

**The Long Term Care Sector
and Regulations
Relating to Criminal Records Bureau Checks**

Produced on behalf of:

Devon Care Trust

Federation of Small Business

Gloucestershire Care Homes Association

Hampshire Care Association

Independent Healthcare Association

Jewish Care

Lunesdale Association of Care Providers

National Care Homes Association

North East Lancashire Care Homes Association

Registered Nursing Home Association

Proposal

The authors of this briefing document represent upwards of 60 % of the country's care home capacity. They propose that a minor amendment should be made to the Care Home Regulations 2001 (see paragraphs 4.7 et seq below) in order to ensure the continuity of service to frail and vulnerable people who are living in care homes. In the meantime, they are asking the Department of Health to direct the National Care Standards Commission (NCSC) to reinstate in its original terms the interim guidance on Criminal Record Bureau (CRB) checks, which they issued in June 2002.

1 Background

- 1.1 Over the past decade, the care home sector has faced difficulties in the recruitment and retention of staff because of a reduction of people seeking work. This has been one of the contributory causes of home closures in recent years (15,000 beds lost in 2002).
- 1.2 It is believed that up to 10 % of all jobs in the sector are vacant at any one time. The most recent survey undertaken by the Employer's Organisation (2001) revealed average vacancy rates of 7.5 % throughout England, with a higher percentage in the South East. The same survey also showed an annual turnover of staff of between 20 and 25 %. This places enormous pressure on care home operators.
- 1.3 The typical recruit to care work is either:
 - 1.3.1 The middle aged lady returning to work after some time away from the work environment. They may have no formal qualifications but are willing to learn and make excellent carers and reliable employees. They often require flexible working time to fit around family commitments. Their alternative employment is in retail work, call centres or office cleaning when hours of work suit their family. They are very often willing to train but prefer informal training in the work place rather than college based courses.
 - 1.3.2 The young person leaving school or college having undertaken a GNVQ in Health and Social Care and aged 16 to 18 years. Those with appropriate educational qualifications often wish to progress to nurse training.
- 1.4 The alternative areas of employment available to these potential applicants do not require the applicant to be CRB checked, which will mean that, in most cases, their employment start date need not be delayed. The attractions are obvious.
- 1.5 All responsible care providers welcomed the decision that CRB checks would be available to them from the Spring of 2002 as part of a robust framework for recruitment, thus providing an additional level of protection for frail and vulnerable people.

- 1.6 It is important to recognise that there is already a system in place to protect vulnerable people and that the requirements for CRB checks are an additional protection to the existing legal framework, rather than something that is entirely new.
- 1.7 Employment in a care home or nursing home is exempt from the protection offered by the Rehabilitation of Offenders Act (see Appendix VI). As such, failing to disclose a previous conviction would render the job applicant liable to prosecution for the offence of Obtaining Pecuniary Advantage by Deception, contrary to the Theft Act 1968. This offence is very serious, being classified as an Arrestable Offence, and carries a penalty which is greater than any penalty within the Care Standards Act 2000.
- 1.8 The role of the CRB check is to support this legal process and to give home owners the opportunity of verifying statements made to them during the employment process.

2 The Care Homes Regulations 2001

- 2.1 Regulation 18 of the Care Homes Regulations (see Appendix I) requires the registered person to “ensure that at all times suitably qualified, competent and experienced persons are working at the care home in such numbers as are appropriate for the health and welfare of service users.”
- 2.2 Regulation 19 (Appendix II) directs that the registered person shall not employ a person to work at the care home unless he has obtained in respect of that person certain information and documents, for this purpose particularly those specified in items 7 (a) and (b) of Schedule 2 of the Regulations (Appendix III) — that is, CRB checks at the appropriate level.
- 2.3 On the one hand, therefore, the home operator is required to maintain staffing levels. On the other, when faced with a job vacancy — perhaps at short notice, and frequently with no notice at all — he will be unable to replace the departing member of staff until such time as the CRB application process has been successfully completed. In both cases, failure to comply is a criminal offence.
- 2.4 At the time the draft version of the Regulations was consulted on, the Department of Health were alerted to the practical problems that would be caused by the implementation of Regulation 19/Schedule 2, problems which would be particularly acute during a period of low unemployment.

3 Operational Practice since 1 April 2002

- 3.1 The Care Home Regulations 2001 became law in April 2002.
- 3.2 In June 2002, delays that were being encountered with the CRB disclosure service prompted the NCSC to issue interim guidance to care home operators, allowing staff to begin work, subject to robust employment procedures and supervision, until the disclosure was issued (Appendix IV).
- 3.3 The guidance, which effectively sanctions a breach of the Regulations, has worked well. It has allowed care homes to recruit staff to fill vacancies, while at the same time enabling the NCSC to satisfy themselves that appropriate safeguards — including a signed declaration from workers as to their criminal convictions and police cautions — are in place.

4 Latest Developments

- 4.1 On 18 August 2003 the NCSC announced that, as a result of the improved performance of the CRB (issuing nine out of ten disclosures within 4 weeks of receiving a properly completed application form), the interim guidance was to be withdrawn.
- 4.2 On 21 August 2003 the NCSC issued a revised statement, announcing that the interim guidance would be completely withdrawn from the end of September 2003, thus providing some advance notice to allow for longstanding delayed applications to be processed (Appendix V). However, and presumably effective from the date of the announcement, homes would not be able to employ new staff likely to have regular contact with residents unless CRB clearances had been received.
- 4.3 The Commission has failed to recognise that the actual time that the CRB takes to complete the disclaimers is a small part of the recruitment process.
- 4.4 Providers are concerned at the consequences of the decision to reinstate the requirement to have a disclosure in place *before* employment begins. They point particularly to the actual timescale of the entire recruitment process where an enhanced check is required — see below. For the avoidance of doubt, this is a best case scenario: that is, it excludes week-ends and bank holidays and, most importantly, assumes that the advertisement will attract applicants who will then turn up for interview.

Day 1

On the resignation of the worker — where notice is given, the normal period of notice is one week — the operator will advertise the vacancy at the earliest opportunity.

Day 8

The advertisement appears in the local newspaper.

Day 14

The interview(s) takes place and an applicant is selected to be offered the job, subject to satisfactory outcomes on references and CRB check. At this stage, the employment procedures set out in Schedule 2 of the Regulations (Appendix III) will begin. In the current situation of low unemployment, most care home operators feel obliged to bear the entire costs of the CRB application process. The employer will, therefore, want to check that the job references are satisfactory before incurring the costs attached to the CRB process.

Day 17

Once the employer has checked out the references, arrangements will be made for the CRB application form to be sent to the job applicant. A supply of application forms can only be held by bodies, which are registered with the CRB to countersign applications. The vast majority of care home operators are not so registered and rely instead on the services of umbrella bodies.

Day 19

The applicant returns with the necessary proof of identity. Once this is confirmed, the application form is sent to the registered body for countersignature before being dispatched to the CRB.

Day 21

The application form is received by the registered body, where it is checked and countersigned and mailed to the CRB.

Day 22

The form arrives with the CRB, according to whom in 90 % of cases it will be completed and returned to the applicant, with a copy to the registered body, within 28 days.

Day 50

The disclosure is produced to the operator. Completing this process within 50 days presumes that all the evidence of identity is immediately available and that the form is completed perfectly by people unused to completing such complex forms.

Only on this day can the care assistant begin work. However, for some job seekers, this will be the day on which they give notice of quitting their current employment. In which case, it could be another one to four weeks before they can actually start work.

The above assumes that when a job vacancy is advertised there are applicants. Recruitment of care staff is becoming increasingly difficult.

- 4.5 The CRB check comprises one element of a recruitment procedure. It cannot, guarantee the security of vulnerable service users. The current preoccupation with

this mechanism fails to take account of the significance of the remainder of the recruitment procedure as set out in Schedule 2 of the Care Home Regulations 2001 (Appendix III), and reinforced in the interim guidance (Appendix IV).

- 4.6 Care home operators are being forced to choose between two evils. They will be operating outside the law if they employ staff without a completed CRB check. And they are equally in breach if they fail to staff their care home adequately. Their only way out of this predicament is to engage agency staff (where they are available) to cover the temporary employment gap — at no inconsiderable expense. William Laing has estimated that the hourly cost of agency nurses and care assistants is on average, 80 % higher than the weighted average cost of direct employment ('Calculating a fair price for care', the Joseph Rowntree Foundation, 2002). It is our experience that this figure can be doubled at week-ends and bank holidays. That represents an unnecessary additional expense, and one that will be incurred on a routine basis.
- 4.7 We believe that an acceptable solution — one that would not in any way weaken the framework of safeguards for service users — would be for the Regulations to be amended to remove the requirement for a CRB disclosure to be obtained *before* employment can start.
- 4.8 We propose that it would be sufficient for the provider to be required to ensure that an application is made for a disclosure as soon as is practicable after the job offer is made, and, in any case, no later than the day on which the worker takes up their employment; and that a record is made and retained of the date on which the application is made.
 - 4.8.1 By amending Schedule 2 to include a signed declaration from the job applicant as to previous convictions, police cautions and inclusion on the list maintained by the Department of Health of individuals who are considered to be unsuitable to work with vulnerable adults (POVA list) — once it is implemented — which document should be reinforced with a cautionary statement from the employer on the consequences of making a false declaration etc:
 - 4.8.1.1 that it could result in instant dismissal;
 - 4.8.1.2 that, as it could constitute the criminal offence of obtaining/attempting to obtain pecuniary advantage by deception, the facts will in all such cases be reported to the police; and
 - 4.8.1.3 that Section 89(5) of the Care Standards Act 2000 provides that “an individual who is included (otherwise than provisionally) in the list shall be guilty of an offence if he knowingly applies for, offers to accept or does any work in a care position.” (Appendix VI)

4.9 In the intervening period, the necessary protection can be provided by the following:

4.9.1 Amending Schedule 2 to include a signed declaration from the job applicant as to previous convictions and police cautions, which document should be reinforced with a cautionary statement from the employer on the consequences of making a false declaration:

4.9.1.1 that it could result in instant dismissal; and

4.9.1.2 that, as it could constitute the criminal offence of obtaining/attempting to obtain pecuniary advantage by deception, the facts will in all such cases be reported to the police (Appendix VI).

APPENDIX I

Staffing

18. - (1) The registered person shall, having regard to the size of the care home, the statement of purpose and the number and needs of service users -
 - (a) ensure that at all times suitably qualified, competent and experienced persons are working at the care home in such numbers as are appropriate for the health and welfare of service users;
 - (b) ensure that the employment of any persons on a temporary basis at the care home will not prevent service users from receiving such continuity of care as is reasonable to meet their needs;
 - (c) ensure that the persons employed by the registered person to work at the care home receive -
 - (i) training appropriate to the work they are to perform; and
 - (ii) suitable assistance, including time off, for the purpose of obtaining further qualifications appropriate to such work.
- (2) The registered person shall ensure that persons working at the care home are appropriately supervised.
- (3) Where the care home -
 - (a) provides nursing to service users; and
 - (b) provides, whether or not in connection with nursing, medicines or medical treatment to service users, the registered person shall ensure that at all times a suitably qualified registered nurse is working at the care home.
- (4) The registered person shall make arrangements for providing persons who work at the care home with appropriate information about any code of practice published under section 62 of the Act.

APPENDIX II

Fitness of workers

19. - (1) The registered person shall not employ a person to work at the care home unless -

- (a) the person is fit to work at the care home;
 - (b) subject to paragraph (6), he has obtained in respect of that person the information and documents specified in -
 - (i) paragraphs 1 to 6 of Schedule 2;
 - (ii) except when paragraph (7) applies, paragraph 7 of that Schedule;
 - (iii) where paragraph (7) applies, paragraph 8 of that Schedule; and
 - (c) he is satisfied on reasonable grounds as to the authenticity of the references referred to in paragraph 5 of Schedule 2 in respect of that person.
- (2) This paragraph applies to a person who is employed by a person (“the employer”) other than the registered person.
- (3) This paragraph applies to a position in which a person may in the course of his duties have regular contact with service users at the care home or with any other person of a description specified in section 3(2) of the Act.
- (4) The registered person shall not allow a person to whom paragraph (2) applies to work at the care home in a position to which paragraph (3) applies, unless -
- (a) the person is fit to work at the care home;
 - (b) the employer has obtained in respect of that person the information and documents specified in -
 - (i) paragraphs 1 to 6 of Schedule 2;
 - (ii) except where paragraph (7) applies, paragraph 7 of that Schedule;
 - (iii) where paragraph (7) applies, paragraph 8 of that Schedule, and has confirmed in writing to the registered person that he has done so; and

- (c) the employer is satisfied on reasonable grounds as to the authenticity of the references referred to in paragraph 5 of Schedule 2 in respect of that person, and has confirmed in writing to the registered person that he is so satisfied.
- (5) For the purposes of paragraphs (1) and (4), a person is not fit to work at a care home unless -
 - (a) he is of integrity and good character;
 - (b) he has qualifications suitable to the work that he is to perform, and the skills and experience necessary for such work;
 - (c) he is physically and mentally fit for the purposes of the work which he is to perform at the care home; and
 - (d) full and satisfactory information is available in relation to him in respect of the following matters -
 - (i) each of the matters specified in paragraphs 1 to 6 of Schedule 2;
 - (ii) except where paragraph (7) applies, each of the matters specified in paragraph 7 of that Schedule;
 - (iii) where paragraph (7) applies, each of the matters specified in paragraph 8 of that Schedule.
- (6) Paragraphs (1)(b) and (5)(d), in so far as they relate to paragraph 7 of Schedule 2, shall not apply until 1st April 2003 in respect of a person who immediately before 1st April 2002 is employed to work at the care home.
- (7) This paragraph applies where any certificate or information on any matters referred to in paragraph 7 of Schedule 2 is not available to an individual because any provision of the Police Act 1997 has not been brought into force.

APPENDIX III

SCHEDULE 2

Regulation 7, 9, 19

INFORMATION AND DOCUMENTS IN RESPECT OF PERSONS CARRYING ON, MANAGING OR WORKING AT A CARE HOME

1. Proof of the person's identity, including a recent photograph.
2. The person's birth certificate.
3. The person's current passport (if any).
4. Documentary evidence of any relevant qualifications of the person.
5. Two written references relating to the person.
6. Evidence that the person is physically and mentally fit for the purposes of the work, which he is to perform at the care home or, where it is impracticable for the person to obtain such evidence, a declaration signed by the person that he is so fit.
7. Either -
 - (a) where the certificate is required for a purpose relating to section 115(5)(ea) of the Police Act 1997 (registration under Part II of the Care Standards Act 2000)[11], or the position falls within section 115(3) or (4) of that Act [12], an enhanced criminal record certificate issued under section 115 of that Act; or
 - (b) in any other case, a criminal record certificate issued under section 113 of that Act, including, where applicable, the matters specified in section 113(3A) or (3C) or 115(6A) or (6B) of that Act [13].

APPENDIX IV

CRB Guidance for Care Homes

Read the guidance for care homes for older people and adults 21/8/03

Please check the latest on CRB

Guidance on CRB checks — care homes only — ADVANCE WARNING — THE INTERIM GUIDANCE BELOW WILL BE WITHDRAWN AT THE END OF SEPTEMBER 2003.

The National Care Standards Commission recognises the current dilemma for care home providers in recruiting and appointing new staff where those staff have made application to the CRB and the application is taking some time to process.

The Commission is aware from dialogue with providers that there is anxiety about maintaining levels of sufficient staff that are skilled, competent and most importantly suitable to care for vulnerable people. Providers have voiced the fear that in the event that they are unable to appoint staff because of delays in processing their CRB applications they will be penalised by the NCSC and furthermore applications for registration will be delayed in terms of processing.

The NCSC is sympathetic to providers and these current problems. In order to manage the current situation until the delays in processing applications are reduced the NCSC is issuing the following Interim Guidance.

PLEASE NOTE THAT THIS GUIDANCE IS NOT MEANT TO IMPLY IN ANY WAY THAT THOSE STAFF, MANAGERS AND PROVIDERS ELIGIBLE TO APPLY FOR CRB CLEARANCE SHOULD NOT DO SO. This guidance only applies where applications to the CRB have been made and a decision is awaited.

Read the interim guidance

Dated 20 June 2002

Interim CRB Guidance for Care Homes

Read the guidance for care homes for older people and adults 21/8/03

ADVANCE WARNING - THE INTERIM GUIDANCE BELOW WILL BE WITHDRAWN AT THE END OF SEPTEMBER 2003

Before taking on any new care staff the provider should ensure that the following steps are taken. This advice is based on good recruitment practice. Elements of this advice are in fact required by the Care Standards Act 2000 and associated regulations, and where this applies this is marked with an asterisk *

1. All staff recruited to the care home (care, ancillary and managerial) must be subjected to robust and rigorous employment processes. This will involve:

- The completion of an application form
- The taking up of written references, one of which must be the most recent employer *
- Providers are advised to make contact with at least one of these referees to verify the content of the reference made.
- Obtaining a written statement (CV) from the staff member setting out their employment history over the past ten years and an explanation for any gaps in this.
- Having sight of original documentation confirming relevant qualifications stated *
- Proof of identity — either a birth certificate and /or current passport and a recent photograph *
- Evidence that the staff member is physically and mentally fit for the purposes of the work — where it is not possible for the staff member to obtain a medical reference to this effect, a declaration must be signed by the person confirming that he /she is fit *
- Obtaining a statement from the staff member of any convictions that they may have and these should include details of any convictions which are spent within the meaning of Section 1 of the Rehabilitation of Offenders Act 1974(b) which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (c). Staff members should also be asked about any cautions received. *

(The practice of asking a potential staff member to make a signed declaration at the outset of employment, indicating that they do not possess a criminal conviction is also recommended. Although it is not necessarily the case that in the event that a conviction comes to light that this would in itself lead to loss of employment (this will depend on the nature of the conviction) it is the case that a provider may deem the lack of honesty at the outset of employment, is sufficient evidence to justify termination of employment. In all

such instances this will be judgement call for the employing provider.

2. In addition to the above the NCSC recommends that in the interim period whilst a CRB check is being undertaken, the provider should ensure that any new recruit is assigned to an established member of staff. Staff who have not received CRB clearance should not have unsupervised access to vulnerable people.
3. The provider as the employer must take full accountability for the actions of any person taken on within the service during the period whilst clearance by the CRB is awaited.
4. NCSC Inspectors when undertaking their first inspection to registered care homes will verify that all these processes have been thoroughly carried out.

Please note that this is INTERIM GUIDANCE ONLY and this will be reviewed shortly once the NCSC has a clearer idea as to the throughput of applications to the CRB.

Please also note that this guidance is NOT APPLICABLE TO ANY CHILDREN'S SERVICE.

If you have any specific queries relating to CRB checks please contact them direct on:

Criminal Records Bureau
PO Box 110
Liverpool
L3 6ZZ

If you have any specific query about this advice please contact your local NCSC area office.

Dated 20 June 2002

Check the latest on CRB

APPENDIX V

Criminal Records Bureau: August 2003 Advice

REVISED 21 August 2003

This guidance has been revised and expanded upon following queries from providers

The Criminal Records Bureau (CRB) is now able to issue its Disclosure documents within its target timescales (for an Enhanced Disclosure, the level of check for those caring for, training, supervising or being in sole charge of children or vulnerable adults, this means that they are issuing nine out of ten Disclosures within 4 weeks of receiving a properly completed application form).

The Government is also planning soon to bring in the awaited CRB checks for staff in adult care homes who were in post before 1 April 2002, and for staff of domiciliary care and nurses agencies.

This update is to bring those running and working in establishments and agencies registered or inspected by the National Care Standards Commission up to date with these changes - and to give the answers to some issues that are often raised with us.

Staff without CRB checks

If any member of staff requires a CRB check for their work in an establishment or agency registered or inspected by the National Care Standards Commission, then they must by law have one.

The CRB can now process the majority of these checks within their target timescales. This means that there will be fewer circumstances in which we will be able to make allowances for providers who were unable to complete CRB checks on existing staff that began work in care homes since 1 April 2002.

If you have a member of staff who joined since 1 April 2002 who requires a CRB check but who still doesn't have one, it is essential that they obtain one immediately.

Feedback from providers indicates that most checks for children's services are being processed at the proper speed. However, we understand that some providers of services for older persons and adults are still experiencing some delays for new staff. The NCSC has produced further updated guidance for what to do when taking on new staff. Read the update regarding care homes for older people and adults.

Our Guide to Criminal Records Bureau Checks (PDF, 48 KB) has a Table showing which staff need which CRB checks.

Government proposals to start CRB checks for existing staff of adult care homes

The government has published its plans to introduce CRB checks for existing staff of adult care homes (that is, staff who were already in their present job in the home on 1st April 2002). New staff starting work since 1st April 2002 have always needed to have satisfactory CRB checks to work in a care home, but checks for these “existing” staff had been postponed because of CRB’s problems in processing Disclosures.

Final decisions have still to be announced, but the government's current proposal is that a deadline of 30 June 2004 will be set, by which every person working in an adult care home will have to have had a fully satisfactory CRB check. The government is proposing that all these staff will need to apply for their checks between 1 October and 30 November this year (2003), and that for this one “catch up” exercise only, a Standard rather than Enhanced Disclosure will be acceptable.

New staff continue to need Enhanced Disclosures if they work directly with residents of the home — the acceptance of Standard Disclosures even if working directly with residents will be for existing staff for this catch-up exercise only.

We will put more details on our website as soon as the government announces the final decision. We understand the CRB will also be writing directly to care homes to explain the process.

Staff of Children's Homes

There are no changes to CRB checks for staff of children’s homes. Every person working in a children's home must have had a satisfactory CRB check, as required by the legal Regulations. The above changes only apply to staff of care homes for adults.

Because the CRB is now operating normally, there is no longer a ‘Fast Track’ procedure to request part of the CRB information while awaiting the rest.

To comply with the law, if any person working in a children’s home does not have a full, complete and satisfactory CRB Disclosure at the level required for their job, the registered persons for the home need to make sure that they obtain one immediately.

Keeping CRB Disclosure documents to show Inspectors

Many providers have asked us about their concern that CRB guidance asks people to destroy Disclosure documents after six months, yet providers need these documents to prove during inspections that they have followed proper recruitment procedures.

The CRB guidance about destroying Disclosure documents does not stop you from

keeping them to show inspectors. CRB, and government Ministers, have both confirmed to us that providers can and should keep the CRB Disclosure documents they have received when recruiting staff, to show to inspectors from the National Care Standards Commission at the next inspection - even if this is more than six months afterwards. Although CRB Disclosures should not be kept more than six months after they are no longer being used, showing them to inspectors is one of the legal uses of these documents, so they can be kept for this use.

For more guidance on CRB checks for people applying to us for registration to provide or manage establishments or agencies for children or vulnerable adults, for staff working in these services, and for guidance on which staff need what CRB checks when, see our updated Guide to Criminal Records Bureau Checks.

Check the latest on CRB

Author: Roger Morgan, Children's Rights Director

CRB Guidance: Care homes for Older People and Adults

21 August 2003

In view of the current improved situation regarding Criminal Record Bureau disclosure checks the NCSC guidance to Care Homes, issued in June 2002 will be withdrawn at the end of September 2003. This provides some advance notice to allow for longstanding delayed applications to be processed.

The NCSC is aware that there are still some individuals who are still awaiting their CRB clearances as far back as June — July 2002. In this instance applicants are advised as follows:

Any individual who applied for CRB clearance prior to July 2003 should immediately contact the CRB on 0870 90 90 811 to enquire as to the progress of their outstanding application. In the event that CRB are unable to locate any application or where there is some blockage to progressing this, individuals are advised to reapply to the CRB. Issues about payment of a fee for this are a matter between the person concerned and CRB.

Providers and Care staff are reminded that the Care Home Regulations 2001 specifically require that the following persons must have CRB clearance before they can commence work in their respective roles.

- Persons wishing to be registered as carrying on a care home
- Persons wishing to be registered as managing a care home
- All new care staff, volunteers and other staff likely to have regular contact with adult service users.

NCSC staff will not be able to conclude an application for registration from persons wishing to carry on and/or manage a care home unless CRB clearances have been obtained.

Likewise persons are not able to employ new staff likely to have regular contact with staff, unless CRB clearances have been received.

NCSC staff on inspections will be seeking verification that all new care staff and other staff who require CRB clearances at Enhanced or Standard level (the required level being determined by the work they do) have received this and there is evidence on their files.

The NCSC has the power to take legal action if the regulations relating to CRB have not been complied with.

The NCSC recognise that there may be exceptional circumstances in some instances where applicants may have encountered problems in processing their application for CRB clearance and as such will make its judgements on a 'case by case' basis.

The NCSC interim CRB guidance should still be followed in so much as it refers to good employment practice and to existing requirements under the Care Home Regulations up to and including paragraphs 1 and 4 but excluding paragraphs 2 and 3.

Author: Heather Wing, Director of Adult Services

Check the latest on CRB

APPENDIX VI

Rehabilitation of Offenders Act 1974

This post is one which, by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (c), is **NOT** protected by the Rehabilitation of Offenders Act 1974. You are not entitled to withhold information about convictions which for other purposes would be regarded as “spent”. You must, therefore, disclose information about **all** your convictions (if any) in a court of law no matter when they occurred.

Failure to disclose the information asked for below could lead to instant dismissal. Furthermore, you should be aware that making a false declaration could constitute the criminal offence of obtaining/attempting to obtain pecuniary advantage by deception. In such an event, the facts will be reported to the police.

Section 89(5) of the Care Standards Act 2000 provides that an individual who is included (otherwise than provisionally) in the list kept by the Department of Health of individuals who are considered to be unsuitable to work with vulnerable adults (POVA list) shall be guilty of an offence if he knowingly applies for, offers to do, accepts or does any work in a care position.

Please use the space below to give details (if any) of **all** previous convictions or enter “NONE”.

.....

.....

Please use the space below to give details (if any) of all official police cautions received or enter “NONE”.

.....

.....

Are you currently included in the POVA list?

YES/NO

I hereby certify the accuracy of all the above information.

Signed:.....Date: