue Date Standard/Enhanced
.....

Disclosure Information:

The Criminal Records Bureau for Disclosure on the above named person has revealed:

(a) Satisfactory

(b) Requires further discussion*

please contact..... will contact you

Disclosure Unit

* Relevant Chair of Selection Panel / headteacher to contact Human Resources to discuss.

To: Disclosure Unit

From:

School:

Applicants name

Applicant's National Insurance number

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Recruitment Action taken by School:

The following action was taken in respect of the disclosure information:

- (a) Appointment confirmed
- (b) Offer of Appointment withdrawn
- (c) Other (please state details below)

.....
.....

Signed **Full name**
(Please print)

Appendix G

