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The Criminal Records Bureau

Local authorities have always been able to screen applicants for certain jobs by means of a criminal background check. The problem was that various procedures existed depending on the type of information requested. Now with the setting up of the Criminal Records Bureau there is a single regime which recruiting officers must be aware of.

As well as criminal records, there have been various lists which local authorities have been encouraged to consult when making a recruitment decision. The Department of Health has long operated the Consultancy Service Index (now called the Protection of Children Act List) and the Department of Education has kept "List 99". These lists contained names of people who were unsuitable to work with children whether or not they had a criminal conviction. There is also a Protection of Vulnerable Adults List brought in by the Care Standards Act 2000 which has similar information. The Protection of Children Act 1999 made it compulsory for local authorities to consult these lists.

The Criminal Records Bureau is being set up pursuant to Part V of the Police Act 1997 to co ordinate access to criminal records as well as information on all the above lists. It will, in effect, be a one-stop shop for this purpose. Based in Liverpool it will eventually employ a thousand staff.

There will be different levels of disclosure of information in relation to individuals which can be requested from the CRB depending on who is making the request. The first is a Standard Disclosure for positions that involve regular contact with children or vulnerable adults or for positions involving trust e.g. doctors. It will contain details of all convictions on record (current and spent) and details of any cautions, reprimands or warnings held by the police. It will also have information held on the various lists discussed above.

The other type of disclosure is an Enhanced Disclosure. This is available for posts involving greater contact with children or vulnerable adults, for example by training, caring for or being in sole charge of such people e.g. social workers. It will include the information contained in a Standard Disclosure as well as information that is held locally by the police - what we might call intelligence.

There is also a Basic Disclosure for people who want to access details of their own criminal records. This will only show current convictions and it will be up to the

individual to decide whether to disclose it to his/her employer. Individuals themselves have always been able to ask the police for their criminal record under the Data Protection Act 1998. Indeed under this procedure many police forces had to spend thousands of pounds employing officers to process these requests. Now they will be able to concentrate resources on what, some would say, are more important activities.

Employers wishing to take advantage of the disclosure system have to register at a cost of £300 and each disclosure of information about an individual is £12. Employers have to abide by a code of practice drawn up by the CRB to ensure the information is handled fairly and they are also required to have a policy in place over recruitment of ex offenders. Registration will start in May and the first Standard and Enhanced disclosures will be sent out in Autumn. Basic Disclosure will be available from 2002

Obviously there are human rights implications here. Article 8 of the European Convention on Human Rights gives a right to respect for private and family life. This applies to what public authorities do with the information in their possession. As well as this the Data protection Act 1998 deems criminal record information to be sensitive personal data which has to be treated with more care than ordinary personal data.

Local authorities must get up to speed with the workings of the CRB now. There is a website (www.crb.gov.uk) and an information line (0870 90 90 811). The CRB is also organising a series of free daylong seminars throughout the country in May and June .It is very important to adopt a corporate approach to the use and disclosure of information received from the CRB. Staff should be made aware now and it should be decided who will register for disclosure on behalf of the authority. Procedures and policies will have to be set up to ensure that the CRB rules are adhered to. These should sit alongside policies on data protection and the wider role of information management as discussed in previous issued of LGC (12/4/01).