



Criminal Records Bureau (CRB) Code of Practice

1. Introduction

This document provides an overview of the Code of Practice for Registered Persons and Other Recipients of Disclosure Information Criminal Records Bureau (CRB) published under section 122 of the Police Act 1997 ("the Act") in connection with the use of information provided to registered persons ("Disclosure information") under Part V of that Act.

2. What is Disclosure Information?

- Contained in criminal record certificates under section 113 of the Act (which are referred to in this Code as "Standard Disclosures"), or
- Contained in enhanced criminal record certificates under section 115 of the Act (referred to in this Code as "Enhanced Disclosures"), or
- Provided by the police under section 115(8) of the Act.

The Code of Practice applies to all recipients of Disclosure Information (except where otherwise indicated). This includes:

- Registered persons;
- Those countersigning Disclosure applications on behalf of registered persons;
- Others receiving such information.

Where reference is made to "employers", this should be read as including any person at whose request a registered person has countersigned an application, including:

- Voluntary organisations and others engaging, or using the services of, volunteers;
- Regulatory and licensing bodies.

3. Purpose of the Code

The Code of Practice is intended to ensure that the information released will be used fairly.

The Code also seeks to ensure that sensitive personal information is handled and stored appropriately and is kept for only as long as necessary. Guidance to employers on other matters will be issued separately.

4. Obligations of the Code

Fair use of Disclosure Information

Recipients of Disclosure information shall:

- Observe guidance issued or supported by the CRB on the use of Disclosure information and in particular, recipients of Disclosure information shall not unfairly discriminate against the subject of Disclosure information on the basis of conviction or other details revealed.

Employers Commitment to Disclosure Information

- Ensure that application forms for positions where Disclosures will be requested contain a statement that a Disclosure will be requested in the event of a successful application, so that applicants are aware of the situation;
- Include in application forms or accompanying material a statement to the effect that a criminal record will not necessarily be a bar to obtaining a position, in order to reassure applicants that Disclosure information will not be used unfairly;
- Discuss any matters revealed in Disclosure information with the person seeking the position before withdrawing an offer of employment;
- Make every subject of a Disclosure aware of the existence of this Code of Practice and make a copy available on request; and
- In order to assist staff to make appropriate use of Disclosure information in reaching decisions, make available guidance in relation to the employment and fair treatment of ex-offenders and to the Rehabilitation of Offenders Act 1974.

5. Handling of Disclosure information

Recipients of Disclosure information

- Must ensure that Disclosure information is not passed to persons not authorised to receive it under section 124 of the Act. Under section 124, unauthorised disclosure is an offence;
- Must ensure that Disclosures and the information they contain are available only to those who need to have access in the course of their duties;
- Must securely store Disclosures and the information that they contain;
- Should retain neither Disclosures nor a record of Disclosure information contained within them for longer than is required for the particular purpose. In general, this should be no later than six months after the date on which recruitment or other relevant decisions have been taken, or after the date on which any dispute about the accuracy of the Disclosure information has been resolved. This period should be exceeded only in very exceptional circumstances which justify retention for a longer period.

Registered Persons

- Shall have a written security policy covering the correct handling and safe-keeping of Disclosure information; and
- Ensure that a body or individual at whose request applications for Disclosures are countersigned has such a written policy, and, if necessary, provide a model for that body or individual to adopt.

Assurance

Registered persons shall:

- Cooperate with requests from the Bureau to undertake assurance checks as to the proper use and safekeeping of Disclosure information.
- Report to the Bureau any suspected malpractice in relation to this Code of Practice or any suspected offences in relation to the misuse of Disclosures.

Umbrella Bodies

An Umbrella Body is one which has registered with the Bureau on the basis that it will countersign applications on behalf of others who are not registered.

Umbrella Bodies must satisfy themselves that those on whose behalf they intend to countersign applications are likely to ask exempted questions under the Exceptions Order to the Rehabilitation of Offenders Act 1974.

Umbrella Bodies must take reasonable steps to ensure that those to whom they pass Disclosure information observe the Code of Practice.

6. Failure to Comply with the Code of Practice

The Bureau is empowered to refuse to issue a Disclosure if it believes that a registered person, or someone on whose behalf of a registered person has acted has failed to comply with the Code of Practice.

7. Useful References

Recruitment of Ex-Offenders Policy