

Bridgend County Borough Council
Audit Committee
30th June 2005
Report of the Deputy Chief Executive
And Director of Corporate Services

Policy on Criminal Records Bureau (CRB) Checks

1. Internal Audit has raised concerns in a number of reports over the lack of consistent procedure across the Authority for the Criminal Records Bureau checking of employees. At their March meeting members requested an overall position statement on such checks. This report is meant to discharge that request.
2. Currently, new staff (since 2002) should be CRB checked prior to the commencement of their employment, where appropriate to their position. Existing staff are not requested to have a CRB check, with the exception of Personal Services. Furthermore there are no further follow up checks.
3. In preparing the report Internal Audit have consulted the CRB and others and established:
 - That the disclosure printed is only valid on the date it is requested.
 - There is no formal guidance on how often a re-check should occur with the exception of Personal Services staff, governed by the Care Standards Act.
 - Advice received from the CRB stated 'it is solely a matter for the employer to determine whether existing staff should be re-checked within a given period of time'.
 - We are advised it is an offence under certain legislation e.g. the Protection of Children's Act 1999 and Care Standards Act 2002 to employ someone who has not been appropriately checked, irrelevant to the date of employment.
4. In addition The Head of Legal services has advised that:-
 - A single check of a prospective employee is inadequate.
 - Checks should be carried out on all staff periodically.
 - All staff should have a contractual obligation to inform the employer of any likely or planned proceedings against them.
5. And has further advised that consideration would need to be given as to whether there are any existing provisions within employment contracts in relation to ongoing checks. All prospective employees should be informed that a check will take place prior to employment and that as part of the employment contract periodic checks will take place. If existing employee contracts that do not have such a provision, they should be amended, which will of course require some consultation with Unions. From there periodic checks should be undertaken on all staff.
6. Internal Audit has consulted with Directors and Personnel Officers in the Authority to ascertain the current position.:

- Office of the Chief Executive and Corporate Services-Checks are made in respect of Children's and Young People's Partnership, Youth Offending Team and taxi licensing. Apparently, no other checks are performed.
- Personal Services-The directorate has advised Internal Audit that robust arrangements are in place. New staff are CRB checked where appropriate and a program of three year follow up checks is underway. In addition, extra resources were employed to back check existing employees as required by the Care Standards Inspectorate for Wales
- Education, Leisure and Community Services-All members of staff who have unsupervised access to children and vulnerable adults are required to undertake a disclosure. With regards to back checks and re-checks the department has no intention at the present time to pursue these issues.
- Environment and Planning Services-Checks are made for School Crossing Patrols & CCTV. Rechecks of School Crossing Patrols were made for those who had the old police checks; this is being considered for existing CCTV staff. In addition 3 yearly re-checks of School Crossing Patrol personnel is planned as per Personal Services.

30. Whilst the Authority has a policy in respect of CRB checks of employees, there is a need for more detailed guidance and procedures which should include:

- what posts should be checked and the type of CRB check
- the need for all relevant existing staff to be checked
- follow up checks on a regular basis
- responsibility for CRB checks of staff in partner organisations
- the need and responsibility for checks of suppliers of services.

31. Members are requested to note this report and resolve whether they wish to consider the matter further.

L.M. James

Deputy Chief Executive and Director of Corporate Services

Contact officer tel: Nyall Meredith, Chief Internal Auditor, 652918

Background documents: None

EXTRACT FROM MINUTES OF AUDIT COMMITTEE MEETING HELD ON 30
JUNE 2005

43 POLICY ON CRB CHECKS

The Head of Internal Audit presented a report on behalf of the Deputy Chief Executive and Director of Corporate Services, the purpose of which, was to summarise findings in relation to the different policies adopted by various Directorates of the Council with regard to Crime Records Bureau.

Due to last minute discussions with Human Resources staff however, information was obtained which the Head of Internal Audit felt could affect and conflict with advice given previously on this topic by the Head of Legal Services (currently absent on annual leave).

In light of the above it was felt prudent to withhold the addendum report on this matter, for placing on the agenda at the next scheduled meeting.

RESOLVED: That a further report be awaited on this item at the next meeting of the Audit Committee.