

NORTH WALES CHILD ABUSE - HOME OFFICE CONTRIBUTION TO THE RESPONSE TO THE JILLINGS REPORT

CRIMINAL RECORD CHECKS FOR CHILD PROTECTION PURPOSES

Current Arrangements for Checks

Since 1986, under administrative guidelines agreed between the Home Office and the Association of Chief Police Officers (ACPO), criminal record checks have been available on people applying for work in a variety of positions which will give them substantial unsupervised access, on a sustained or regular basis, to

- children under the age of sixteen, or
- children under the age of eighteen who have special needs, or
- children under the age of eighteen who are looked after by the local authority (for residential care staff only).

These arrangements are, however, confined largely to employees and volunteers working for statutory bodies - primarily local authorities, health authorities or NHS Trusts, probation services, schools and further educational establishments. A list of the main groups for which checks are available is included in the latest Home Office circular on the subject (HOC 47/93) and this is attached as Annex A. Certain national voluntary childcare organisations also have access to checks through their membership of the Voluntary Organisations Consultancy Service (VOCS), a body funded by the Department of Health, but membership of VOCS is now full and, without further funding, it does not have the capacity to take on any more checks.

In checking applicants for posts covered by the current arrangements, the police will check both national and local police records. The national records include details of persons convicted of reportable offences (i.e. broadly speaking, offences for which a term of imprisonment may be given), persons who are to be prosecuted for such offences and, since November 1995, cautions for reportable offences. Depending on the policy of the police force concerned, local police records may contain details of convictions for certain minor offences, bind-overs (including those where there has been no conviction), and other relevant factual information which the police would be prepared, if necessary, to present as evidence before a court or tribunal. This may include details of acquittals or discontinued cases and also what is known generally as "non-conviction" information which the police may disclose

if they consider it in the public interest to do so, e.g. where a prosecution has not been brought because a child is too young to testify. The guidance given to the police stipulates that information from local records, other than details of convictions and non-conviction bind-overs, should only be disclosed on the authority of a police officer of the rank of Assistant Chief Constable or above.

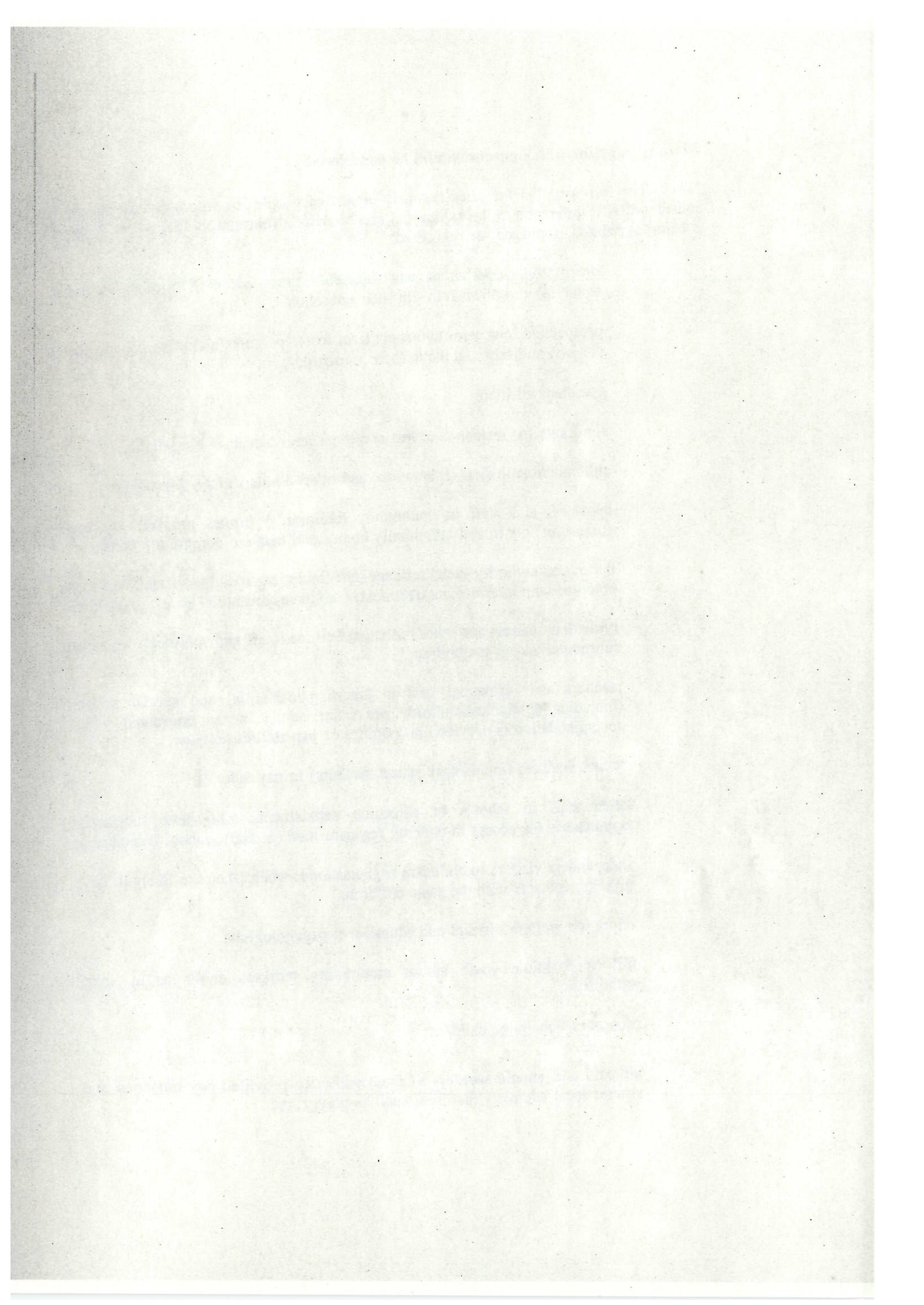
New arrangements for checks to be published in the White Paper "On the Record"

The Home office has proposed a White Paper setting out new arrangements for criminal record checks. This will be published when policy clearance has been received from EDH. The principal change to the current arrangements for child protection checks is that checks will no longer be restricted mainly to those working with children in the statutory sector but will be extended to cover any person applying for work which will give them substantial, regular, unsupervised access to children, whether they work in the statutory, voluntary or private sector. The White Paper will propose that an "enhanced" check of national and local criminal records should be available on any employee or volunteer whose work will give them substantial access to children. This will disclose details of all convictions for reportable offences (whether or not they are "spent"), and details of any cautions recorded on the national records, as well as a check of local police records which will make available information on convictions and cautions for non-reportable offences as well as any relevant "non-conviction" information.

### Main groups for which checks should be considered

17. The following list indicates the main groups of people for whom checks should be considered with reference to the substantial access criteria (paragraph 15), where a person is being appointed, approved, or registered:

- prospective adoptive parents (including those adopting through voluntary agencies) and other adults in their households;
- prospective long term and short term foster parents (including private foster parents) and other adults in their households;
- guardians ad litem;
- applicants for residence orders and other adults in their households;
- childminders on first registration, and other adults in their households;
- managers and staff in community (children's) homes provided by local authorities, controlled community homes and assisted community homes;
- those local authority social services staff (including social work staff and those involved with intermediate treatment) who have substantial access to children;
- Probation Officers and other Probation Services staff and volunteers who have substantial access to children;
- teachers and residential staff in boarding/residential and special schools (including landladies/landlords and other adults in the household where accommodation is provided in lodgings or private households);
- school teachers (including licensed teachers) in day schools;
- other staff in schools or education departments who have substantial opportunity for access to children (eg para-medical staff, school caretakers);
- independent visitors to childcare organisations, where they are likely to have ongoing contacts with the same children;
- education welfare officers and educational psychologists;
- full or part-time youth and/or community workers employed by local authorities;
- escorts of vulnerable children;
- all paid and unpaid workers of local authority provided day nurseries and similar local authority facilities, such as playgroups.



## ANNEX A

### Material sent to Department of Health

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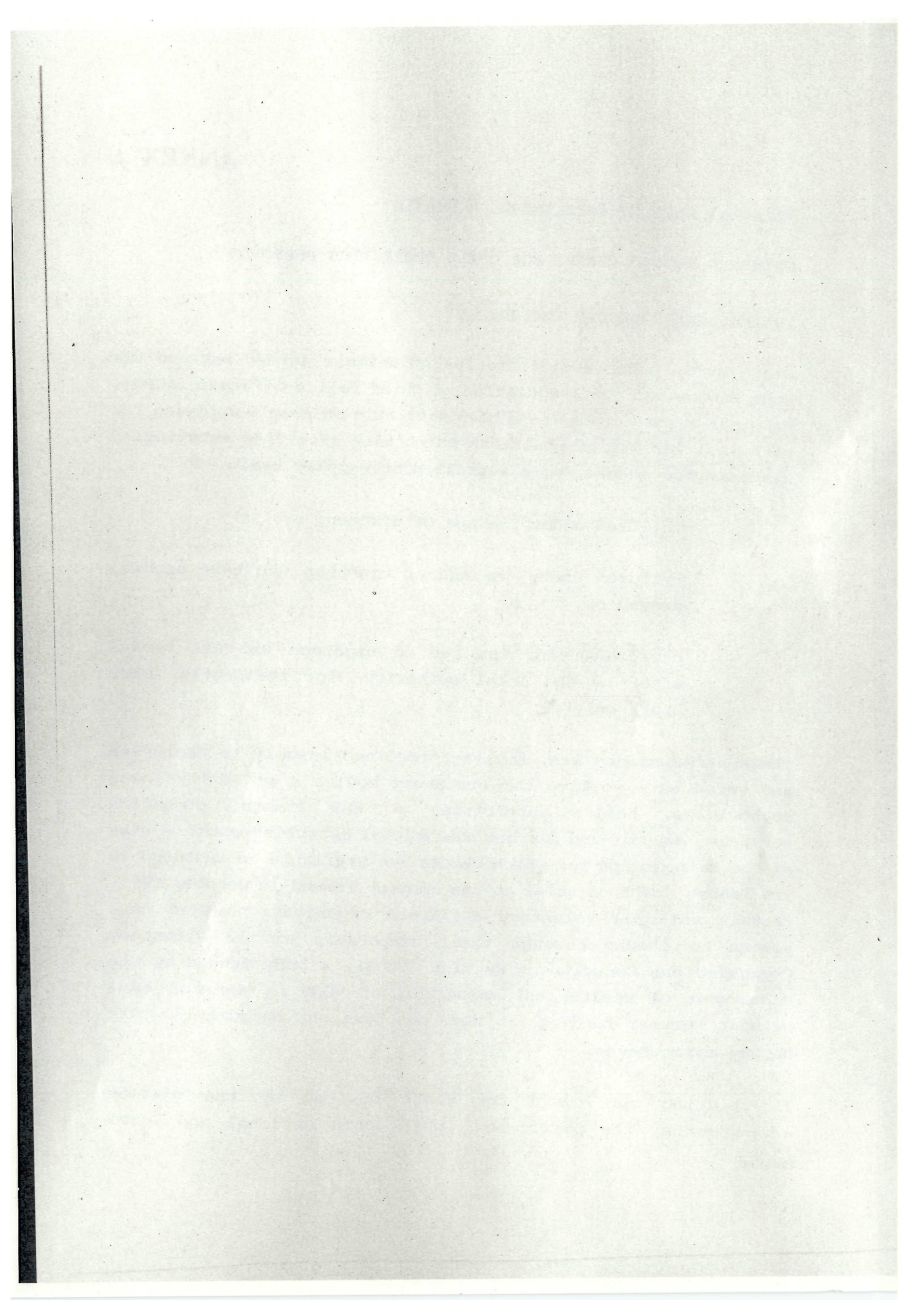
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