Every child and vulnerable adult deserves to be happy and secure in their activities. If your organisation works with children or vulnerable adults, there is a legal duty to protect them by putting safeguards in place.

**Who should be checked?**
The short answer is that all staff, volunteers, foster carers and management committee members who work with children or vulnerable adults should have a check made through the [Criminal Records Bureau](#) (CRB).

**What does working with children mean?**
The definition of working with children is based on the concept of the regulated position\(^1\) and regulated and controlled activity\(^2\). If a ‘job’ (paid or unpaid) falls within one of the categories of regulated position then it is classed as working with children. Some of the work included in the categories of regulated position must be carried out as part of the normal duties of the job. It is not intended to cover one-off work but rather frequent activity of at least two days in any 30 day period.

Regulated positions include:

- any employment in schools, children’s homes and other similar establishments
- employment in day care when children are present
- caring for, training, supervising, or being in sole charge of children
- unsupervised contact with children
- other positions which give the kind of access or influence which could put children at risk (e.g. management committee members)

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\(^1\) Criminal Justice and Court Services Act 2000  
\(^2\) Safeguarding Vulnerable Groups Act 2006
Regulated and controlled activity includes:

- Swimming clubs and leisure activities
- youth groups, such as scout or guide troops
- organisations or services running facilities or activities for children
- organisations offering counselling to children
- organisations running out of school clubs and playgroups

**What does working with vulnerable adults mean?**

A vulnerable adult, as defined in the Care Standards Act 2000, is a person aged 18 or over with one or more of the following conditions:

- a learning or physical disability
- a physical or mental illness, including addiction to alcohol or drugs
- a reduction in physical or mental capacity

Disclosures are available for any work (paid or unpaid) that provides care or health services to vulnerable adults, and which gives the employee or volunteer access to vulnerable adults as part of their normal duties, for example:

- nursing or personal care in a care home
- personal or nursing care or support for a person living independently
- social care services
- any service provided in a school or establishment for people with learning difficulties

**Are Disclosures compulsory for all relevant positions?**

Essentially, yes. The CRB legislation itself does not make it compulsory for organisations to make CRB checks for each relevant post; however other government legislation may do so. For example, it is a criminal offence to knowingly offer paid or unpaid work with children to someone who is disqualified from working with children or to allow them to continue doing such work.
Can any voluntary organisation undertake CRB checks on their staff and volunteers?

No, only those voluntary organisations that work with children and vulnerable adults can request standard or enhanced disclosures. Think carefully about whether the role for which you are recruiting needs a disclosure; the CRB provides guidance on which roles should be CRB checked.

Which voluntary organisations should undertake CRB checks on their trustees or management committee members?

Children’s charities or voluntary organisations should CRB check all their prospective trustees or management committee members. An organisation is a children’s charity or voluntary organisation if it includes people working in regulated positions (see What does working with children mean?). An organisation can also apply for disclosures for its trustees or management committee members if it provides care services to vulnerable adults and the trustees have access to vulnerable adults. The level of disclosure will depend upon the trustee’s role in the organisation and how much contact they have with children or vulnerable adults. The Charity Commission will not normally register a children’s charity or some vulnerable adults’ charities until CRB disclosures have been obtained for trustees. The Charity Commission ask trustees to sign a declaration confirming checks have been carried; they no longer need to see evidence.

What level of disclosure is needed?

There are two levels of disclosure CRB checks – standard and enhanced.

Standard disclosures

Standard disclosures are available for anyone involved in direct but supervised work with children or vulnerable adults. This includes management committee members of organisations that work with children or vulnerable adults.

Standard disclosures show current and spent convictions, cautions, reprimands and warnings held on the Police National Computer. If the position involves working with children or vulnerable adults it will also show:

- information from the Protection of Children Act List (POCA)
- information from the Protection of Vulnerable Adults List (POVA)
• information held by the DCSF under Section 142 of the Education Act 2002, which lists people who are banned from working with children (known as List 99)

Enhanced disclosures
Enhanced disclosures are for posts with greater contact with children or vulnerable adults. This usually means people regularly caring for, supervising, training or being in sole charge of children or vulnerable adults.

Enhanced disclosures include the same information as standard disclosures plus an extra level of checking with local police force records. This will include information that chief police officers think is relevant.

Standard and enhanced disclosures attract a fee from paid workers; they are free for volunteers (including management committee members).

What is the procedure for applying for a disclosure?
The CRB give advice on how to apply for disclosures, including guidance on how to complete application forms.

The individual – prospective employee, volunteer or management committee member – applies for a check. The application form must be countersigned by a body registered with the CRB, which might be the organisation itself, or a CRB umbrella body. The CRB can provide details of local umbrella bodies. The CRB will send the disclosure certificate to the individual plus a copy to the countersigning organisation. The CRB aims to process 90% of standard checks within ten days and 90% of enhanced checks within four weeks.

Organisations should make sure that all job applicants are made aware early on in the recruitment process that the successful candidate will be asked to apply for a check. This might be in the job advert or application pack. An organisation should also tell prospective volunteers and management committees members that they will be asked to apply for a check as part of their role. There should also be a statement to the effect that a criminal record will not necessarily be a bar to obtaining the position. An organisation that requires disclosures must have a written recruitment of ex-offenders policy and a written security policy. Sample policies are available from the CRB.
How long does a disclosure last?
Each disclosure is a snapshot of a person’s recorded convictions on the date of issue. There is no time limit on disclosures but the closer to the date it was issued the more reliable it is. The Charity Commission recommends rechecking management committee members and others in a relevant position at least every three years.

Can a disclosure be used more than once?
Yes, but do this with care, for example the person’s criminal record may have changed since the last check and the disclosure might not be at the right level for the new position. Using a CRB check for one position that has been used for another position in another organisation is called portability. The CRB has produced an information sheet on portability, which is available from its website.

Is the disclosure genuine?
All genuine disclosures have a Home Office watermark and a heat sensitive panel that changes colour.

Keeping disclosure information confidential and secure
An organisation using the disclosure service must comply with the CRB Code of Practice, which is intended to ensure the whole process works fairly and that any information revealed is treated fairly and securely. The Code of Practice states that sensitive personal information must be handled and stored appropriately. Disclosure information must only be given to people authorised to have it; it is an offence to do otherwise. The Code also states that Disclosures must only be kept for as long as it is necessary. This would normally be no longer than six months after a recruitment decision has been made. An organisation should also set up a system to destroy disclosure information.

Changes from October 2009 – the Vetting and Barring Scheme (VBS)
The Safeguarding Vulnerable Groups Act 2006 introduces a new vetting and barring scheme covering those working or volunteering with children, young people or vulnerable adults. People working or volunteering, or seeking to work or volunteer, with these vulnerable groups must apply to the scheme. If the individual is considered unsuitable they will be barred from working with children, young people or vulnerable adults, if not they become a member of the scheme. The Criminal Records Bureau will continue to
manage the application process and the Independent Safeguarding Authority has been set up to oversee the VBS. The VBS will replace the POCA, POVA lists and List 99.

To find out more...

• [Criminal Records Bureau](#) or tele: 0870 90 90 844

• The Charity Commission publication, *Registering as a charity: evidence of CRB disclosures*, is available from [www.charity-commission.gov.uk](http://www.charity-commission.gov.uk) or tele: 0845 3000 218

• [Vetting and barring scheme](#)

• [Safeguarding Vulnerable Groups Act 2006](#)