

AGENDA MANAGEMENT SHEET

Name of Committee **Audit & Standards Committee**

Date of Committee **22nd November 2006**

Report Title **Criminal records checks**

Summary This report sets out the recommendations of an internal audit undertaken earlier this year on the vetting of staff and contractors employed by the County Council and reports on progress made in implementing these.

For further information please contact:

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Would the recommended decision be contrary to the Budget and Policy Framework? No.

Background papers None

CONSULTATION ALREADY UNDERTAKEN:- Details to be specified

- Other Committees
- Local Member(s)
- Other Elected Members
- Cabinet Member
- Chief Executive
- Legal
- Finance
- Other Chief Officers
- District Councils
- Health Authority

Police

Other Bodies/Individuals

FINAL DECISION YES

SUGGESTED NEXT STEPS:

Details to be specified

Further consideration by
this Committee

To Council

To Cabinet

To an O & S Committee

To an Area Committee

Further Consultation

Agenda No

Audit & Standards Committee - 22nd November 2006.

Criminal records checks

Report of the Strategic Director – Performance & Development

Recommendation

That the progress made in implementing the recommendations of the internal audit report on vetting staff and contractors employed by the County Council be noted

Background

1. At the meeting of this Committee on 25th September 2006 a further report was requested on Criminal Records Bureau (CRB) checks, following concerns expressed in the Internal Audit report about delays in this process. This report describes those recommendations and describes the resultant actions that have been taken.

Recommendations of the internal audit report

2. The audit identified variations in practice and procedure between directorates, particularly in respect of the necessity to complete checks before employees start work. Accordingly, a recommendation was made to,

“re-affirm guidelines both corporately and from the CRB regarding the necessity of carrying out CRB checks in all departments prior to the start date of the employee”

In response to this recommendation, a corporate guidance document has been issued to directorates, together with a complementary document for schools. Within the corporate document the following instructions are given in response to the question, ‘Can an applicant start work with WCC before the disclosure form has been returned from the CRB?’,

“No, if they are to be working directly with children or vulnerable adults. However there have been occasions when an applicant who is not working with children or vulnerable adults has been allowed to start work in exceptional circumstances. A judgement may be made that the risk of not appointing someone to fill a post immediately, has to be balanced against the

risk of their starting work before the CRB Disclosure is returned. In these exceptional circumstances the risk needs to be evidenced and recorded, and action taken to ensure that the employee has no unsupervised access to children or vulnerable adults until the CRB Disclosure has been cleared. Sometimes new employees are asked to sign a Self Declaration form in these circumstances and start work on the strict understanding that they are supervised at all times, for example, during a period of induction. The Self Declaration form states that a failure to disclose convictions, which are subsequently revealed, may be grounds for dismissal.”

For those posts where a CRB disclosure is required, cross referencing with the payroll system allows us to ensure that the necessary checks have been carried out.

3. The audit report made the following recommendation in also identified the need for corporate guidance on vetting volunteer staff,

“review the appointment process for volunteer staff to ensure that all volunteers are subject to a CRB check prior to commencement of work”

In response, the corporate guidance document states that volunteers working with young people need a disclosure document unless they already have one as part of an existing role with the County Council.

4. In respect of supply teachers, the audit report made the following recommendation,

“review the appointment process for supply teachers to ensure that they are subject to a CRB check prior to commencing work”

The following instructions have been inserted into the corporate guidance document,

Supply teachers should be recruited to WCC via the partnership with Direct Solutions. They will not need to obtain a new Disclosure if their existing one was processed less than three months before their start date with WCC. However a new Disclosure must be obtained if they have had a break in service for three months or longer since March 2002; if they are taking up a post with significantly greater responsibility for children or if you have concerns about their suitability to work with children.

In the event that a school recruits a supply teacher other than through Direct Solutions they are instructed to obtain a CRB disclosure before the person starts work.

5. The audit report recommends that the corporate guidance document should,

“include policies and specific guidance on volunteers and foreign nationals”

The recommendation in respect of volunteers is addressed at paragraph 3 above.

The corporate guidance document includes specific instructions on how to obtain criminal records or Certificates of Good Behaviour' from overseas countries in respect of anyone who has been a resident in another country, and these arrangements have now been implemented across the County Council.

6. In respect of contractors, the audit report made the following recommendation,

“Property Services should introduce temporary arrangements for ensuring that contractors are CRB checked until the new contract clause is entered into the standard contracts. Efforts should be made to sign the framework agreement Contracts to confirm contractors’ responsibilities relating to CRB checks”

All new contracts now include a clause requiring that contractors carry out CRB checks and existing contracts are being reviewed to ensure compliance.

7. In the past, a ‘buddy’ system operated whereby staff working with children in schools had worked alongside a colleague until CRB checks had been completed. In respect of this, the audit report recommended,

“that a review of the ‘buddy’ system be undertaken and a decision taken as to whether all staff should not be able to commence work until a CRB check has been completed”

In response the ‘buddy’ system has been discontinued and all staff working in schools are now CRB checked before starting work. This change has been made easier to operate because the delays in obtaining Disclosures from the CRB have now significantly reduced, most requests being dealt with within three weeks.

8. A corporate working group exists to oversee the criminal checking process. The audit report recommended that,

“the terms of reference’ of this group be reviewed”

As a consequence revised terms of reference were agreed in July this year.

9. A concern exists that staff appointed to their current posts before criminal records checks were undertaken may never have been checked. Except in for those working in social care, where specific legislation was introduced to require checks to be carried out on existing employees, such staff cannot be compelled to undergo checks. However, given that local police checks were carried out by the County Council long before the inception of the CRB this must now be a declining risk.

On this issue, the audit report recommended,

“that the possibility be investigated of producing a monthly report which details those posts for which a CRB check is mandatory and which are currently occupied by staff who have not been checked”

This issue is currently being pursued as part of the implementation of the new HRMS payroll / HR system.

10. Finally, the audit report recommended that the County Council ensures,

“ consistency of recording by devising a corporate monitoring sheet that would ensure consistency and that all relevant information is recorded”

In response, directorates have now agreed to a consistent monitoring process

Summary

11. Many of the original difficulties that arose with the CRB have now abated, in that delays have been significantly reduced. The position will be further improved if, as is anticipated, the CRB are able to process checks on-line. These improvements have thus reduced the practical difficulties for employers in carrying out checks before employment commenced.

An increase in the CRB's capacity would still be helpful, particularly if they had the capacity to deal with periodic checks on existing employees rather than just new appointees. However, the position is an improving one and thus the degree of confidence that we are excluding unsuitable people from our workforce is also improved.

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