

NORTH WEST REGIONAL COLLEGE

WORK FORCE DEVELOPMENT DEPARTMENT

THE CRIMINAL RECORD PROCEDURE & POLICY ON THE RECRUITMENT OF EX-OFFENDERS

POLICY STATEMENT

The College is committed to ensuring individuals appointed to posts within or outside the College are appointed on the basis of merit. The College is also committed to ensuring that those students who require work placement in Childcare, Nursing, Social Care etc environments as part of their course of study are suitable to work with Children, Young People and Vulnerable Adults.

The College cannot regard any conviction as being 'spent' as employment with the North West Regional College is exempt from the provisions of the Rehabilitation of Offenders Order (NI) 1978 (Please see Appendix 1). Convictions do not necessarily debar an applicant from obtaining employment or a student from obtaining work placement.

The guidelines on how the Criminal Record procedure operates for appointments and work placements are indicated below:-

- 1(a) Following the job interview or the request from a Lecturer for a student to be checked, the person's details will be forwarded to AccessNI using the standard form(s) by the nominated Officer or Deputy. If the person has ever had an address outside Northern Ireland, etc, a Certificate of Good Conduct should be sought from the Country they resided in (Including UK Citizens). (For appointments this can be done concurrently with health assessment and should therefore only cause minimal delay, if any in the appointment procedure)
 - (b) There are no formal arrangements for checking Police records in countries outside the UK and the Republic of Ireland. However, citizens of some countries can obtain official statements giving details of convictions or confirming a clean record (see Appendix A). Overseas applicants/students should be asked either to provide such a document or to confirm that such a document is not available in their country. **Where it is not available, meticulous care must be taken with other checks (such as references for appointees).**
- 2(a) Were a reply has been received from AccessNI indicating no criminal record, the WD representative on the selection panel or Head of School (in the case of student placements) will be notified to proceed with the appointment/placement (**provided all other checks are cleared**).
 - (b) Where a criminal record has been disclosed and/or where the person has not declared a criminal record, the selection panel (for

appointments)/Head of School (for student placements) will recall the person to consider the information on the Enhanced Disclosure Certificate, (i.e. confirm that the details received are in fact correct and investigate circumstances surrounding convictions and where necessary elicit reasons from the person why they were not (fully) declared. The selection panel/Head of School will then decide on the suitability of the person for employment or student placement, taking into account the factors set out in Appendix B attached. (A criminal record does not automatically debar an applicant/student).

- (c) Where a person disputes the correctness of the information received on him/her, he/she should be referred to the nominated officer who will make representation to AccessNI on his/her behalf, before any final decision is arrived at by the selection panel/Head of School. If still dissatisfied, he/she should be advised to pursue the matter directly with the Police.

If the dispute continues, it is for the College to decide whether or not to proceed with the appointment/student placement, taking into account the nature of the offence(s) to which the disputed information relates.

- 3 Where the College is in any doubt about how to interpret the information given in an Enhanced Disclosure Certificate, or whether to proceed with an appointment, advice should be sought from the PSNI.

- 4 **IN GENERAL TERMS, WHERE THE COLLEGE IS CONCERNED THAT THE INFORMATION IN AN ENHANCED DISCLOSURE CERTIFICATE INDICATES BEHAVIOUR THAT MAY PUT CHILDREN OR YOUNG PEOPLE AT RISK, THE PERSON SHOULD NOT BE OFFERED EMPLOYMENT/STUDENT PLACEMENT OR WORK AS A VOLUNTEER.**

- 5 No one should commence duty/placement before a satisfactory Enhanced Check has been carried out.

All information received as a result of a check with AccessNI must be held in the strictest confidence and in accordance with College Policy.

APPENDIX A

CHECKS ON PEOPLE FROM ABROAD

- 1 Other than in exceptional circumstances, the police cannot:
 - Make enquiries about the antecedents of people from other countries; or
 - Establish details of convictions acquired outside the United Kingdom.

- 2 Practice in other countries varies considerably, but certificates of good conduct may be obtainable from overseas applicants. The level of information disclosed varies from country to country in that some give complete extracts from the criminal record while others are partial. Further information about obtaining certificates of good conduct from citizens of EC countries and some other countries is given below.

- 3 While certificates of good conduct are not available in the Republic of Ireland, the police, when carrying out a criminal records check at the request of CCPD, will, where appropriate, make a check with the police in the Republic of Ireland. If the person worked, trained or lived in the UK for some years, checks can be made with the police for the regions of the UK in which they resided.

- 4 Where a person is from a country where criminal record checks cannot be made, extra care must be taken in the taking up of references and conducting other checks on background.

Obtaining criminal record information on citizens from other members of the European Union and a number of other countries

Austria

Certificates of good conduct are available from the Austrian local police or council offices. Austrian Citizens residing in the UK can obtain copies from the Austrian Embassy.

Various offences are covered. However, offences attracting a sentence of up to one year are deleted after five years; offences attracting a sentence between one and three years are deleted after ten years.

Belgium

Individuals can obtain certificates of good conduct (Certificate de bonnes vies et moeurs) from the Communes where they live. Individuals living and working abroad can obtain them from their Embassy.

APPENDIX A continued:

Denmark

Individuals can obtain certificates of good conduct from their police.

Finland

Any citizen can apply for a certificate of good conduct from the Ministry of Justice which operates an agency called the Crime Register Office (RIKOSTREKISTRERT).

If a person has been convicted in a court of law, the offence is stated in the certificate. If not, the certificate establishes a person's good reputation and mentions that the person has no criminal record.

France

Individuals may produce certificates containing a print-out of basic information relating to them from the National Criminal Records.

There is no provision for direct disclosure by French authorities to foreign employers.

Germany

Under federal law, individuals may obtain certificates of good conduct or apply for extracts from the penal register.

Agencies should in the first instance request to see a German national's certificate of good conduct. In very exceptional cases and when more information is required, AccessNI may approach the Federal Minister of Justice in Bonn. It is at his discretion whether further information may be disclosed.

Greece

In Greece all prospective employees whether in the public or private sector are expected to submit evidence of a clean criminal record obtainable from the Public Prosecutor.

There are no arrangements for UK authorities/employers to have direct access to criminal record information about Greek nationals.

Ireland

Checks are requested by AccessNI, through the Central Garda Vetting Unit. There are no arrangements for disclosure to prospective UK employers.

APPENDIX A continued:

Italy

Individuals may obtain a certificate of good conduct from the relevant Ufficio Casellario. This would show offences which resulted in a term of imprisonment.

Individuals living and working abroad may obtain such certificates through their Embassy.

Luxembourg

Any employer may require potential employees to obtain an “Extrait du Casier Judiciaire” from the authorities. This would show sentences which resulted in a term of imprisonment.

Non-Luxembourg employers may also require such a document.

Netherlands

Agencies may require individuals to obtain a certificate of good conduct from the Burgemesiter. This would contain details of convictions and process verbal reports. In practice the Burgemesiter would also consult the local Parket (ie, court district) for the area in which the applicant was born.

There is no provision for direct disclosure by Dutch authorities to foreign employers.

Portugal

Individuals may obtain “criminal records” (including clean sheets) to show to prospective employers. There is no provision for direct disclosure by Portuguese authorities to foreign employers.

Spain

Many job applicants volunteer certificates of good standing obtained from the Ministry of Justice.

There is no provision for direct disclosure by Spanish authorities to foreign employers.

Sweden

Individuals may obtain a certificate of good conduct from the Swedish Police. The certificate confirms that an individual has no criminal record.

APPENDIX A continued:

Selected other countries

Australia

Individuals can obtain from their authorities information concerning their criminal background (if any) under the country's Freedom of Information Act.

Canada

Certificates of good conduct are not generally available. Individuals can obtain information as to whether a criminal offence is recorded against them on the National Police Information Database.

Japan

Individuals can obtain a police certificate. If the applicant resides abroad, the certificate is issued by the Japanese National Police Agency. If the applicant resides in Tokyo, the certificate is issued by the Metropolitan Police Department.

New Zealand

Individuals can obtain from their authorities information concerning their criminal background (if any) under the country's Freedom of Information Act.

Norway

Individuals may obtain a certificate of good conduct from local police in Norway. Discretion as to whether or not details for custodial sentences are included lies with the police.

Switzerland

Certificates of good conduct are not available. However, individuals should be able to obtain a document similar to a Casier Judiciaire from the Swiss Police.

United States of America

Individuals can obtain a certificate called a "Criminal Record Check" from their local police but this statement of convictions (if any) covers only the state in which the individual resides. There is no central point where an individual can obtain a certificate which covers the whole of the United States.

Note

Information on checks in foreign countries may also be sought from the Criminal Records Bureau, Customer Services, PO Box 110, Liverpool, L69 3EF (Information Line: 0870 9090811).

APPENDIX B

In deciding the relevance of any convictions to the employment/placement being offered, the following points should be considered:-

1 THE NATURE OF THE CONVICTION

In general convictions for sexual, violent or drug offences will be particularly significant when assessing suitability for employment in the education sector or student placements when working with Children/Vulnerable Adults. The College should consider very carefully non-conviction information which may indicate behaviour which would render a person liable to put children or young people at risk of harm or influence by an unsuitable role-model.

2 THE NATURE OF THE APPOINTMENT/STUDENT PLACEMENT

Often the nature of the appointment/placement will be relevant to the suitability for employment in the College and for students proceeding to placement in external organisations. For example, sexual, violent or drug offences will be of particular concern if the post involves close contact with students. Offences of a dishonest nature gives rise for concern about a potential employee's trustworthiness, particularly in situations where possible access to money may occur.

3 WHEN THE OFFENCE OCCURRED

Offences which took place many years ago often have less relevance than recent offences. However, convictions for violent/sexual offences are more likely to give cause for continuing concern than for other offences.

4 FREQUENCY OF OFFENCE

A pattern of related or similar offences over a period of years, or non-conviction information indicating repeated behaviour, is more likely to give cause for concern than an isolated minor conviction.

EMPLOYMENT IN AN EDUCATIONAL SETTING OR STUDENT PLACEMENTS WHEN WORKING WITH CHILDREN/VULNERABLE ADULTS MAY NOT BE OFFERED UNDER ANY CIRCUMSTANCES TO ANY PERSON LISTED ON THE ISA CHILDRENS BARRED LIST OR ADULT BARRED LIST.

5 OTHER RELEVANT MATTERS

Whether the person's circumstances have changed since the offending, behaviour and the account and circumstances surrounding the offence and the explanation offered.