

A new system of registration

Criminal Records Bureau (CRB) checks for providers registered under the Health and Social Care Act 2008

Guidance for providers and CQC staff

March 2011

Introduction

This guidance is for providers of health and adult social care services registered under the Health and Social Care Act 2008, and for CQC staff. It explains:

- The different kinds of CRB check and who needs to have them.
- What checks are made in relation to the Children's Barred List and Adults Barred List operated by the Independent Safeguarding Authority, and
- How we process CRB checks during applications for registration.

In developing the guidance, we have consulted with the Department of Health, the Criminal Records Bureau (CRB), NHS Employers and various other health and social care stakeholders.

Main points

1. CRB checks, also known as 'criminal records checks', give information about a person's criminal record (if they have one). Enhanced CRB checks may also include relevant non-conviction information that is not part of a criminal record.

When an application is made for a CRB check, checks are also made to see if the person is included in one or both of two Government-held lists of people who are unsuitable to work with children and/or vulnerable adults (as defined in the Safeguarding Vulnerable Groups Act).

2. In general, CRB checks must be made on:
 - Every individual who applies to be registered with CQC to carry on or manage a care service.
 - 'Nominated individuals' from organisations that are applying to CQC for registration.
 - Most people employed to work in a health or social care service, depending on their contact with the people who use the service and whether they are providing a regulated activity as defined in the Safeguarding Vulnerable Groups Act (SVGA) 2006.
3. CRB checks are an essential part of running safe services. They are an important part of the recruitment checks to help to make sure that people working in regulated care services are suitable and that people who use those services and their families can have confidence in them. The new Vetting and Barring Scheme provides additional safeguards – it is not a replacement for the need to undertake CRB checks.
4. Providers registered under the Health and Social Care Act should also refer to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and CQC's *Guidance about compliance: Essential Standards of quality and safety*. NHS providers should also refer to the guidance for the NHS on carrying out CRB checks as part of pre-employment checking, which is set out in the NHS Employment Check Standards.

CRB checks for health and adult social care service staff and volunteers

- 5. In general, providers and managers of regulated health and adult social care services have to ensure that all staff, including those granted practising privileges and volunteers who have contact with the people who use their service or who are undertaking a regulated activity (as defined by SVGA 2006), have a satisfactory CRB check.
- 6. The CRB website gives more details about how to apply for a CRB check:
<http://www.crb.homeoffice.gov.uk/>
- 7. You can also telephone the CRB’s customer services: 0870 90 90 811.

CRB checks for people applying to carry on or manage a health or adult social care service

- 8. CQC has to ‘countersign’ CRB applications for people who want to carry on or manage a regulated care service.
- 9. There are special arrangements for existing providers registering under the new regulatory framework covered by the Health and Social Care Act in 2010, where their fitness has already been established under the Care Standards Act 2000.
- 10. There are legal requirements about the way CQC handles, retains, stores and disposes of checks, and we will comply with these.
- 11. We will keep a clear audit trail of our involvement in processing CRB applications.

General guidance

<p>1. What are CRB checks?</p>	<p>The Criminal Records Bureau (CRB) is an Executive Agency of the Home Office and carries out criminal records checks in England and Wales.</p> <p>When someone applies for a check, the Criminal Records Bureau checks the police national computer to see if the person’s name and date of birth is there.</p> <p>The employer or registered body can also ask for a check of the lists held by the Independent Safeguarding Authority (ISA) of people who are not suitable to work with children and/or vulnerable adults where the position is covered by the Vetting and Barring scheme. See question 11 ‘How does the new ISA Vetting and Barring scheme differ from the PoVa and PoCA scheme?’ on page 7.</p> <p>Copies of the CRB check are sent to the person applying for the check and the person who countersigned the application.</p>
<p>2. What is a ‘standard’ CRB check?</p>	<p>Standard checks show all convictions held on the police national computer, including ‘spent’ (old) convictions, together with cautions, reprimands and warnings.</p>

	<p>Standard checks are no longer available for posts working with children and vulnerable adults, as they do not reveal if a person is barred from working with children or vulnerable adults, nor will they disclose potentially relevant non-conviction information.</p> <p>Existing staff that were subject to standard checks and remain in post are not required to have an enhanced CRB check until they are required to be registered with the ISA scheme (see question 14 on page 10 for further details).</p>
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<p>3. What is an 'enhanced' CRB check?</p>	<p>Enhanced CRB checks provide all the information given by a standard check, plus any non-conviction information held by local police forces that a Chief Constable considers might be relevant to the post being applied for and ought to be included. This information is different from, and wider than, information in the Vetting and Barring scheme.</p> <p>In exceptional cases, the Chief Constable may write separately to the provider to give confidential information that may be relevant to employment decisions, but which is not to be provided to the member of staff.</p> <p>The new Vetting and Barring scheme has a wider coverage than its predecessors, the Protection of Vulnerable Adults (PoVA) list and the Protection of Children Act (PoCA) list. Where a post is covered by the new scheme, it is subject to an enhanced rather than a standard enclosure.</p> <p>Anyone applying to register with CQC as the provider or manager of a service regulated by us must have an enhanced check countersigned by us except where special transitional arrangements apply for services already registered with us (see question 6 on page 5 for further explanation).</p>
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<p>4. Why are CRB checks needed?</p>	<p>Various enquiries into deaths and injuries of children and people using health or social care services have shown the importance of good recruitment practice. For example, the Bichard inquiry stressed how important recruitment checks are in keeping people safe. CRB checks are an important part of such recruitment checks to ensure that those working in health and social care are suitable. They also help to keep those who pose a risk to people who use services out of the workforce.</p> <p>Enhanced CRB checks are required for people applying for jobs defined as 'regulated activity' by the Safeguarding Vulnerable Groups Act 2006 and for other positions involving the regular care, training, supervision or sole charge of children or vulnerable adults. Regulated activity includes those involved in regular contact with children and/or with adults who use health or adult social care services.</p> <p>Enhanced CRB checks and checks on staff and volunteers in relation to the barred lists are also required by the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010. The law says that these checks must be carried out on people who apply for registration to carry on or manage a regulated activity (as defined under the Health and Social Care Act) or act as a 'nominated individual' on behalf of an organisation.</p>
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	The new regulatory framework that applies to NHS providers from April 2010 and to adult social care and independent healthcare from October 2010, includes regulations that also cover other aspects of effective recruitment and vetting procedures (see our website for further details).
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5. Do 'nominated individuals' for services carried on by organisations need a CRB check?	<p>'Nominated individuals' for a new application for registration must have an enhanced CRB check because of their role in the management or supervision of a person carrying out a Safeguarding Vulnerable Groups Act regulated activity. CQC must countersign their application as part of the registration process.</p> <p>They must also apply for the appropriate check against the lists of people barred from working with children and vulnerable adults (see below).</p> <p>If an existing service changes its nominated individual, the new person must apply for an enhanced CRB check, but the application does not have to be countersigned by CQC. The service should apply for the check in the same way as for an ordinary member of staff.</p>
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6. Do existing registered providers need to submit a new CRB check to demonstrate their fitness with their application for registration under the Health and Social Care Act?	<p>Existing providers of health and adult social care services that are registered under the Care Standards Act will need to be registered with CQC from October 2010.</p> <p>They will not need to submit a new CRB check provided that they will be fulfilling the same role as their current registration. Their personal fitness has already been assessed and does not need to be assessed again.</p> <p>If organisations propose a different 'nominated individual' or a different registered manager in their application for registration under the Health and Social Care Act, then a new enhanced CRB check is required. If so, the application should be countersigned by CQC.</p>
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7. What checks are needed for CQC to establish the fitness of an organisation for new applications under the Health and Social Care Act?	<p>Under Section 11 of the Health and Social Care Act 2008, CQC is entitled to ask for other information to accompany applications for registration.</p> <p>Where an organisation is applying to be registered with CQC for the first time, we will normally expect to countersign a CRB check for the key people involved in carrying on the regulated activity. This may involve company directors, trustees etc, as well as the nominated individual where they are involved in managing or directing the operation of the health or adult social care service.</p>
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CRB checks on care service staff

8. What do health and adult social care providers have to do when	<p>People who are registered to carry on a health or adult social care service are responsible for checking the suitability of their staff.</p> <p>The law says that registered persons must get a CRB check on everyone employed for the purpose of carrying on a regulated activity under the</p>
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<p>employing new staff?</p>	<p>Health and Social Care Act. This includes contracted staff, temporary staff, bank staff, practitioners working under practising privileges, volunteers, students and learners, contractors (See Appendix A of the <i>Guidance about compliance: Essential standards of quality and safety</i> on our website. You can read the detailed requirements in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 in Appendix C of the guidance.</p> <p>Providers registered to carry on care services often delegate staff recruitment and vetting to specialist staff or departments, but accountability for making sure that recruitment practice meets all legal requirements rests with the registered person.</p> <p>Having a criminal conviction does not in itself bar a person from working in health or social care, although some convictions will automatically lead to a person's name being on one or more barred lists. If a CRB check discloses a conviction or other relevant information, the employer has to decide whether the person is suitable to be employed in their service. When doing so, they need to assess the potential risks, taking into account the nature of the information, how old and relevant it is, the role the person would undertake and the characteristics of the people using the service. Decisions are taken in the context of the provider's responsibility for the wellbeing of the people who use the service. An example policy statement on the recruitment of ex-offenders is provided on the CRB website.</p> <p>People who are barred from working with children and/or vulnerable adults must not be employed (or used as volunteers) to undertake a regulated activity (as defined in the Safeguarding Vulnerable Groups Act).</p> <p>Some people are employed to undertake what will become a 'controlled activity', which is different from a 'regulated activity' under the Safeguarding Vulnerable Groups Act. (See further description of controlled activity in question 11 in the section on the ISA scheme on page 7.)</p> <p>An employer could potentially employ people who are barred from working in a regulated activity in a controlled activity - in these circumstances, such employment must be subject to the requirements of the Safeguarding Vulnerable Groups Act, the relevant regulations and any additional safeguards as described in guidance to be produced by the Independent Safeguarding Authority.</p>
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<p>9. How do providers ask for a CRB check?</p>	<p>Applications for CRB checks are made on forms that are available from the CRB (contact details are on page 3). Some employers and 'umbrella bodies' also keep a supply of forms.</p> <p>Umbrella bodies are organisations that are registered with the CRB to countersign applications for CRB checks for other employers. There is a list of umbrella bodies on the CRB website.</p> <p>After an applicant has filled in a form, an authorised person must countersign it before they it is sent off.</p> <p>There are two ways of getting an application form countersigned by an authorised person:</p> <ol style="list-style-type: none"> 1. Large service providers that submit at least 100 CRB applications a year
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	<p>can apply to become a CRB ‘registered body’ (these are organisations that have registered directly with CRB to use its services). Authorised ‘countersignatories’ in registered bodies can countersign CRB applications from potential staff.</p> <p>Applications to become a registered body should be made to the CRB, not to CQC. You can get more information from the CRB website: http://www.crb.homeoffice.gov.uk/</p> <p>2. Providers can ask an ‘umbrella body’ to countersign and send in CRB forms for them.</p> <p>An authorised countersignatory in the umbrella body or registered body countersigns the form to make an official declaration regarding the person’s identity. However, umbrella bodies or registered bodies can authorise a separate ‘evidence checker’ to carry out first-stage identity checking, which may include a face-to-face check. When the authorised countersignatory has signed the form, they then send it off to the CRB to check the police national computer.</p> <p>CQC is not an umbrella body and cannot countersign forms for people who have applied to work in a health or adult social care service.</p> <p>The only exception to this is as part of our registration process, where we have received an application to carry on or manage a service.</p>
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<p>10. What is the role of the Independent Safeguarding Authority?</p>	<p>The Independent Safeguarding Authority (ISA) was established under Section 1 of the Safeguarding Vulnerable Groups Act 2006 as the Independent Barring Board (IBB). It was created to help prevent unsuitable people from working or volunteering with children and vulnerable adults.</p> <p>The ISA has four main duties:</p> <ol style="list-style-type: none"> 1. To maintain a list of individuals who are barred from engaging in <i>regulated activity</i> with children. 2. To maintain a list of individuals who are barred from engaging in <i>regulated activity</i> with vulnerable adults. 3. To reach decisions about whether an individual should be included in one or both barred lists, and 4. To reach decisions as to whether to remove a person from a barred list.
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<p>11. How does the new ISA Vetting and Barring Scheme differ from the PoVa and PoCA scheme?</p>	<p>The ISA barred lists have replaced the previous barred lists such as the Protection of Vulnerable Adults (PoVA) list, Protection of Children Act (PoCA) list, List 99 and the Disqualification from Working with Children (DWC) List.</p> <p>There is new terminology that has specific meanings under the Safeguarding Vulnerable Groups Act 2006 (SVGA):</p> <p>Regulated activity</p> <p>‘Regulated activity’ under SVGA differs from its meaning under the Health</p>
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	<p>and Social Care Act. There are four ways you may be involved in regulated activity. In general terms, an individual is involved in regulated activity if they:</p> <ol style="list-style-type: none"> 1. Undertake an activity of a specified nature (eg teaching, training, instruction, care, supervision, advice, guidance, treatment, fostering or childcare, therapy or transport) that involves contact with children or vulnerable adults on a frequent, intensive or overnight basis. <p>In health and personal care services:</p> <ul style="list-style-type: none"> ○ frequent is once a month or more ○ intensive is on four days or more in a single month ○ overnight is between the hours of 2am and 6am. <p>People who are involved on a regular basis in the day-to-day management or supervision of a person carrying out a regulated activity are also subject to ISA registration.</p> <p>OR if they:</p> 2. Undertake any activity in a specified place (eg schools, childcare premises including nurseries, residential homes for children, children’s hospitals, children’s detention centres, adult care homes or residential care or nursing homes) that provides the opportunity for contact with children or vulnerable adults on a frequent, intensive or overnight basis. <p>OR if they:</p> 3. Occupy a specified position of responsibility as set out in the Safeguarding Vulnerable Groups Act 2006. The examples that follow are not the exhaustive list, but are the examples most likely to apply to services regulated by CQC (the full list is included in the Government’s Vetting and Barring scheme guidance): <ul style="list-style-type: none"> • School governors. • Member of a relevant local government body including: <ul style="list-style-type: none"> ○ a member of a local authority who discharges any of that authority’s education or social services functions ○ a member of an executive of a local authority that discharges any of that authority’s education or social services functions ○ a member of a committee or sub-committee (or an area committee or sub-committee) of a local authority that discharges any of that authority’s education or social services functions • Chief executives and directors of children’s services of a local authority in England. • Chief executives and directors of adult social services of a local authority in England. • Trustees of charities for children (though only those trustees who are engaged in regulated activity (by carrying out a specified activity or working in a specified setting on a frequent or intensive basis must
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	<p>be ISA registered).</p> <ul style="list-style-type: none"> • Trustees of charities for ‘vulnerable adults’ (though only those trustees who are engaged in regulated activity (by carrying out a specified activity or working in a specified setting on a frequent or intensive basis must be ISA registered). • Providers or Individuals managing establishments or agencies under the Care Standards Act. <p>Controlled activity</p> <p>Controlled activity is work arranged by a responsible person that does not constitute regulated activity, but which provides opportunities for contact with children or vulnerable adults, or opportunities to access education records (for children only) or health or social services records about children or vulnerable adults in a limited range of settings. (A responsible person is responsible for the management or control of controlled activity, paid or unpaid, and makes arrangements for people to work in that activity, usually an employer or equivalent in a voluntary organisation.)</p> <p>Controlled activity also includes the day-to-day management and supervision of staff carrying out controlled activity. The 2006 Act defines the type of services where such activity takes place. It includes primary care services, hospital services, domiciliary care, adult placement (shared lives) schemes and making direct payments. There are also illustrative examples of what is controlled activity in the government's Vetting and Barring Scheme guidance.</p> <p>The Government will be reviewing the need for controlled activity in response to a recommendation within Sir Roger Singleton’s review.</p> <p>Vulnerable adults</p> <p>‘Vulnerable adults’ has a wider meaning in the context of the 2006 Act. In summary, a person is a vulnerable adult if they are 18 years or over and they are:</p> <ul style="list-style-type: none"> • Living in residential accommodation, such as a care home or a residential special school. • Living in sheltered housing. • Receiving domiciliary care in their own home. • Receiving any form of healthcare. • Detained in lawful custody (in a prison, remand centre, young offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999). • Under the supervision of the probation services. • Receiving a welfare service defined as the provision of support, assistance or advice by any person, the purpose of which is to develop their capacity to live independently in accommodation or support their capacity to do so.
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	<ul style="list-style-type: none"> • Receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability. • An expectant or nursing mother living in residential care. • Receiving direct payments from a local authority or health and social care trust in lieu of social care services. • In need of assistance in the conduct of their own affairs. <p>A key difference is the widening of the scope of the scheme – for example, it now applies to most health settings and to prisons.</p> <p>Providers are advised to familiarise themselves with the requirements placed on them under the Safeguarding Vulnerable Groups Act (including their duty to make referrals) by referring to guidance on the ISA website http://www.isa-gov.org.uk/</p> <p>Sector-specific guidance is being developed for health care services, adult social care and adult housing services.</p>
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<p>12. Who must be subject to checks against the new barred lists?</p>	<p>People who are undertaking a regulated activity, work in a specified place or occupy a particular position (see definitions in the previous section).</p>
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<p>13. What checks are required in relation to people in controlled activity?</p>	<p>From April 2010, if a responsible person does not know whether a new entrant or mover into controlled activity is barred from regulated activity, they will have to apply to the CRB for an enhanced check with a barred list check on that individual.</p> <p>For posts where previously (before the introduction of controlled activity) the responsible person had no entitlement to a check, the above application to the CRB will result in:</p> <ul style="list-style-type: none"> • an enhanced check with a barred list check, with notification that the person is barred from regulated activity, or • notification that the person is not barred from regulated activity.
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<p>14. When must employees be registered with ISA?</p>	<p>Plans to phase in registration with ISA over a five-year period were put on hold following a Government announcement on 15 June 2010. The Government will be reviewing and remodelling the scheme and this guidance will be updated as details become available. Details of the ministerial statement are available at the following link :</p> <p>http://www.homeoffice.gov.uk/publications/written-ministerial-statement/vetting-barring-scheme-wms/</p> <p>The Government announcement does not affect current requirements for CRB checks, including checks against the existing adults and childrens barred lists. Duties to make referrals to ISA are also unaffected by this announcement.</p>
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<p>15. How do you apply for checks of the lists of those barred from working with children or vulnerable adults?</p>	<p>The employer or the umbrella body (or registered body on their behalf) will ask for a check of the children’s and/or vulnerable adults barred lists as required when applying for a CRB check.</p> <p>Vulnerable adults</p> <p>For those who want to work in, carry on or manage a regulated health or social care service for adults, a check must be made of the vulnerable adults barred list. When verifying applications, the countersignatory will check box Y4 on the CRB form to ask for the check to be made.</p> <p>Children</p> <p>For those applying to work in, carry on or manage a service that works with children, a check must be made of the Children’s Barred List. When verifying applications, the countersignatory will check box Y3 on the CRB form to ask for the check to be made.</p> <p>Working with adults and children</p> <p>Where applicants want to work with both adults <i>and</i> children, the countersignatory will check boxes Y3 and Y4 when verifying applications.</p> <p>For applications on new CRB application forms</p> <p>A new CRB form is being introduced for use from 26 July 2010 that would have enabled an application for both a CRB check and ISA registration on one application form. CRB have advised that the launch of this new form will still go ahead. The CRB will extract and ignore those parts of the new application form that capture ISA registration requirements, and use only those data fields that are required to process a CRB check.</p> <p>Further details are available on the CRB website.</p>
<p>16. What if a service needs a new member of staff to start work urgently?</p>	<p>Until new applicants are able to apply for ISA registration following the Government’s remodelling of the scheme, new members of staff working with adults are able to begin work before a CRB check has arrived, using the ‘ISA Adult First’ system. ISA Adult First can only be used where the registered umbrella body has payment on account arrangements with the CRB and email facilities.</p> <p>Although all services regulated by CQC are eligible to use the ISA Adult First system, we do not anticipate the NHS using this service routinely unless there are extenuating circumstances when an urgent appointment is required (e.g. desire for the worker to commence employment within a week), because patients are at risk through a lack of healthcare staff. The ISA Adult First check is not appropriate where staff will be working with children and adults.</p> <p>For services registered under the Health and Social Care Act, the arrangements are covered under CQC’s <i>Guidance about compliance: Essential standards of quality and safety</i>.</p>

Section 14 of the guidance covers induction arrangements that apply to all workers regardless of whether they start work before a CRB check is received:

- All staff receive a comprehensive induction that takes account of recognised standards within the sector and is relevant to their workplace and their role.
- It is undertaken when they start their job and is completed before they are allowed to work unsupervised.
- It includes at least:
 - the aims, objectives and purpose of the service;
 - information on the people whose care, treatment and support they will be involved in providing and any specific communication needs;
 - the rights of people who use the service;
 - the policies and procedures of the service;
 - the action to be taken in an emergency;
 - health and safety risk assessments;
 - how to report an incident;
 - the arrangements for their own support and supervision;
 - the support and safety arrangements of lone working, where this applies; and
 - the arrangements for reporting where the service falls below essential standards of quality and safety.

Under section 12A of the *Essential standards of quality and safety*, staff working with adults can start work before a CRB check is received provided they have been subject to an ISA Adult First check (which confirms that they are not barred) and subject to the following safeguards:

- an appropriately qualified and experienced member of staff is appointed to supervise them;
- wherever it is possible, this supervisor is on duty at the same time as the new worker, or is available to be consulted; and
- new workers do not escort people away from the premises unless accompanied by a staff member for whom a full and satisfactory CRB check has been received.

There are further safeguards similar to the requirements in domiciliary care regulations under the Care Standards Act that apply to particular types of service – see more below.

	<p>ISA Adult First process</p> <p>The applicant should complete a CRB check application form and pass it to a countersignatory in the normal way, asking for an ISA Adult First check.</p> <p>The countersignatory completes an online ISA Adult First application form as well as checking the applicant’s identity, then signs the CRB application form and sends it off.</p> <p>The details on the CRB application form must match exactly those on the online ISA Adult First application. The form will be rejected if they do not.</p> <p>The CRB compares the applicant’s details on the paper application form with those in the online ISA Adult First application before checking the Adults Barred List. They must match exactly.</p> <p>The CRB aims to complete 98% of ISA Adult First applications within 48 hours and 100% within 72 hours of making a correct match (excluding Bank Holidays and weekends).</p> <p>The applicant should also allow time for the application to arrive at the CRB.</p> <p>There is no equivalent to ISA Adult First for checks on people who have applied to work with children. However, within the NHS, employers may appoint a person before receiving the full CRB disclosure but only in exceptional circumstances - ie where there is an urgent need to appoint because of the risk to patient safety. Decisions to appoint before receiving the full disclosure should be made only after a risk-based assessment, and safeguards should be put in place to manage that individual.</p>
<p>17. What are the ISA Adult First supervision arrangements for new staff in a domiciliary care agency?</p>	<p>Section 12D of the <i>Essential standards of quality and safety</i> covers the additional safeguards that must be in place if a worker starts before a CRB check is received:</p> <ul style="list-style-type: none"> • The provider should contact people using the service, or their representative, at weekly intervals to monitor their satisfaction with the care provided by the new worker and any complaints that may arise. • The provider should inform people using the service, or their representative, about the outstanding information, and tell them when it is received. • The provider should end the new worker’s contact with people using the service where the registered person considers that the outstanding information (when received) is not satisfactory. <p>There is no requirement for the staff member to be directly supervised provided they have completed their induction.</p> <p>Where a new member of staff is to care for or support children, a satisfactory enhanced CRB check must be received before they begin to do so.</p>
<p>18. Where does the CRB send checks for health and</p>	<p>The CRB sends a copy of the check to both the authorised person who countersigned the form and the person who is the subject of the check.</p>

<p>social care staff and volunteers?</p>	<p>If the police release any non-conviction information, they will send it to the countersignatory in a separate letter from the chief constable. Non-conviction information contained in the letter must never be revealed to the applicant or another person who is not involved with the recruitment decision, without the permission of the chief police officer. It would be a criminal offence to do so.</p> <p>If an umbrella body is used, they write to tell the employer when they receive the check (and any non-conviction information). They will confirm whether the check is clear or if relevant information was disclosed. Some umbrella bodies send the actual check form, but this is becoming increasingly rare.</p> <p>It is the responsibility of the provider, NOT the umbrella body, to decide if a person is suitable to work in the service if relevant information is disclosed. They will need sufficient information from the umbrella body to make their decision.</p>
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<p>19. Do you have to get a CRB check on staff recruited from abroad?</p>	<p>The regulations require that all staff employed for the purposes of carrying on a regulated activity (Health and Social Care Act definition) have to be CRB-checked, including staff recruited from abroad.</p> <p>Employers must do all they can to ensure that people they appoint from overseas are suitable to work with adults who use social care services and/or children. The CRB cannot provide information about an overseas criminal record but there is information on their website about how employers can get information from a number of countries. From the home page, follow links to ‘services’, ‘existing customers’, and then ‘overseas’.</p> <p>The CRB also provides guidance about illegal working and how to identify false identity documents. From the home page, follow links to ‘resource library’, ‘guidance notes’, ‘registered and umbrella body guidance’, and then ‘tips for document checkers’.</p> <p>It is important that employers check thoroughly that overseas job applicants have the necessary permits to work in a UK care setting.</p> <p>Employers may be breaking the law if they do not make sure that workers from overseas have all the right documents. There is information about this at the UK Border Agency’s website: www.bia.homeoffice.gov.uk</p>
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<p>20. How does CQC make sure that CRB checks have been done?</p>	<p>Our inspectors check that providers and managers of registered establishments and agencies have made the CRB and other required checks when recruiting staff and other workers, or moving staff to new jobs that include regular contact with children or adults using the service or who are undertaking a regulated activity under the SVGA 2006.</p> <p>They do this by selecting a sample of staff records for inspection, to confirm that the checks have taken place. Whilst original CRB checks do not need to be retained for the purposes of inspection, the top third of the check certificate should be retained as evidence that a CRB certificate has been obtained provided that this does not include details of offences. (In exceptional circumstances where a large number of offences are listed on the check, the listing of offences continues onto the reverse of the top third</p>
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	<p>section; in these circumstances the top third should not be retained once the recruitment decision has been made.).</p> <p>The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 include a requirement for appropriate records to be maintained in relation to persons employed for the purposes of carrying on the regulated activity. In relation to CRB and ISA checks, it would be appropriate to maintain the following records to demonstrate compliance with the legal requirements:</p> <ul style="list-style-type: none"> • The date of issue of the check. • The name of the subject. • The date of birth of the subject. • The type of check requested. • Whether the children's and/or adults barred list was checked and the outcome. • The Vetting and Barring Scheme identification number (once registered in line with phasing in arrangements). • The position for which the check was requested. • The unique reference number of the check, and. • The details of the employment decision taken. <p>There are other staff records that are also required to demonstrate compliance with schedule 3 of The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 – please refer to the schedule for details.</p>
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<p>21. Do CRB checks have to be renewed?</p>	<p>The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 do not make any requirements about renewing CRB checks. However employers can re-check their staff whenever they think it is necessary.</p> <p>Neither CRB nor CQC make any recommendations about how often or whether CRB checks should be re-done. Employers should decide about this, taking into account the kind of work their staff do and any risks there are.</p> <p>Agencies supplying temporary staff to health and social care services may carry out a CRB check on their staff every 12 months. Work placements can accept this rather than having to do their own checks, but they must get written confirmation from the agency that a satisfactory check has been received (see below).</p> <p>Subject to Government decisions about the remodelling of the Vetting and Barring Scheme, once people are registered with ISA, the Safeguarding Vulnerable Groups Act will allow employers to do an online check of the person's barring status separately from CRB checks. The applicant will need to supply their VBS identification number to enable this to happen.</p>
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<p>22. Are providers responsible for making sure that staff supplied from</p>	<p>Yes. Providers must obtain and keep written confirmation from an employment agency that each member of staff that is supplied to them has had a satisfactory CRB check and checks against the Children's and/or Adult's barred list.</p>
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an agency have had a CRB check?	As the provider is ultimately responsible for the safety and wellbeing of people in their care, it is their responsibility to make sure that the legal requirements for recruiting staff are satisfied. If they are not satisfied, they must take up their own checks.
23. What arrangements are in place for people employed by NHS Professionals – the NHS in-house staff agency?	<p>The NHS in-house staff agency (NHS Professionals) has special arrangements within the Vetting and Barring Scheme.</p> <p>If an existing NHS employee registers with NHS Professionals, or joins the bank staff scheme of the NHS organisation that employs them, the employer does not have to obtain new CRB checks, where these have already been carried out by the substantive NHS employer.</p> <p>However, if a person leaves the NHS (i.e. service is broken) and then applies to the Trust Bank or NHS Professionals, new CRB checks must be applied for and the person must be ISA registered if engaged in regulated activity.</p>

24. Do students on placement have to have CRB checks?	<p>Students over 18 years of age undertaking placements in health or social care settings will require an enhanced CRB check and ISA registration where the placement involves children or vulnerable adults and the contact is frequent, intensive or overnight.</p> <p>The check may be obtained by the educational establishment at the start of the course, but the health or social care provider should obtain written confirmation that the student has had a satisfactory CRB check at an enhanced level at the start of the course and checks against the Children’s and/or Adults Barred list. As above, the provider is ultimately responsible for the safety and wellbeing of people in their care and should assure themselves that the checks are satisfactory.</p> <p>Students under 18 years of age on placements such as work experience do not require a CRB check on the basis that the role will not be taking the place of an existing care worker and will be supervised.</p>
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25. What arrangements are in place for NHS doctors in training?	There are special arrangements within the NHS employment standards where a doctor is appointed on an educationally-approved training rotation. A risk assessment may indicate that the CRB checking requirement can be set aside. This would only be where there is evidence of a successful CRB check obtained by an NHS employing organisation within the previous three years and where the new post does not change the status of the check (for example a paediatric post that requires a check against the Children’s Barred list). Please see the NHS Employers website for more details.
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CRB checks on people who are applying to register to carry on or manage an adult social care service

26. How does someone applying to carry on or	Applicants should contact the CRB and ask for a CRB check application form. They must give CQC’s registered body number when doing so: 23244300003 . The CRB will then post an application form to the applicant’s
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<p>manage a health or social care service get a CRB check?</p>	<p>home address.</p> <p>CQC has been registered by the CRB to countersign applications for CRB checks made by people applying to carry on or manage a health or social care service. Only CQC can countersign these applications.</p> <p>The applicant should fill in their application form, taking care to follow the instructions.</p> <p>They should then take their completed form to one of 27 Crown Post Offices with the required fee for the application to be verified (the locations of these post offices are available on our website). This process requires:</p> <ul style="list-style-type: none"> • The relevant documentation for proof of identity and address that is required by CRB (more details of the documentation required are included on the CRB website). • A cheque or postal order payable to CRB for the CRB fee. • Payment by card or cash to the Post Office for their verification service. • Asking the Post Office clerk to send by Royal Mail Special Delivery. <p>The post office will issue a receipt which includes details of how the applicant can track the progress of their CRB application.</p> <p>Once verified, the Post Office forwards the individual application forms to our National Processing Centre for countersignature. This is done on the day of verification.</p>
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<p>27. What does CQC do with the CRB application?</p>	<p>At the CQC office, a member of our business services staff will check the application to make sure that:</p> <ul style="list-style-type: none"> • The application form has been completed in black ink • All the relevant sections have been completed, and • Any cheque or postal order is for the right amount, payable to the CRB, and not post-dated. <p>If everything is confirmed as complete, our business services staff will then:</p> <ul style="list-style-type: none"> • Complete the relevant sections of the CRB application form. • Write the application number on the front of any cheque or postal order, and • Submit the countersigned CRB application form and cheque to the CRB for processing.
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<p>28. What does CQC do if an application is not complete?</p>	<p>If we are unable to countersign the application, we will return all the documents to the applicant and ask them to resubmit the corrected form and payment.</p> <p>Therefore, the applicant should ensure that their application is correct and complete. The countersignatory also has a responsibility for ensuring that the application form is completed correctly (see Conditions of Registration Regulations 2006 from the CRB website).</p>
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	Applicants should read <i>The CRB's Applicant's Guide To Completing the CRB Application Form</i> .
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29. What is CQC's approach to applications for registration from people who have committed offences?	<p>If an offence or other information is disclosed, this does not necessarily mean that a registration or other CQC approval or consent will be refused.</p> <p>We will consider fairly in each individual case whether the offence or other information indicates a significant risk to children or vulnerable adults.</p> <p>We will take into account the nature of the offence or other information disclosed, the role the person concerned is to fulfil, the type of service for children or vulnerable adults involved, and the nature and needs of the children or vulnerable adults likely to use the service.</p> <p>Our decisions will be made on the basis of an assessment of any possible risk to children or vulnerable adults, rather than the simple fact that a conviction or other information is disclosed. However, where there is significant doubt, the decision will always favour the welfare of children or vulnerable adults.</p>
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Additional general guidance for all CRB applications

30. What happens if the CRB has any queries about an application?	<p>The CRB will contact the countersignatory directly (normally by letter).</p> <p>The countersignatory or another member of staff acting on their behalf will then contact the applicant to explain the problem and try to resolve the query.</p>
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31. How can I avoid delays when applying for a CRB check?	<p>You can avoid delays by submitting a correctly filled in application form and the right payment. Forms filled in incorrectly and applications with the wrong or no payment are always returned by CQC to the applicant or by CRB to the countersignatory.</p> <p>The most common problems are caused by:</p> <ul style="list-style-type: none"> • Application forms (including signatures) not being completed in black ink and/or in capital letters. • Using a tick rather than X in check boxes. • Using correction fluid. • Not including a birth surname where this has changed (e.g. after marriage). • Not providing dates where an applicant has used other names. • The applicant not giving their full name, and/or not giving the same name in different parts of the application form. • Surnames being put in forename sections and vice versa. • The applicant not providing their full name. • Driving licences showing a middle name that is not given in the application form. • Insufficient proof of identity.
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	<ul style="list-style-type: none"> • The date of birth in section A and section X being different. • The applicant’s date of birth not matching the information in their driving licence number. • The applicant’s address history not covering all of the last five years.
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<p>32. Can CRB checks be used for more than one job application or application for registration? (this is sometimes referred to as CRB portability)</p>	<p>Sir Roger Singleton’s December 2009 report on the Vetting and Barring Scheme made a number of recommendations to Government, including that it should review both the statutory requirements and its advice in relation to the continuing need for CRB checks for safeguarding purposes once the new Vetting and Barring Scheme is in place.</p> <p>There is more scope for CRB portability under the Vetting and Barring Scheme than under the PoCA and PoVA system. The Department of Health have advised that the following arrangements for portability will offer more flexibility than the previous arrangements :</p> <p>From 1 April 2010:</p> <ul style="list-style-type: none"> • New entrants to the workforce in services regulated by CQC should obtain a new CRB check. • People taking up a new position who are currently working in services regulated by CQC can satisfy the requirement for a CRB check if they can provide evidence of an enhanced CRB check, including the appropriate checks against the adults and/or children’s barred lists, that is less than three months old at the point of application. • People applying for registration with CQC who are currently working in services regulated by CQC can satisfy the requirement for a CRB check if they can provide evidence of a CQC countersigned enhanced CRB check that is less than three months old. • People supplied by an employment agency can satisfy the requirement for a CRB check if they can provide evidence of an enhanced CRB check that is less than 12 months old. <p>The portability FAQs on the CRB website describe some of the risks and limitations of portability.</p> <p>Where people take up a new role or go to a new location but stay with the same employer with no break in service, a new CRB check is not required provided that a CRB check has previously been obtained at the required level. Some examples where this applies include:</p> <ul style="list-style-type: none"> • A care assistant employed by a large corporate provider moves from working in care home A to care home B. • A consultant with practising privileges who has been checked to work in independent hospital A also starts working in hospital B, which is part of the same group of hospitals owned by the organisation running hospital A.
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<p>33. Where can I get</p>	<p>CQC website: www.cqc.org.uk</p>
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further guidance?	CRB Website: http://www.crb.homeoffice.gov.uk/ Independent Safeguarding Authority: http://www.isa-gov.org.uk/ UK Border Agency: www.bia.homeoffice.gov.uk NHS Employers website at: www.nhsemployers.org NACRO (previously the National Association for the Care and Resettlement of Offenders): http://www.nacro.org.uk/ National Council for Voluntary Organisations: http://www.ncvo-vol.org.uk/ Cabinet Office (for published guidance on CRB checks and volunteering): http://www.cabinetoffice.gov.uk/media/cabinetoffice/third_sector/assets/crb%20final.pdf
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