

Portability

What is portability?

Portability refers to the re-use of a Disclosure: a Disclosure obtained for a position in one organisation and later used for a position in another organisation. This guidance highlights the risk factors that recruiters will need to take into account when accepting Disclosures from another employment.

The overriding consideration must be the safety of those whom the Disclosure service is designed to protect. However, recruitment or licensing processes should not be more bureaucratic than necessary to ensure the safety of vulnerable people. Those who move frequently between short appointments may not wish to apply for a fresh Disclosure each time they seek a new position, especially if this occurs every few days. Similarly, those who take up two positions requiring Disclosures (for example, a full-time job and a weekend or voluntary position) at the same time may be able to avoid making two applications to the CRB.

What are the limitations and risks?

Portability carries some degree of risk. Before deciding whether to use portability the following factors must be taken into consideration:

- Disclosures carry no formal period of validity
- The information contained on a Disclosure reflects the information available as of the date of its issue
- Using portability does not constitute a fresh check
- A person's criminal record or other relevant information may have changed since the issue of the previous Disclosure
- You may be required by law to carry out a fresh check with the Protection of Children Act (PoCA) List and/or the Protection of Vulnerable Adults (POVA) List in certain circumstances thereby limiting the use of portability
- Always see an original Disclosure, not a photocopy as the Disclosure contains a number of security features to prevent tampering or forgery. Please see 'Disclosure Security Features' DIP 005 fact sheet
- Additional information may have been revealed in a separate letter to the previous Registered Body

Can Disclosures be used more than once?

If an organisation requires a Disclosure as part of the recruitment or licensing decision and the applicant offers an old Disclosure as proof of their suitability the employers must consider the following:

- *How old is the Disclosure?* The older it is, the less reliance should be placed upon it.
- *Is the old Disclosure of at least the same level as that required by the organisation?* If an Enhanced Disclosure is needed do not accept a Standard one.
- *Are all of the checks required by the organisation covered by the old Disclosure?* If the checks were not carried out the words **'Not requested'** will appear in each of the following boxes on the Disclosure. If checked and no information was found the words **'None recorded'** will be printed:

BOX 1 - Police Records of Convictions, Cautions, Reprimands and Warnings

BOX 2 - Protection of Children Act List information

BOX 3 - Protection of Vulnerable Adults List information

BOX 4 - Information from the list held under Section 142 of the Education Act 2002

BOX 5 - Other relevant information disclosed at the Chief Police Officer(s) discretion

Where a person moves between positions within a Registered Body, information revealed in a Disclosure may be passed onto the individual who is seeking to recruit the applicant.

Enhanced Disclosure Limitations

Enhanced Disclosures may contain 'approved' information. This is non-conviction information provided by the police from their local records. The Chief Police Officer in each force will decide what, if any, information to provide. The CRB will print this information on both the applicant's and the Countersignatory's copy.

Occasionally the Chief Police Officer may, if thought necessary in the interests of the prevention or detection of crime, release 'additional' information to the Countersignatory only, in the form of a separate letter.

If you choose to accept the applicant's copy, you will not know if any information was revealed in a separate letter to the previous Registered Body.

How does portability work for Disclosures?

Contacting the previous Registered Body

If an applicant presents you with a Disclosure, you must contact the previous Registered Body, named on the front page of the Disclosure.

Before doing so you should:

- Obtain the consent of the individual before contacting the previous Registered Body. A suggested form of words for the consent statement is as follows:

I, [name of candidate], having been offered a position as [title of position] at [name of organisation offering position] by [name of recruiting individual], consent to [person who countersigned original Disclosure application or the CRB, as appropriate] confirming such details relating to the Disclosure issued to me by the Criminal Records Bureau on [date of issue], reference number [number] with [name of recruiting individual] as may be necessary to assist with an assessment of my suitability for the position.

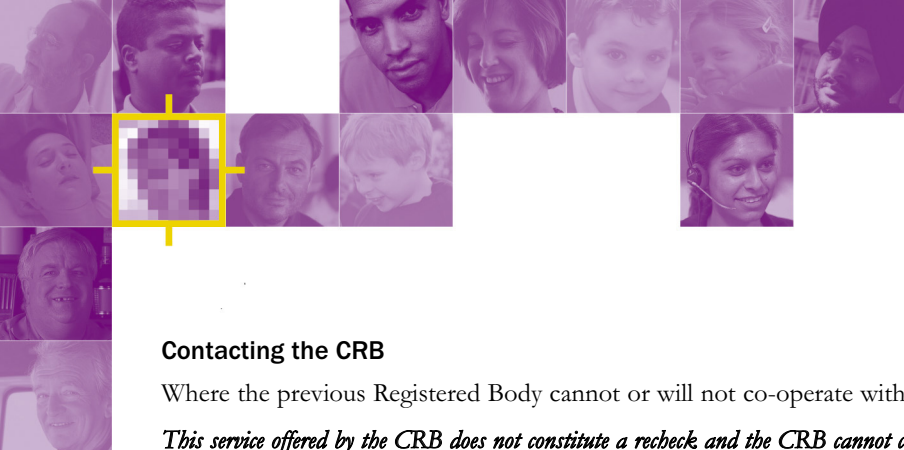
Then:

- Ask the applicant to sign a consent statement, a copy of which should then be passed (it may be faxed) to the previous Registered Body (copies should also be retained by the recruiter and the applicant).
- Ask the previous Registered Body to confirm the content of the Disclosure.
- If the Disclosure is Enhanced, ask the previous Registered Body whether the police, under cover of a separate letter, issued any additional information.

The previous Registered Body should:

- Satisfy themselves that the person making the enquiry is a genuine recruiter, by asking about or obtaining details of the organisation and the person making the enquiry.
- Confirm whether the information provided by the organisation reflects that which is on their copy of the Disclosure.
- If the Disclosure is Enhanced, only state if the police did or did not issue additional information issued under cover of a separate letter. They must not reveal the content of this information to you, as this would constitute a criminal offence. The candidate should not be witness to the conversation or be aware of the answer to the question.

In the unlikely event that information was issued to the Registered Body only, a fresh Disclosure application should be made. This will give the police the opportunity to share the additional information with them. If the Disclosure contains all of the information, the organisation can decide whether to accept the Disclosure.



Contacting the CRB

Where the previous Registered Body cannot or will not co-operate with your request, you can contact the CRB.

This service offered by the CRB does not constitute a recheck and the CRB cannot confirm if any changes in the applicant's data source records have occurred since the Disclosure was issued.

You should obtain a copy of the Portability Enquiry Form and Applicant Consent Statement from the CRB Portability Team:

Email: Portability@crb.gsi.gov.uk

The applicant must complete the Applicant Consent Statement and this must be retained for audit and assurance purposes. Do not send this to the CRB.

The Portability Enquiry Form should then be completed and e-mailed to the Portability Enquiry Team to the address details listed above.

The Portability Enquiry Team will respond to this request within two working days stating either:

- There is no record of any additional information issued in respect of the Disclosure; or
- I consider that Portability of the Disclosure is not appropriate in respect of the new position applied for. A new Disclosure application should be submitted.