

## Grey Paper No.2 - October 2001

### The Protection of Children and the Criminal Records Bureau

#### A) THE BACKGROUND

1. **The Protection of Children Act 1999** (PoCA) imposes legal obligations on organisations which are concerned with (inter alia) the “supervision of children”.
2. The definition of “working with children” which includes “supervision of children” is **any work (voluntary or paid) in any establishment exclusively or mainly for children in a position whose normal duties include caring for, training, supervising or sole charge of children.**
3. The Guild takes the view that our Youth Groups and Youth Theatres do fall within this definition.
4. The legal obligations are:
  - a) to refer names to the Secretary of State in certain circumstances for possible inclusion on the Protection of Children Act (PoCA) list;
  - b) to check against the list when proposing to appoint someone to a “child care” position;
  - c) not to employ a person in a child care position if that person is included on the PoCA list;
  - d) to cease to employ someone in a child care position if it is discovered that the individual is included on the PoCA list.

Further guidance can be found in The Protection of Children Act Guide 1999.

5. **The Criminal Justice and Court Services Act 2000** makes it an offence (inter alia) for an individual or manager to offer work or allow a person to work with children **in the knowledge** that such person is disqualified from working with children by being included on the PoCA list.
6. **The Criminal Records Bureau** has been set up to facilitate safer recruitment by making relevant information available.

#### B) THE SERVICE

1. The Criminal Records Bureau will provide three grades of disclosure:
  - a) **Enhanced Disclosure** covering spent and unspent convictions, and cautions, nationally and locally, and in some cases non-conviction information held by local police forces;
  - b) **Standard Disclosure** covering spent and unspent convictions;
  - c) **Basic Disclosure** covering current convictions.

**NB** Positions involving contact with children are now exempt from the normal rules about the disclosure of spent convictions.

2. For Enhanced and Standard Disclosure, applications are to be made **by the individual** and **countersigned** by the employer, i.e. the Registered Body (in our case the Little Theatre Guild) and copies of the disclosure are sent to both. For Basic Disclosure, only the individual applies.

#### C) HOW THIS AFFECTS THE GUILD AND ITS MEMBERS

1. Most, if not all, member theatres are promoting and organising activities which involve the supervision of children, whether it be as performers in pantomimes, or more importantly as members of Youth Theatre groups.
2. Each individual theatre is unlikely to be willing to register with the CRB (@ a fee of £300); hence the arrangements for the registration of umbrella groups, i.e. the LTG, on behalf of all constituent members.
3. Bearing in mind the provisions of the two Acts, and the high duty of care owed to children coupled with the ever increasing risk of litigation that might ensue from any possible breach of such a duty of care, **the LTG has registered with the CRB for the benefit of its members.**

4. In return, each member utilising the service must comply with the Standard Code of Practice with particular reference to fairness and confidentiality when dealing with the sensitive personal information to be made available upon disclosure.

#### **D) HOW THIS WILL OPERATE IN PRACTICE**

1. The process will start at the member theatre, which will need to evaluate whether or not there is a need for disclosure, and if so at what level.
2. There are two main situations in which disclosure may be required. The first is if the theatre is going to appoint an individual to a paid position in which that person will come into contact with or have responsibility for children. The second is when any voluntary worker has direct contact with children, e.g. a youth group leader. In both cases the person should be requested to apply for the Enhanced Disclosure.
3. Any candidate for a position (paid or voluntary) must be advised that Disclosure will be required of a successful candidate, who can obtain further information on [www.disclosure.gov.uk](http://www.disclosure.gov.uk). The successful candidate, on being provisionally appointed, should be required to apply for, complete and sign the Disclosure Application Form, which will be sent to the candidate after he/she has initially contacted the CRB by telephone.
4. The application form on completion by the candidate will then be handed to the Theatre for onward transmission to the LTG where it will be countersigned and submitted to the CRB. The disclosure information will then be sent to the candidate **and** to the LTG for onward transmission to the member Theatre.
5. For voluntary workers there will be no fees payable for disclosure, but the LTG will make an administration charge (currently fixed @ £3). For employed staff, a fee of £12 is payable in addition to the LTG charge.
6. The LTG will be bound by the CRB Code of Practice, as will be all member theatres. Members using the service must fully comply in what is a very delicate area of constitutional balance between the rights of children and the rights of individuals. The information revealed by Disclosure has to be used fairly and with relevance.
7. While Basic Disclosure and to a limited degree Standard Disclosure can be portable (as far as the candidate is concerned) within reasonable time periods, Enhanced Disclosure is not portable. As LTG members are likely to be seeking Enhanced Disclosure, a fresh application should be made for each appointment.
8. For the Guild, the Lead counter signatory will be Philip Bradley, with Barbara Watson and Michael Shipley also appointed as counter signatories, so that possible delays in submitting applications to the CRB can be minimised. The CRB goes live in October 2001, and applications for Enhanced Disclosure are expected to take 3 to 4 weeks to process. Standard Disclosure should take 1 week. Basic Disclosure goes live in spring 2002.

FOR FURTHER INFORMATION apply to:

[www.crb.gov.uk](http://www.crb.gov.uk)

[www.disclosure.gov.uk](http://www.disclosure.gov.uk)

CRB Information line: 0870 9090811

POBox 91, Liverpool, L60 2UH

#### **E) THE CODE OF PRACTICE**

1. The CRB Code of Practice states that:
  - a) the registered umbrella organisation shall have a written security policy covering the correct handling and safekeeping of Disclosure information; and
  - b) shall ensure that members at whose request applications for Disclosure are counter signed have such a written policy, and if necessary will provide a model for a member to adopt; and

- c) must take reasonable steps to ensure that members to whom Disclosure information is passed do observe the general CRB Code of Practice.

## 2. **The Little Theatre Guild Code of Practice;**

- a) To accept applications for Disclosure to be counter signed at the written request of the Secretary of any member theatre;
- b) Such written request to confirm that the candidate has been provisionally appointed;
- c) On receipt by the Guild of the Disclosure, only the three counter signatories to have knowledge of its contents;
- d) If the counter signatories retain copies of the Disclosure, such copies to be kept in a safe place, to be destroyed in accordance with the following rules, namely Basic Disclosure after 4 weeks, Standard Disclosure after 12 weeks and Enhanced Disclosure after 6 months;
- e) To require member theatres to confirm at the time of application that they will adhere to the CRB Code of Practice and themselves will observe Rule (d) above;
- f) To allow the LTG to make an administration charge to be fixed by the Guild Treasurer (currently fixed at £3)

For further information please contact Philip Bradley, Barbara Watson or Michael Shipley.

This Best Practice Guideline was prepared by Michael Shipley, 20.9.2001

## **Grey Paper' No. 2 (2) March 2002**

### **THE CRIMINAL RECORDS BUREAU UPDATE**

This Grey Paper is to be read as a first supplement to Grey Paper No.2 issued in October 2001.

#### **A) THE CRIMINAL RECORDS BUREAU will soon be going LIVE.**

To begin with, only NEW recruits for positions involving unsupervised contact with children, i.e. NEW Youth Leaders, will be expected to apply for **Enhanced Disclosure** through the LTG. In due course, however, all existing Youth Theatre Leaders and any other relevant personnel will also be expected to apply.

A comprehensive, well-written and easily understandable set of GUIDANCE NOTES has been prepared and should be obtained by each Theatre member of the Guild from the CRB (see the first Grey Paper for details). It is not the policy of the Guild as the umbrella body to obtain a stock of these brochures for distribution to member theatres.

The documentation includes the following:-

1. **Guidance for Disclosure applicants (Form CRB16-01/2002).** Every new recruit for a position involving unsupervised contact with children should obtain a copy. Applicants are referred to the Code of Practice to be observed by recipients of confidential information, and this can be found on the website. There is an additional **Guide for Applicants for Enhanced Disclosure** (CRB18 – 01/2002)
2. **The Application Form** itself, obtained initially by the Applicant (see the first Grey Paper, para D.3.) This is clear and easy to complete.
3. **Guidance for Dealing with Disclosure application forms (Form CRB17 – 02/2002).** This is for recruiters (i.e. Member Theatres) and Counter-signatories (ie. LTG Appointed Personnel). It is a long and detailed document dealing with each and every line in the Application Form itself. Some salient facts are:-
  - a) The verification of the Applicant's identity (Box X on the form of Application). This is the task of the Theatre, so each Theatre should make sure that it has a copy of these guidance notes.
  - b) The duties of the Counter-signatory (i.e. the Guild)

- c) The disclosure of information; copies are sent both to the Applicant and to Guild as counter-signatory, and the Guild will pass on the information to the member Theatre. (see below)
- 4. **Unspent Criminal Convictions (form CRB19-01/2002).** The notes contain clear guidance on how to deal with this issue.
- 5. **Financial details.** For all applicants who are volunteers, no fee is charged by the CRB. In cases where an Applicant is being paid for his/her services, the CRB will charge a fee of £12 for Enhanced Disclosure.
- 6. **Policy Statement on the Recruitment of Ex-offenders (form CRB28-01/2002).** Each member Theatre needs to obtain a copy of this form, and confirm to the Guild that in committee it has resolved to abide by it. The wording of a suitable policy statement is provided.
- 7. **Policy Statement on the secure storage, handling, use, retention and disposal of Disclosures and Disclosure information (form CRB29-01/2002).** Again, each member Theatre needs to obtain a copy of this form, and confirm to the Guild that in committee it has resolved to abide by it. The wording of a suitable policy statement is provided.
- 8. Finally, the important **Code of Practice for Recipients of Disclosure information** is published (no reference supplied). This document clearly and formally covers all the points explained in detail in the documents already referred to, for applicants, member theatres and the Guild as the registered umbrella body.

**B) WHAT THE GUILD WILL DO AS THE UMBRELLA BODY:**

- 1. The Guild has appointed three officials as counter-signatories, namely Philip Bradley, Barbara Watson and Michael Shipley, whose contact details are on page 1 of the YearBook.
- 2. When a member Theatre knows that it will be appointing a new recruit to a position of unsupervised contact with children, i.e. as a new Youth Leader, it is advised to contact one of the said counter-signatories.
- 3. The Guild is preparing a suitable form of Request for Disclosure for the member Theatre's Secretary to sign, and the form will cover:
  - a) confirmation that the secretary has obtained and read form CRB17-02/2002 (Guidance for Dealing with Disclosure application forms), and has complied and will comply with its requirements;
  - b) confirmation that the member theatre in committee has made the appropriate resolutions to adopt both the Policy Statement on the Recruitment of Ex-Offenders (form CRB28-01/2002) and the Policy Statement on the Secure Storage, Handling and Disposal of Disclosure information (form CRB29-01/2002);
  - c) the payment (if appropriate) of the CRB fee of £12, and the Guild administration charge of £3.

**C) BEST PRACTICE;**

Theatre secretaries are advised to act now on this information, and in advance to obtain the printed information listed above. It may not be all that far away before the CRB will announce that it will be ready to deal with applications from existing holders of positions relating to unsupervised contact with children.

Michael Shipley

21.3.2002