

Screening/Scoping Pro Forma

Section	Human Resources	Officer responsible for the screening/scoping	Richard Wood
Name of Policy to be assessed	CRB Protocol	Date of Assessment	26/05/2009
		Is this a proposed new or existing policy/procedure/practice?	New
1. Briefly describe the aims, objectives and purpose of the policy/procedure/practice?	This is a protocol that sets out the procedure to be followed by relevant Guildford staff involved in processing CRB disclosures to ensure a consistency of approach.		
2. Are there any associated or specific objectives of the policy/procedure/practice? Please explain.	The rules concerning safeguarding children and vulnerable adults places statutory requirements on employers and the protocol serves to ensure that that Council does not break the law.		
3. Who is intended to benefit from this policy and in what way?	<p>Children, young adults under the age of 18 years and vulnerable adults who come into contact with Guildford Borough Council services.</p> <p>The Council to ensure that it acts both to the letter and to the spirit of the relevant legislation.</p> <p>Relevant employees who have clear guidelines to ensure that they do nothing to endanger children, young people and vulnerable adults</p>		
4. What outcomes are wanted from this policy/procedures/practice?	That no child, young person or vulnerable adult comes to any harm as a consequence of their interactions with the Council's services or services enabled by the Council.		
5. What factors/forces could contribute/detract from the outcomes?	Inappropriate guidelines. Guidelines not being updated. Lack of awareness of the guidelines. Staff short-cutting or not following the guidelines. Ineffective management		
6. Who are the main stakeholders in relation to the policy?	Children, young people and vulnerable adults. Employees Councillors The Council	7. Who implements the policy, and who is responsible for the policy?	Staff employed in 'safeguarding' areas of the Council's services. Human resources Heads of Service covering 'safeguarding' areas of the Council's services.

<p>8. Are there concerns that the policy <u>could</u> have a differential impact on racial groups?</p>	<p>Y</p>	<p>N</p>	<p>The essence of the protocol is to carry out checks (CRB disclosures) on the criminal record of a current or potential employee. The CRB service applies only to UK criminal records. It may be possible to obtain a 'certificate of good conduct' from their county of origin (or their country of residence before the UK) but that is not always possible and the nature of the 'certificate' is not as thorough as a CRB disclosure. This could have a detrimental impact on an applicant who is a non-UK national who is applying for a post covered by the 'safeguarding' arrangements and for whom no evidence of conduct is obtainable.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>There is no evidence that this has happened. However, in the light of national publicity over recent cases which has required a tightening of the processes, there could be, in the future, more evidence of this sort of differential impact. The Council has introduced a risk assessment process to help ensure that it takes the right employment decisions in these cases where criminal convictions appear on a CRB disclosure. This would be used in these cases. The introduction of the full service (from November 2010) of the new Independent Safeguarding Authority (ISA) which will require individuals to be registered with the ISA in order to be employed in 'safeguarding' roles will remove the substantial part of the employment decision making process from the Council.</p>		
<p>9. Are there concerns that the policy <u>could</u> have a differential impact due to gender?</p>	<p>Y</p>	<p>N</p>	<p>The protocol will apply consistently regardless of gender.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The protocol is to establish whether or not an individual should be employed in the care of children, young people and/or vulnerable adults based upon their history in such work and/or their criminal record. The decision would not be influenced by whether or not they are male or female.</p>		
<p>10. Are there concerns that the policy <u>could</u> have a differential impact due to disability?</p>	<p>Y</p>	<p>N</p>	<p>The protocol will apply consistently regardless that the individual subject to the protocol is disabled or able-bodied.</p>

<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The protocol is to establish whether or not an individual should be employed in the care of children, young people and/or vulnerable adults based upon their history in such work and/or their criminal record. The decision would not be influenced by whether or not they are a disabled person</p>		
<p>11. Are there concerns that the policy <u>could</u> have a differential impact due to sexual orientation?</p>	<p>¥</p>	<p>N</p>	<p>The protocol will apply consistently regardless of the sexual orientation of the individual.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The protocol is to establish whether or not an individual should be employed in the care of children, young people and/or vulnerable adults based upon their history in such work and/or their criminal record. The decision would not be influenced by their sexuality. It is recognised that, in cases where a ‘certificate of good conduct’ is obtained, in some countries what constitutes a criminal offence is different from the UK, for example, consensual sex between (say) two men being a criminal offence. However, the principles of UK law would be applied in such an event.</p>		
<p>12. Are there concerns that the policy <u>could</u> have a differential impact due to their age?</p>	<p>¥</p>	<p>N</p>	<p>The protocol will apply consistently regardless of the age of the individual subject to the protocol.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The protocol is to establish whether or not an individual should be employed in the care of children, young people and/or vulnerable adults based upon their history in such work and/or their criminal record. The decision would not be influenced by their age.</p>		
<p>13. Are there concerns that the policy <u>could</u> have a differential impact due to their religious belief?</p>	<p>¥</p>	<p>N</p>	<p>The protocol will apply consistently regardless of the religion or belief of the individual subject to the protocol.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The protocol is to establish whether or not an individual should be employed in the care of children, young people and/or vulnerable adults based upon their history in such work and/or their criminal record. The decision would not be influenced by their religion or belief. It is recognised that, in cases where a ‘certificate of good conduct’ is obtained, in some countries what constitutes a criminal offence may be different from the UK on religious grounds. However, the principles of UK law would be applied in such an event.</p>		

<p>14. Are there concerns that the policy <u>could</u> have a differential impact due to them having dependants/caring responsibilities?</p>	<p>¥</p>	<p>N</p>	<p>The protocol will apply consistently regardless that the individual subject to the protocol is a carer.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The protocol is to establish whether or not an individual should be employed in the care of children, young people and/or vulnerable adults based upon their history in such work and/or their criminal record. The decision would not be influenced by their circumstances as a carer.</p>		
<p>15. Are there concerns that the policy <u>could</u> have a differential impact due to them have an offending past?</p>	<p>¥</p>	<p>N</p>	<p>The essence of the protocol is to ensure that a person who is either directly banned from employment in 'safeguarding' posts or has either a criminal record for certain offences or has been under suspicion of certain offences to suggest that they should not be so employed in 'safeguarding' posts.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>If there were any concerns in this respect it would be an over-zealous application of the protocol resulting in an ex-offender being prevented from employment in a 'safeguarding' post when their offences were of no relevance to the decision. The protocol requires that a risk assessment be carried out in respect of any offence. This includes the involvement of HR to provide a moderating role and to ensure consistency. This would serve to remove any possible concern in relation to ex-offenders whose position is covered in the protocol</p>		
<p>16. Are there concerns that the policy <u>could</u> have a differential impact due to them being Transgender or transsexual?</p>	<p>¥</p>	<p>N</p>	<p>The protocol will apply consistently regardless of gender change.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>	<p>The protocol is to establish whether or not an individual should be employed in the care of children, young people and/or vulnerable adults based upon their history in such work and/or their criminal record. The decision would not be influenced by the individual living in the gender different from their gender at the time of birth. However, in the unlikely event that such a situation should arise, the Council would be mindful of public perception and would work to provide any reasonable reassurances should they be necessary.</p>		

<p>17. Could the differential impact identified in 8-16 amount to there being the potential for adverse impact in this policy/procedure/practice?</p>	<p>¥</p>	<p>N</p>	<p>Please explain</p> <p>The purpose of the protocol is to ensure that all reasonable precautions are taken before accepting the employment of an individual in a safeguarding role. If there is any doubt about the reasonableness of the decision to appoint, the appointment should not be made. That should though be a reasonable and rationale decision based upon facts as the protocol requires.</p>
<p>18. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?</p>	<p>¥</p>	<p>N</p>	<p>Please explain for each heading (questions 8-16) on a separate piece of paper.</p> <p>Not applicable to this protocol.</p>
<p>Business improvement</p> <p>19. Is there any concern that there are unmet needs in relation to any of the above groups?</p>	<p>¥</p>	<p>N</p>	<p>Please explain</p> <p>Cases where a ‘certificate of good conduct’ is obtainable will allow criminal offences in the country of origin that are not offences in the UK to be disregarded.</p>
<p>20. Does differential impact or unmet need cut across the equality strands (e.g. elder BME groups)?</p>	<p>¥</p>	<p>N</p>	<p>Please explain</p>
<p>21. If yes, should the full EIA be conducted jointly with another service area/contractor/partner/agency?</p>	<p>Y</p>	<p>N</p>	<p>Please explain</p> <p>Not applicable</p>

<p>22. Is there a missed opportunity to improve your business in relation to any of the policies, procedures or practices to promote racial, gender, disability, age, sexual orientation, religion or belief equality?</p>	<p>☒</p>	<p>N</p>			
<p>23. Should the policy proceed to a full equality impact assessment?</p>	<p>☒</p>	<p>N</p>		<p>Yes</p>	<p>No</p>
<p>24. If No, are there any changes required to the policy to improve it around the equality agenda?</p>	<p>☒</p>	<p>N</p>	<p>The protocol provides for adaptation in circumstances, as described in this screening EIA, that do not fit the normal pattern. Those circumstances are unusual and their incidence is likely to be very low to zero. It would help, to establish the protocol as one that does not create a differential and unacceptable impact, to monitor the equality profile of those, if any, whose employment is rejected on the grounds that they present a potential and identified risk should they be employed in a 'safeguarding' post.</p>		

Signed
(completing officer) **Date** May 2009

Signed
(Head of Section) **Date**

Countersigned
(Corporate Diversity/Diversity/Policy Team) **Date** May 2009