

GENERAL PURPOSES COMMITTEE AGENDA



Friday, 21 August 2009

at 10.00 am

in Committee Room C, Civic Centre, Hartlepool

MEMBERS: GENERAL PURPOSES COMMITTEE:

Councillors C Akers-Belcher, S Akers-Belcher, Atkinson, Flintoff, Griffin, Laffey, G Lilley, Shaw and R Cook

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
 - 3.1 To confirm the minutes of the meeting held on 10 July 2009
4. **ITEMS REQUIRING DECISION**
 - 4.1 Criminal Records Bureau Process – *Chief Personnel Officer*
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

GENERAL PURPOSES COMMITTEE

MINUTES AND DECISION RECORD

10 July 2009

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool

Present:

Councillors: Pauline Laffey (in the Chair)
Christopher Akers-Belcher, Reuben Atkinson, Rob Cook, Bob
Flintoff and Jane Shaw

In accordance with Council Procedure Rule 4.2, Councillor Mary Fleet was in attendance as substitute for Councillor Sheila Griffin

Officers: Ann Turner, Governor Support Officer
Denise Wimpenny, Principal Democratic Services Officer

1. Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Stephen Akers-Belcher, Sheila Griffin and Geoff Lilley.

2. Declarations of interest by Members

Councillors Atkinson and Flintoff declared a prejudicial interest in minute number 4 and indicated their intention to leave the meeting during consideration of their application under this item of business.

3. Confirmation of the minutes of the meeting held on 20 March 2009

Confirmed.

COUNCILLORS REUBEN ATKINSON AND BOB FLINTOFF DECLARED A PREJUCIAL INTEREST AND LEFT THE MEETING DURING CONSIDERATION OF THEIR APPLICATION UNDER THE FOLLOWING ITEM OF BUSINESS

4. Appointment of Local Authority Representatives to Serve on School Governing Bodies *(Director of Children's Services)*

Members were advised that applications had been invited from members of the general public, Elected Members and those governors whose term of office was about to expire and who were interested in serving or wished to continue to serve as a Local Authority (LA) representative governor on school governing bodies. The criteria agreed by the Council for the recruitment of LA representative governors in 2000 was outlined in the report.

A schedule, attached at Appendix 1, was attached to the report which set out details of vacancies which existed for LA representative governors together with applications received in respect of the vacancies, attached as a confidential appendix to the report. Following agreement with the Chair, an additional application for St Helen's Primary School was tabled at the meeting.

The Governor Support Officer sought agreement from the Chair to consider an additional vacancy and application for St Hild's Church of England School that was not included on the schedule. There had been two expressions of interest, however, only one application had been received. Following agreement, the additional application from Mr K P Kelly was tabled at the meeting.

Members considered the applications in detail and sought clarification from the Governor Support Officer on a number of issues. In order to assist Members in the decision making process it was suggested that the current application form be reviewed to encourage applicants to provide a supporting statement outlining previous experience to which the Governor Support Officer agreed to explore.

In relation to the two vacancies at Springwell Special School, Members discussed the three expressions of interest in detail and queried the possibility of the third applicant being considered as an associate member or community governor. Following discussion and clarification from the Governor Support Officer, Members recognised the importance of retaining experienced governors and suggested that the governing body be encouraged to consider the application from Mrs E Parkinson as an associate member or community governor.

Decision

That the following recommendations for the appointments of Local Authority representative governors be referred to the Children's Services Portfolio Holder for approval:

Eldon Grove Primary School – Mrs P Vaughan and Mr M Gersham
Federated Governing Body of Hart Primary and St Peter's Elwick
CE VA Primary – Mrs D Adamson and Mr G Newbury
Grange Primary School – Councillor R Flintoff
Kingsley Primary School – Mr J Vale
Rossmere Primary School – Mrs M Smith
Springwell Special School – Mrs J Worthy and Mrs E M Barraclough
St Helen's Primary School - Councillor R Atkinson
St Joseph's RC Primary School – Mrs T A Dent
Stranton Primary School – Mr R P Gleeson
Throston Primary School – Mrs J Noman
West Park Primary School – Mrs M A Boddy
St Hild's CE School – Mr K P Kelly

The meeting concluded at 10.35 am

CHAIRMAN

GENERAL PURPOSES COMMITTEE

21 August 2009



Report of: CHIEF PERSONNEL OFFICER

Subject: Criminal Records Bureau Process

1. PURPOSE OF REPORT

- 1.1 To outline the Criminal Records Bureau (CRB) process together with the benefits of the process.

2. BACKGROUND

2.1 Background to the CRB

The Criminal Record Bureau is an executive agency of the Home Office established under provision of the Police Act 1997 and commenced operation in March 2002. It was established to help employers in the public, private and voluntary sectors identify individuals who may be unsuitable for certain types of work – especially that involving contact with children or other vulnerable members of society – by providing controlled access to criminal records and related information through its Disclosure service.

The Disclosure service is a “one-stop-shop” and enables organisations to make safer recruitment decisions by checking the background of applicants to ensure they do not have a history that would make them unsuitable for the position for which they have applied.

2.2 Disclosure Level

There are currently two levels of Disclosure available, Standard or Enhanced. Hartlepool Borough Council in seeking to fulfil its duty of care, undertakes all disclosures at the appropriate level in relation to the post and line with the CRB Code of Practice (Appendix A)

2.3 Disclosure checking service

The CRB checks each Disclosure applicant against the Police National Computer (PNC), Local Police Intelligence, List 99 (Department for Children, Schools & Families), the Department of Health Consultancy List; the Protection of Children Act (POCA) list and the Protection of Vulnerable Adults (POVA) list. A comprehensive check can thus be made on those individuals potentially coming into contact with children or vulnerable adults.

It should be stressed that, whilst CRB checks are vital in the consideration of appropriately filling posts with access to vulnerable people, they are just one in a range of pre-appointment checks which must be carried out in order to assess the suitability of candidates, members and resident representatives. Other checks can include, as appropriate thoroughly confirming identities, qualifications, taking up references and examining dates of employment histories on application forms.

2.4 Disclosure Certificate information

For relevant positions, the results of the CRB Disclosure checks are the final components of the appointment process. Any matter of potential concern revealed in a Disclosure will be fully discussed with the person seeking the position before a decision to either withdraw or confirm a conditional offer is taken.

Where the post involves working with children or vulnerable adults the following may also be searched:

- Protection of Children Act List (POCA)
- Protection of Vulnerable Adults List (POVA)
- Information that is held under Section 142 of the Education Act 2002 (List 99)

From the 12th October 2009, the three current barring lists (POCA, POVA and List 99) will be replaced by the creation of two new barred lists administered by the Independent Safeguarding Authority (ISA) rather than several government departments.

2.5 CRB Code of Practice

The CRB Code of Practice (Appendix A) sets out the obligations that must be met by recipients of Disclosure Information. Every subject of a CRB Disclosure is required to be made aware of the existence of the Code of Practice and a copy of it will be made available to that individual on request or by visiting the CRB web-site at www.disclosure.gov.uk.

Hartlepool Borough Council complies with the CRB Code of Practice and undertakes not to discriminate against any subject of a Disclosure on the basis of conviction or other information revealed.

2.6 Secure Storage, Handling, Use, Retention & Disposal of Disclosures and Disclosure Information

It is a requirement of the CRB's Code of Practice that a body or individual using our CRB service must have a written policy on the correct handling and safekeeping of Disclosure information. Hartlepool Borough Councils Policy can be found at Appendix B.

3. Criminal Record Bureau Checks for Elected Members

3.1 On 21st June 2007, the then Portfolio Holder for Performance, Councillor Pamela Hargreaves, presented a report which invited the Council to endorse the arrangements for undertaking Criminal Record Bureau (CRB) checks on all Elected Members. Elected Members had been asked to undertake CRB checks to provide reassurance and security to the vulnerable members of Hartlepool's communities. Members were very supportive of the need to have CRB checks carried out.

3.2 The recommendations set out in the report were amended to include Resident Representatives. It was moved and seconded that a recorded vote be taken. The taking of a recorded vote was agreed and the motion carried.

4. CRB – The Disclosure Procedure

4.1 Processing an application form for disclosure

Appendix C details a step-by-step guide to the Disclosure application process adopted by Hartlepool Borough Council.

4.2 Benefits of Hartlepool Borough Council disclosure process

Hartlepool Borough Council has adopted the current process for processing disclosure applications on site with officer support to ensure that the form is completed correctly first time combined with the required checks of documents.

4.2.1 The CRB disclosure application is detailed and the guidance provided by the CRB is complex (Appendix D & E). The applicant, member or resident rep must fully complete various sections of the disclosure application, by doing this with a trained Officer present it avoids errors, forms being incorrectly completed and submitted to the CRB. Such forms would only be returned by the CRB and a new disclosure application would have to be completed at a further meeting, thus delaying appointment.

- 4.2.2 As part of the disclosure procedure the applicant has to produce documentary proof of identity. By attending the Civic Centre to complete the disclosure application the applicant, member or resident rep is able to complete their application and produce the required documents at one point in time, thus speeding up the disclosure application process. This section of the disclosure application MUST be completed in the presence of an authorised Officer (Section X)
- 4.2.3 With disclosure applications being completed at the Civic Centre, in a central location and with the assistance of a trained officer the security and confidentiality of completed disclosure applications is maintained.
- 4.2.4 By completing the disclosure application at the Council we are able to maintain consistency and the timely completion and processing of disclosure applications in line with recruitment and appointment process.
- 4.2.5 The majority of the benefits are for the applicant; they can come in whenever is suitable for them rather than having to fit around a set appointment time. The appointments that we do offer are arranged so if people do want a set time there is a range they can choose from;

Tuesday	09.00-11.00
Wednesday	14.00-16.00
Thursday	12.00-14.00
Friday	13.00-16.00

5. Recommendation

- 5.1 The Criminal Records Bureau (CRB) processes adopted by Hartlepool Borough Council together with the benefits of the process are noted.

Contact Officer

Alison J Swann
HR Adviser.

01429 52 3543
alison.swann@hartlepool.gov.uk

Appendix A

Criminal Records Bureau (CRB) – Code of Practice Brief Scope

The Code of Practice is produced by the Criminal Records Bureau, and all staff, Members, Partnerships, Agencies and Contractors will abide by its contents. The Code is published under section 122 of the Police Act 1997 in connection with the use of information provided to registered persons (Disclosure information) under Part V of that Act.

Disclosure information is information

- Contained in criminal record certificate under section 115 of the Act (referred to in this Code as “Enhanced Disclosures”), or
- Provided by the police under section 115(B) of the Act.

Except where indicated otherwise the Code of Practice applies to all recipients of Disclosure information – that is to say

- Registered persons
- Those countersigning applications on behalf of registered persons, and
- 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, and
- Regulatory and licensing bodies

Assurance

Registered Persons shall;

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

Failure to comply with the Code of Practice

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

Appendix B

Secure Storage, Handling, Use, Retention & Disposal of Disclosures and Disclosure Information

Policy Statement

General principles

As an organisation using the Criminal Records Bureau (CRB) Disclosure Service to help assess the suitability of applicants for positions of trust, Hartlepool Borough Council complies fully with the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

Storage and access

Disclosure information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with Section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and it is a **criminal offence** to pass this information to anyone who is not entitled to receive it.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

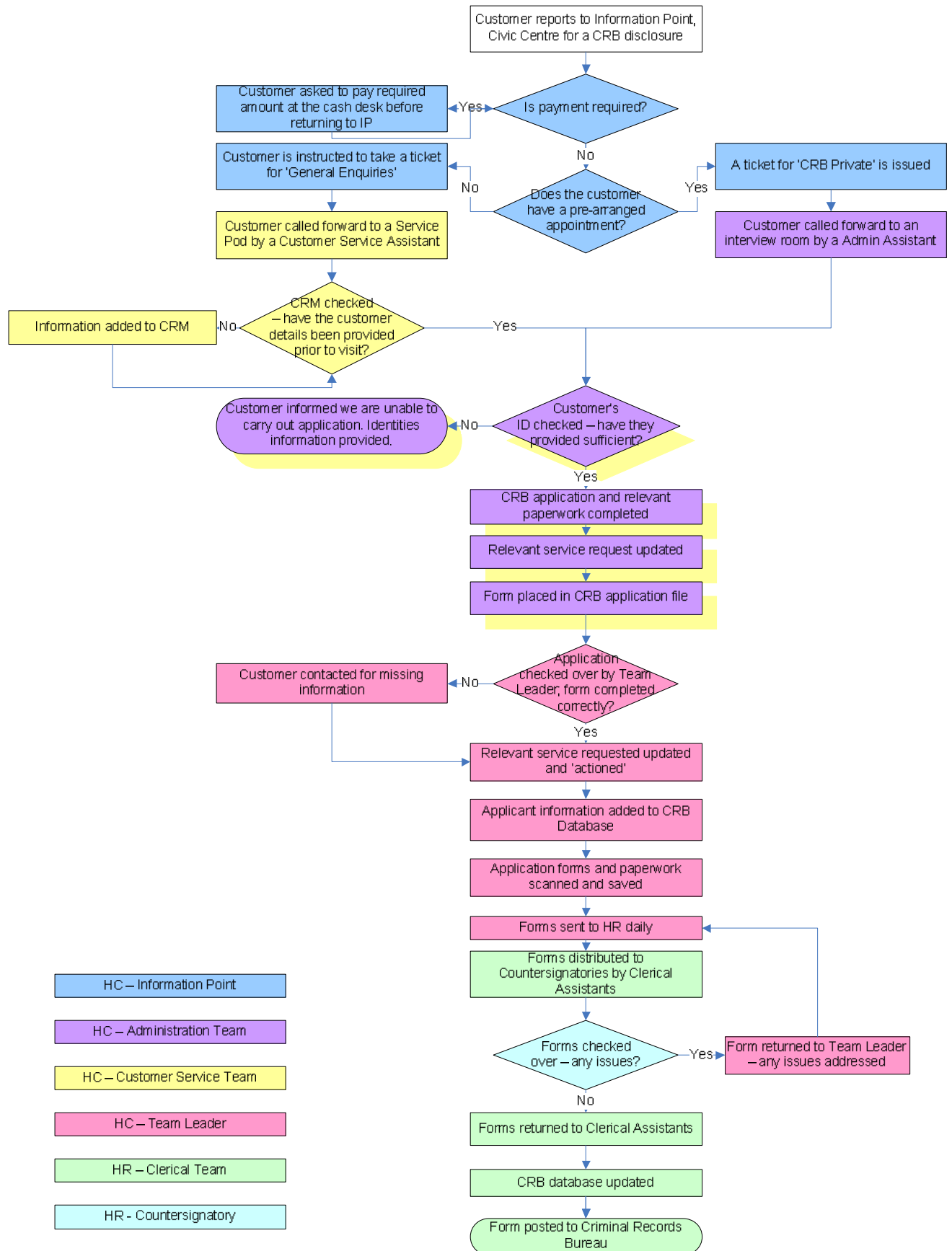
Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the CRB about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, e.g. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not

be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

Appendix C - CRB Application Process



- HC – Information Point
- HC – Administration Team
- HC – Customer Service Team
- HC – Team Leader
- HR – Clerical Team
- HR - Countersignatory

Appendix D

Applicants Guide to completing Disclosure application

Please read the following notes **before** completing the CRB Application Form.

NB: The CRB may reject incomplete or incorrect forms and you will be required to fill in a completely new form

General	<p>Always use BLACK ink and BLOCK CAPITALS Complete Parts A,B,C,D and H. See additional notes below Do not complete Parts E,F,G,X,Y,Z You will be required to provide documental evidence to enable your manager to complete Section X Enter only one letter or number in each box Correct mistakes by drawing a line through and then insert the correction to the right if there is sufficient space, if not as close as possible NEVER USE TIPPEX Leave an empty box between words but not between numbers (postcodes/telephone numbers) Indicate choices with an “X”</p>
Section A 1-12	<p>Include all forenames. It is important that these names match information on driving licence or the form will be rejected by CRB Include National Insurance No NB: University Students show regular home address here. See Section D for term time address(es)</p>
Section B 13-19	<p>State your Job Title and Organisation Name and Address you are working for. If you are applying for supply or relief position, please state this clearly and include the Lincolnshire County Council address as quoted on the application form</p>
Section C 20 - 35	<p><u>Females</u> – If you have stated Mrs, Ms or other title (eg Dr) at Section A, you must complete 20 (surname at birth) If your title is Ms and name at birth is the same as you presently use, please repeat it in the box for clarity. If you are married but use your birth name and title of Ms, or there are other unusual circumstances, include a cover note explaining your situation It is important to include all other surnames/forenames used to ensure that a complete check is carried out</p>
Section C 28 - 35	<p><u>Males</u> – please complete NB: If you were adopted before the age of 10, you are not required to quote your birth name</p>
Section D	<p>Your application will be rejected if addresses spanning a full 5 years from the date of your application are not included. List all previous addresses and dates of residence using continuation sheet if necessary. Eg 1 Any Street from 05 1999 to 08 2000 (month and year only) 3 Next Street from 09 2000 – 03 2003 6 Stay Street from 04 2003 – present time</p> <p>Dates should be continuous with no gaps</p> <p>If you have travelled abroad within the five years, other than for a normal holiday, please list the Countries visited and the time spent in each NB: University students – List term time addresses on a separate piece of paper, headed “Term Time Addresses” and include dates from and to for each address</p>
Sections E&F	Not required
Section G	Payment is met by Lincolnshire County Council, you are not required to enclose a cheque

Section H 66 67 68 69 70	Complete as appropriate Complete if necessary Sign this box Do not sign this box Remember to date your application
Continuation Sheet	If you are unable to fit all the relevant information on the application form, please use an A4 sheet of paper and complete detail in BLACK ink and BLOCK CAPITALS and include your name and current address. Paper clips may be used to attach this additional sheet to the application form but DO NOT use staples or other fastening methods
Section X	This section must be completed by an authorised person before it is returned to People Services. Please see reverse for further guidance SUPPLY AND RELIEF: If you are applying for a supply or relief position in a school, please contact a school local to where you live and make arrangements with them to complete Section X Please see reverse for further guidance
Section Y	DO NOT COMPLETE SECTION Y

After careful completion following these guidelines, return the form to the relevant Manager / Officer who will check the content and complete Part X, in your presence.

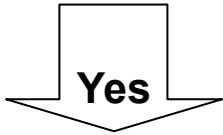
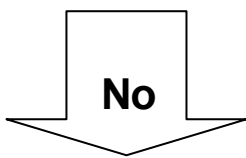
Important: You will receive a personal copy of the result of the enclosed application from the CRB, please check the details carefully. If there are any discrepancies (ie mis-spelt name(s), incorrect date of birth etc) this could invalidate the clearance. It is essential, therefore to advise the CRB Administration Team immediately.

Please show your copy of the disclosure to your Line Manager so that any restrictions that may be in place pending the result can be lifted.

All applications are processed in accordance with the CRB Code of Practice, a copy of which can be viewed on www.crb.gov.uk/PDF/code_of_practice.paf Or is available through Human Resources.

Appendix E

4.1

Which documents do you need to provide?	
Can you produce any documents from Group 1?	
	
3 documents must be seen One document from Group 1 plus any two for Groups 1 or 2	5 documents must be seen Five documents from Group 2

- Vehicle Registration Document (Document V5C only)**
- UK P45/P60 Statement****
- Mail Order Catalogue Statement*#**
- Bank/Building Society Statement*#**
- UK Court Claim Form****document issued by court services
- Utility Bill*#** electricity, gas, water, telephone – inc. mobile phone contract/bill
- Exam Certificate** e.g. GCSE, NVQ, O level
- TV licence****
- Addressed Payslip***
- Credit Card Statement*#**
- UK National Insurance Card**
- Store Card Statement*#**
- UK NHS Card**
- Mortgage Statement**#**
- Benefit Book Statement** Child Allowance or Pension
- Insurance Certificate****
- UK Certificate of British Nationality**
- UK Council Tax Statement****
- UK Work Permit/Visa****
- A document from Central/Local Government/Government Agency/Local Authority giving entitlement (UK)***e.g. department For Work and Pensions, the Employment Service, Customs & Revenue, Job Centre, Job Centre Plus and Social Security.
- UK Connexions Card**

Please note all documents must be in your current name (marriage certificate excepted). At least one document must show your current address and at least one document must show your date of birth.

* documentation should be less than three months old

** issued within the past 12 months

if you intend to use more than one document of this type ensure that it is from a different organisation. Internet documents are not acceptable.

Valid Identity Documents – GROUP 1
<ul style="list-style-type: none"> <input type="checkbox"/> Passport any nationality <input type="checkbox"/> UK Birth Certificate issued within 12 months of birth – full or short form acceptable <input type="checkbox"/> UK Issued Driving License England/Wales/Scotland/Northern Ireland/Isle of Man; either photo card or paper. A photo card is only valid if the individual presents it with the counterpart license <input type="checkbox"/> EU Photo Identity Card EU countries only <input type="checkbox"/> HM Forces ID Card <input type="checkbox"/> UK Firearms License <input type="checkbox"/> Adoption Certificate
Valid Identity Documents – GROUP 2
<ul style="list-style-type: none"> <input type="checkbox"/> Marriage Certificate/ Civil Partnership Certificate <input type="checkbox"/> Financial Statement**e.g. pension, endowment, ISA <input type="checkbox"/> Birth Certificate