

Criminal Record Checks



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0845 300 1818

Updates to this factsheet

This factsheet will be updated as new legislation comes into force and as further information becomes available. The factsheet should be checked frequently as this guidance may change in the future.

Criminal Record Checks

This factsheet describes the use of criminal records checks within The Scout Association. It details when Members, Associate Members and others involved in Scouting should undergo a criminal record check.

Safeguarding

Criminal record checks are one important part of the Association's approach to the safeguarding of young people. The Association considers the safety of young people its paramount concern.

The fact that adults in Scouting are subject to checks also reinforces that Scouting is a safe organisation for young people.

Which form should be used?

- England and Wales – Criminal Records Bureau (CRB)
- Scotland – Disclosure Scotland (DS)
- Northern Ireland – Access Northern Ireland (ANI)

In England, Wales and Northern Ireland, CRB and ANI Forms must be accompanied by either an Adult Application (AA) Form or an Occasional Helper (OH) Form (unless it is for a repeat check).

Who should undergo a criminal record check?

Policy, Organisation and Rules (POR) states that no person aged 18 or over may be permitted to undertake any responsibilities or involvement within Scouting until the appropriate enquiries have been made.

In England, Wales and Northern Ireland, the enquiries must include a Criminal Records check in the case of a person who:

- a) wishes to become a Member or Associate Member; or
- b) will have unsupervised access to young people; or
- c) will have involvement with the handling or management of funds; or
- d) will be assisting with overnight activities (including Nights Away); or
- e) will be helping out more than once a month.

In Scotland, the enquiries must include a Criminal Records check in the case of a person who:

- a) will be taking on an adult appointment and wishes to become a Member or Associate Member; or
- b) will be carrying out a 'childcare role' (as defined by the Protection of Children (Scotland) Act) as part of their 'normal duties'; or
- c) will be Trustees of a Scout body registered as a Scottish Charity; or
- d) will be assisting with overnight activities (including Nights Away); or
- e) will be helping out more than once a month.

People under 18 years

Generally the Scout Association does not require those under 18 to undergo a Criminal Record check. The reason for this is that Young Leaders and others under 18 are never given sole responsibility for younger children and must be under the supervision of an adult leader at all times.

Young people over 17½ moving into the Scout Network, may however under take a Criminal Records check before they reach their 18th birthday.

Repeat criminal record checks

Criminal Record checks provide a snapshot in time and have limited validity. In the Association a criminal record check is valid for up to five years.

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It must therefore be repeated at five year intervals for all those described in this factsheet. Line managers and individuals both have a responsibility to ensure that criminal record checks are valid.

Additional Criminal Record checks may be required in certain circumstances (for instance, following a suspension or on the request of a commissioner or Headquarters).

Where are criminal record checks valid?

The Scout Association does not accept Criminal Record checks from other organisations. This is because the nature of the information that may be disclosed on a Scout Criminal Records check may be different from that provided to another organisation.

A further Criminal Records check is not necessary if an individual moves from one appointment to another within England and Wales; within Scotland; or within Northern Ireland, provided there is a valid check for the initial appointment, and the individual has had no break in service.

Joint Activities with Girlguiding UK

Disclosures are portable between Scouting and Girlguiding UK, provided: it is for a joint activity; that the leaders of both organisations have been checked by their respective bodies; and that the local Commissioners of both organisations have mutually agreed this course of action.

Helpers and criminal record checks

Adults helping out more than once a month should be made aware of the opportunities available to them and should be considered for the role of Section Assistant.

The Occasional Helper (OH) form, used in England, Wales and Northern Ireland, is designed for those who are required to undertake a Criminal Records check but who are not taking on a formal role or appointment (for which an Adult Application (AA) Form would be completed).

The OH form must be returned to the Appointments Secretary with the relevant Criminal Records check form so that the adult can be recorded on the database.

In Scotland, the role of Occasional Helper is not available. Adults who offer service more frequently than once a month should be encouraged to become a Section Assistant and are required to undertake a Criminal Records Check. Adults who assist less frequently than monthly should complete the Self Declaration Form that can be found within the Parent

Welcome Pack available from Scottish Headquarters.

Who should not be checked?

Only those individuals covered by categories a-e overleaf may have Criminal Record checks carried out. Parents should not be routinely checked unless they are involved as described above.

Providing that they do not have any functional or trustee responsibilities, Honorary Presidents are also not required to undergo a Criminal Records check.

What is included in a criminal records check?

All spent and unspent recordable convictions (including police cautions) together with any relevant police intelligence will be shown on a criminal records check disclosure.

In England & Wales minor traffic offences will not generally be included on a disclosure, however in Scotland they will.

What happens with the information from a criminal records check?

The Criminal Records Bureau / Disclosure Scotland / Access Northern Ireland send a copy of each disclosure both directly to the applicant and to The Scout Association's headquarters.

In cases where the disclosure does not contain any relevant information (i.e. "is clear"), headquarters informs the District of that fact.

Where the disclosure contains relevant information, headquarters will inform the relevant District Commissioner in order that an appropriate appointment decision may be made. The District Commissioner may inform members of the local Appointment Advisory Committee in order that they may assist with the decision making process.

Information obtained from a disclosure must be erased from all records within 6 months of receipt.

Future changes to legislation

Across the United Kingdom new legislation will soon be introduced that will affect the way that all organisations, including the Association, check individuals that work with young people.

Vetting and Barring Scheme (England, Wales and Northern Ireland)

From 12 October 2009 the Vetting and Barring Scheme started to come into force in England, Wales and Northern Ireland.

This is a new scheme that will bar those convicted of the most serious offences and other unsuitable individuals from working with children or vulnerable adults. It will make it a criminal offence for barred individuals to work with children or vulnerable adults.

It will also place a legal requirement on organisations that work with children and vulnerable adults to register their employees and volunteers on the scheme.

This will mean that anyone involved in Scouting once a week or more, on 4 or more days in a 30 day period or assisting with overnight activities will have to register on the scheme.

Registration on the scheme will be managed as part of the Criminal Records Bureau or Access Northern Ireland process.

Guidance from the government is not yet fully finalised. The Association will be publishing updates and its own internal guidance as soon as information is available.

Protection of Vulnerable Groups (Scotland)

In 2010 in Scotland the Protection of Vulnerable Groups Act comes into force. This will be similar in nature to the Vetting and Barring Scheme and will bar those with the most serious offences from working with children and vulnerable adults.

There are however some differences between the schemes. In Scotland, only those responsible for the supervision of children or vulnerable adults within their "normal duties" will be required to register on the scheme.

As with the Vetting and Barring Scheme, government guidance is not yet finalised. The Association will be publishing updates and its own internal guidance as soon as information is available.

Further Information

This factsheet should be read in conjunction with:

- POR chapters 3, 4, 5 and POR: The Appointment Process;
- (for Scotland also) Scottish Variations from POR;
- CRB, DS and ANI factsheets; and
- Factsheet FS120085 *Family Camps*.

Please contact the Information Centre on 0845 300 1818 if you have any queries concerning Criminal Record checks.