

Guidance On Working Groups

- i) Any Committee or Sub-Committee can authorise the creation of a working group for specific advisory purposes.
- ii) The Committee or Sub-Committee should define the remit of the working group, the time for which it is expected to operate, and whether it is to comprise a specific political mix.
- iii) The Committee or Sub-Committee which sets up a working group may nominate Members to it, but political group leaders may appoint so far as the Committee or Sub-Committee does not do so, and may in any event change the appointed members of their groups from time to time.
- iv) Working groups may request papers and advice from the relevant Officers but authority must exist for the use of resources involved. Officers may seek instructions and authority from the appropriate Committee or Sub-Committee if it appears that the level of resource necessary may not be within authorised limits.
- v) Working groups should normally arrange to have present at least one Officer with relevant responsibilities. An Officer present at each meeting should produce a note of the working group's deliberations and advice, for report to the relevant Committee or Sub-Committee and to assist future meetings. Such a note should be clear and comprehensible but need not follow any set format although the more complex and significant the subject matter, the more likely it is that something in the style of a Committee Minute may be needed.
- vi) The views of a working group are advisory only, and Officers may not act upon them without the authority of the relevant Committee, Sub-Committee, or authorised Officer.
- vii) In all publicity and communications with members of the public, it must be made clear that the responsibility for the relevant decisions lies with the relevant Committee, Sub-Committee, or authorised Officer.

POLICY FOR SAFEGUARDING CHILDREN AND VULNERABLE ADULTSPromoting Good Practice in Runnymede

This policy is designed to help staff and members of the Council react in a timely and professional manner to any concerns raised through their contact with children, families and vulnerable adults in the course of their work. It is consistent with the Surrey Safeguarding children and the Surrey Safeguarding Adults guidelines. In this policy and the associated guidelines "children" includes anyone up to the age of 18. "Young people" includes anyone up to the age of 21. "Vulnerable adult", means a person aged 18 or over who has a condition of the following type: i) a learning or physical disability; ii) a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or iii) a reduction in physical or mental capacity.

Under the Safeguarding Vulnerable Groups Act 2006 a new regime for checking prospective workers by the Independent Safeguarding Authority will be introduced, with effect from October 2009. This policy will be revised at that time.

The following key issues and actions are essential in order to promote good practice and to help safeguard children, young people and vulnerable adults, staff and volunteers working for, or accessing services provided by, Runnymede Borough Council.

Recruitment and Employment

It is not easy to recognise persons likely to abuse children, young people or vulnerable adults. It is therefore essential that all reasonable steps are taken to make sure that unsuitable people are prevented from working with vulnerable groups. A standard approach is therefore adopted with regard to recruitment and employment of paid and voluntary staff, whether they are working on a temporary, part-time or full-time basis.

The following actions must apply to the recruitment of all staff working with children and vulnerable adults, including previous staff who have had a break in employment exceeding three months:

Action:

- i) Compile a full job description and person specification for each job, and require the completion of an application form. This is in accordance with the Council's standard recruitment procedure and ensures parity of opportunity and a consistent approach. Internal applicants will be given the option of allowing their original application form to be copied with the application for the new post (the Council itself having records covering the subsequent period) or completing a new form. Either way the relevant managers must satisfy themselves that they have scrutinised the same information as is required for external applicants.
- ii) All volunteers and staff working with children or young people or vulnerable adults should complete an application form providing at a minimum their name, contact details, qualifications and experience, and referees.
- iii) Request and check qualifications and details of competence from governing bodies and educational establishments, where appropriate. The Departmental Manager responsible for the appointment will determine this.
- iv) Take up a minimum of one reference from previous employers and, wherever possible, include at least one which involves working with the appropriate class of vulnerable people (children, young people or vulnerable adults). No appointment should be made without at least one written reference being obtained. Where a candidate for appointment has lived or worked abroad, the appropriate manager, in consultation with the Personnel section, will determine whether any additional enquiries or checks are appropriate, in a manner similar to those suggested at paragraphs 4.65 to 4.71 of the DfES guidance "Safeguarding Children and Safer Recruitment in Education" effective from 1st January 2007.
- v) Require each applicant to apply for either (i) an enhanced Criminal Records Bureau check, for anyone whose duties will involve **regularly** caring for, training, supervising or being in sole charge of vulnerable adults or persons aged under 18, or will be in a post where Ofsted or another relevant agency requires an enhanced check; or (ii) a standard Criminal Records Bureau check, for anyone whose normal duties

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will **include** caring for, training, supervising or being in sole charge of vulnerable adults or persons aged under 18.

Applicants must submit two forms of identification, and verification of their address for the previous five years, for these checks to be made. Applications to the CRB are made through the Personnel section.

- vi) Issue a statement of the terms of employment/engagement.
- vii) Establish a review procedure appropriate to the role of staff and the period of employment to include regular supervision by the nominated manager. **It is important to note that good supervision, management and risk assessment are required to safeguard young or vulnerable people; a CRB check is only one safeguard, being a snapshot of an individual's criminal record. It is not and cannot be a substitute for effective management of services.**

Checks after appointment

1. If an employee applies for a different job within the authority, and the new job would require a CRB check, the employee will be asked to have the same level of CRB check as would apply to outside applicants, unless they have already had one at the appropriate level and for the appropriate purpose within the previous three months.
2. In addition to (1) above, the Council will ask staff who have already been the subject of a CRB check to agree to a further CRB check (at standard level) in the following circumstances, which are intended to be analogous to the regime recommended for educational establishments by the Department for Children, Schools and Families:
 - i) If the individual moves to work that involves greater contact with children or vulnerable adults, and their previous work did not require a CRB Enhanced Disclosure; or
 - ii) If the individual's manager believes that it is necessary to verify that no offences relevant to children or vulnerable adults have been recorded.
3. The Council will ask staff who have **not** previously been subject to a CRB check (or a Police check under the older regime) by virtue of their employment with the Council to agree to a standard-level CRB check if they occupy a job which would now require a CRB check by reason of its involvement with children or vulnerable adults if the post were being filled, whether or not there has been a change in duties.

Except for checks under (1) above, all checks on existing staff will be at standard level.

If existing staff refuse a CRB check or if a CRB check is undertaken and reveals a relevant offence then the relevant managers will undertake a risk assessment and determine to what extent their duties should be adjusted. This decision should normally be taken at Director level following confidential consultation with the Chief Executive Officer, the Personnel Manager, and other Directors.

Paragraph (vii) in the section above also applies to existing staff, with or without a CRB check.

Under general employment law there are rare circumstances in which conviction of a criminal offence could threaten the employment relationship. The Council will treat each case fairly and on its merits, and will not be looking automatically to dismiss staff subject to this policy who are convicted of an offence.

Disclosure by staff

The approach to existing staff who commit a criminal offence whilst employed by the Council will be one of risk management, as outlined above, in the absence of any disciplinary or capability issues for the employer.

However staff working with children or vulnerable adults are in a position of trust and are expected to make full disclosure to their line manager or Director if they are charged with an offence, and of any offence of which they

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are convicted, in order that the employer can consider what action is appropriate under this policy. Failure to do so may be regarded as a disciplinary offence.

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Training and Education

The provision of good quality training and information is recognised as essential in raising awareness and addressing safeguarding issues, so that staff and volunteers are aware of and sensitive to potential risks.

Action:

All staff must be vigilant to avoid putting themselves in a vulnerable situation, and should refer to the Council's procedure for "Avoiding violence at work" for advice about home visiting and dealing with children and vulnerable people.

Each department will nominate an officer, with their agreement, for the duties below. (Administration and Leisure, and Housing and Community Services, will nominate two). The duties should be properly explained before nomination and the nominating department must be satisfied that the nominated officers are at an appropriate grade to undertake these duties. These officers will participate in Surrey Safeguarding Board's multi-agency training (either for child protection or vulnerable adults) and will then:

- i) Work with managers to provide an appropriate induction programme to familiarise new staff with their role and that of the organisation in general with specific reference to safeguarding issues. Where a member of staff is not employed on a permanent contract, it will be the responsibility of the manager employing them to ensure they understand their role with reference to legal obligations and safeguarding issues.
- ii) Prepare and distribute basic instructions to all new staff about what to do if they are concerned that abuse may be taking place.
- iii) Provide and promote an ongoing programme of training opportunities within the framework of the Surrey Safeguarding Board's procedures.
- iv) Ensure that relevant Council Officers are kept updated on current information and policies regarding the protection of children and vulnerable adults.
- v) Attend quarterly meetings of officers overseeing safeguarding issues in other departments to ensure information is shared.
- iv) Provide copies of the Council's Safeguarding Policy to partner agencies, contractors and clubs.

Responding to Suspicions and Allegations of Abuse

It is not the responsibility of anyone working under the auspices of a Runnymede Borough Council, in a paid or voluntary capacity, to decide whether or not abuse is taking place. However, the Council will protect vulnerable people and report suspicions, in order that the appropriate agencies can make enquiries and take any necessary action to protect them.

Surrey County Council, through its Social Services Department, has a duty under the Children Act 1989 to ensure the welfare of the child. This duty is undertaken by Surrey's Children's Services. When a child protection referral is made, its staff have a legal responsibility to investigate. This may involve talking to the child or young person and their family, and gathering information from other people who know the child or young person. Enquiries may be carried out jointly with the police.

Surrey Adults and Community Care teams have a duty to investigate and co-ordinate the response to allegations of abuse of vulnerable adults within Surrey.

Runnymede staff and volunteers will follow the instructions below.

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What to do if you suspect abuse or have concerns about a situation:

- i) Report your concerns to the manager who takes the lead role for safeguarding within your department.
- ii) If you have concerns about that member of staff, the concerns will need to be shared with the member of staff's manager and Director, either directly, or with advice from the Council's Personnel Manager. If the Director or Personnel Manager is absent, speak to the most senior available representative.
- iii) Where concerns are raised, the manager will consult colleagues responsible for safeguarding in other departments, to see whether other staff have raised concerns about related issues. Concerns will be relayed to the Children's Service assessment team or the Adults and Community Care team. Depending on the type of working relationship, the manager may be required to notify parents or carers of the referral, but only if this would not compromise the vulnerable person's welfare.
- iv) If it is agreed that a referral to Children or Adults services will be made, the assessment team will need an accurate record of all facts about injuries, times of injuries (if known), explanations given, action taken and by whom action has been taken. Surrey is introducing a "common assessment framework" which is the basis on which information should be submitted to the assessment teams. Wherever possible, these should be collected by the person who has raised the initial concern. However, Runnymede Borough Council staff must not attempt to undertake an investigation themselves, or ask leading questions of any vulnerable person or family involved, as this could put a later investigation in jeopardy.
- v) A referral to the Children's Services assessment team can be made by phone, but must be confirmed in writing by the referring officer within 48 hours. A response should be received within 24 hours. If none is received, the referring officer should chase it up. Following referral to Adult Services, a decision will be taken within 4 hours between Adults and Community Care/Integrated Health and Social Care/Mental Health Team and the Police, as to who will lead the investigation, and to take whatever action may be necessary to safeguard the individual and/or others.
- vi) If a manager decides not to make a referral, staff are not prohibited from making referrals to the relevant assessment team as individuals.
- vii) Should an allegation of abuse be made against a member of the Council's staff and if in the light of preliminary investigation it appears that the allegation is neither frivolous, malicious or vexatious the member of staff will be suspended on full pay and the matter investigated in accordance with the Council's disciplinary procedures as they apply to potential cases of gross misconduct. Suspension is a means of ensuring allegations can be fully investigated without the member of staff needing to face other members of their team or explain their actions. Information relating to the investigation should be shared only with those who have an essential need to know.

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Communication

To ensure that this Safeguarding Policy is effective, relevant managers and safeguarding representatives will ensure its issues and recommendations are communicated to and adopted by all staff and volunteers who come into contact with children, young and vulnerable people, and that partner bodies are involved in the exchange of knowledge and best practice. It is also important to ensure staff and volunteers are aware of their own vulnerability, and that departmental protocols are established and adhered to in order to reduce risk to staff or unsubstantiated allegations.

Action :

The Council, in partnership with other agencies will:

- i) Seek to raise awareness of safeguarding issues at a local level through disseminating its own policies and co-ordinating training, where appropriate.
- ii) Encourage the development of safeguarding policies in local clubs and voluntary organisations.
- iii) Share information to safeguard vulnerable people according to the Surrey Information Sharing protocol.

APPENDICES:

GUIDANCE ON RECRUITMENT, TRAINING AND OTHER SERVICE-SPECIFIC ASPECTS DEPARTMENTS SHOULD CONSIDER

POSTS CONSIDERED APPROPRIATE FOR CRB CHECKS IN RELATION TO SAFEGUARDING

GUIDANCE ON RECRUITMENT, TRAINING AND OTHER SERVICE-SPECIFIC ASPECTS DEPARTMENTS SHOULD CONSIDER

IN GENERAL

- 1) Be aware of the Council's criteria for undertaking checks and consider which of your staff, if any, fall into the exempt categories we are legally able to undertake CRB checks for.
- 2) If custom and practice mean that you are going to be asking someone whose job title may not reflect it, to have regular contact with children or vulnerable adults, ensure this is made clear in your request for a CRB check and reflected in updated job descriptions.
- 3) Ensure Personnel are aware of which posts have responsibilities requiring a CRB check, particularly when appointing to new posts or requesting checks on existing staff.
- 4) Bear in mind that a CRB check is a "snapshot" of someone's existing record. Having a clear CRB check does not mean that someone hasn't offended (and just not been caught) or won't offend. It is therefore no more a substitute for effective supervision and management than an initial reference.
- 5) Consider the elements of the post – and also the likelihood of your members of staff being isolated when away from the office. Vulnerable people can be perpetrators as well as victims of abuse. Ensure staff inform colleagues about where they're going and when they will be back and that they visit homes in pairs, if at all feasible or meet with vulnerable children & adults in a setting where there are other people around.
- 6) Do you have requirements from other bodies with whom your services are registered for either standard or CRB checks (eg. OFSTED) ?
- 7) Remember that there are also other pieces of legislation which employers and employees must observe, in relation to Data Protection and general employment law that also protect the public, but managers need to be aware of these in their daily contact with staff.

EMPLOYING CASUAL STAFF

- 1) The section will need to balance the need for immediate staffing (which is often why casual staff are required) against the risk to vulnerable people and the general public in employing someone who is not fully vetted. There is always a risk that someone who is only working with you for a short time will not be properly vetted or managed as their employment often takes place at a time of pressure. However, because of that, the risk of employing someone who may wish to take advantage of vulnerable people, is higher.
- 2) Consider what you will be expecting the staff to do and whether they are likely to have regular, unsupervised contact with children or vulnerable adults and should therefore be considered as needing a CRB check
- 3) In line with the safeguarding policy and Council's employment policies, references should always be taken up.
- 4) If there is not time to undertake a CRB check before starting employment, preference should be given to candidates who are able to supply solid references for their experience of working with children.
- 5) If the candidate offers an existing CRB disclosure that is recent, this may minimise the risk, particularly if it is backed up by one or two good references.
- 6) Equally, if the candidate is currently working in a setting that involves work with vulnerable children or adults (youth work/teaching/a care home) and has a good reference, this may also minimise the risk.

- 7) If at all possible CRB and any other relevant checks should have been completed before a person starts work. If it is necessary for them to start earlier than this and a candidate is employed "subject to a satisfactory CRB check" they must be properly supervised on a daily basis, particularly at times of contact with children or vulnerable adults. Supervisors need to be trained themselves and aware of what constitutes "good" or "poor" practice within the context of their environment. This will vary depending on the ages and vulnerability of the people staff are working with. It might include guidance on not being alone with children or vulnerable adults (for instance ensuring relatives or colleagues are present), not touching, not exchanging phone numbers or addresses that are not required for the purpose of the Council's business, not passing on personal information to a third party without taking adequate precautions.

RELATED ISSUES

- 1) Photography. Various governing bodies and government departments have guidance on the use of images of children and this could also apply to vulnerable adults. If you are likely to want to use photos of children in publicity (press releases, brochures, websites), parents and guardians must be made aware of what sort of publicity is likely to be involved and give their consent. Suitable forms are available.
- 2) Work experience. As many work experience arrangements are not made via Personnel, it is sensible for departments to develop their own guidelines about the balance between making the placement interesting for young people and risk assessment. These might include site visits, 1:1 supervision in off-site settings, etc.

Criteria for deciding which posts should be CRB checked on appointment

Introduction/background

The Rehabilitation of Offenders Act 1974 gives all offenders the right to have their criminal record kept confidentially. For most categories of offences, the record is "spent" after a specified period. However, the Police Act 1997 defines categories of employment that are exempt from the Rehabilitation of Offenders Act and gives the Criminal Records Bureau (CRB) power to disclose convictions for people whose employment falls within these exempt categories. Organisations applying for CRB checks (such as potential employers) have to be registered with the CRB and specify under which of the criteria they are requesting checks to be done.

The Criminal Records Bureau (CRB) will not give advice about specific posts which should or should not be subject to standard and/or enhanced disclosure, beyond what is on their website. It is for the authority to decide which posts will and will not be subject to CRB checks within CRB guidelines, knowledge of the posts and an assessment of the relevant risks.

The following are some of the categories identified in the Police Act, against which the CRB will undertake disclosures. It is considered that certain Runnymede Borough Council posts, where they are in a position of trust or authority in relation to children or vulnerable adults, could fall into these categories.

Working with children	
A position whose normal duties include work on day care premises	02
A position whose normal duties include caring for, training, supervising or being in sole charge of children	03
A position whose normal duties involve unsupervised contact with children under arrangements made by a responsible person	04
A position whose substantial part of normal duties includes supervising or training children under the age of 16 in the course of the child's employment	06
A member of a relevant local government body (i.e. one involved in discharging any education functions or social services functions or part of the executive, an area committee or other committee of that local authority body).	08
A person whose normal duties include supervising or managing an individual in his work in a regulated position	09

Working with vulnerable adults	
A person who regularly cares for, trains, supervises or is in sole charge of vulnerable adults is entitled to an enhanced disclosure .	10
The definition of a vulnerable adult includes the following conditions and disabilities: <ul style="list-style-type: none"> • Learning or physical disability • Physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs • A reduction in physical or mental capacity <p>Causing:</p> <ul style="list-style-type: none"> • A dependency upon others in the performance of, or a requirement for assistance in the performance of basic physical functions • Severe impairment in the ability to communicate with others • Impairment in a person's ability to protect him or herself from assault, abuse or neglect. 	
The services include: <ul style="list-style-type: none"> • Personal care or support to live independently • Social care services • Any services provided in an establishment catering for a person with learning difficulties. 	
There is entitlement to standard disclosure for any employment or other work which is concerned with the provision of care services to vulnerable adults and is of the kind to enable the holder of that employment or the person engaged in that work to have access to vulnerable adults in receipt of such services in the course of his/her normal duties.	

There are also a number of professions that are covered by the criteria, including chartered accountants, solicitors and legal executives.

Standard or enhanced checks – definitions and process

A standard CRB check is a check that is undertaken on all national police databases. This will include a check of "List 99" – a list maintained by the Government of those barred from working with children – if the application includes a statement that the application is required to assess the applicant's suitability to work with children. The staff countersigning the form must ensure that this is done in appropriate cases. The disclosure will include warnings and cautions as well as offences committed.

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.

Where the police issue a separate letter, the Countersignatory's copy of the Enhanced Disclosure will contain the following words '**Please refer to letter sent under separate cover**', printed under the '*date of issue*' on the Disclosure.

Please note that the applicant's copy of the Disclosure will not refer to this information. It is an offence to share this information with the applicant, or any other party (please refer to annex for guidance about the use of this information). It would therefore not be possible to disclose

this information in refusing an offer of employment. Nor would it be possible to take any action against an existing member of staff on the basis of this additional information.

CRB disclosure certificates are sent to the applicant (the individual concerned) and to the registered body that has requested the check (RBC in our case). It is for individuals to take their certificates to any future employers for consideration; RBC should never pass the information revealed in a CRB check onto third parties.

Council policy and posts for which CRB checks apply

The Council's Safeguarding Policy, on the basis of CRB guidance, requires standard level checks for people whose normal duties will **include** caring for, training, supervising or being in sole charge of children and vulnerable adults, and enhanced checks for people whose duties will involve **regularly** caring for, training, supervising or being in sole charge of children or vulnerable adults. Enhanced checks for some positions (e.g. certain playscheme workers) may be required by Ofsted. "Children" can include anyone under 18.

Directors will review all posts within their department, identify those that should be subject to CRB clearance and consider whether an enhanced or standard check is required for members of their staff. The list should be agreed with the safeguarding representative in their division and the Personnel Manager. Doubtful or disputed cases must be referred for legal advice. In view of the fact that duties change, managers should consult the safeguarding policy and consider whether an enhanced or standard check is required for members of their staff when preparing paperwork for recruitment. If in doubt managers should confer with the legal division and/or Personnel Manager.

New posts requiring CRB checks will be notified by appointing managers to Personnel during the recruitment process. If a CRB check is identified as being required it will be undertaken prior to appointment. If staff are required to start before the disclosure is received, it must be made clear that their appointment is subject to a satisfactory CRB clearance. If these staff are working directly with children a List 99 disclosure must be obtained before they start. Any new members of staff may begin their employment before their CRB check has been received on the proviso that they are not left alone with children or vulnerable adults until their CRB disclosure has been received.

Personnel will maintain the list of established posts which are required to have a CRB clearance. Managers appointing casual staff will confer with the Personnel section about whether the duties they are expected to perform should mean they have a CRB check.

The following have been identified as posts which may require CRB checks, for the reasons given. It is for guidance only. All posts in each department must be reviewed.

The postholder will have responsibility for supervising children's activities or for taking care of children, for example but not exclusively:

- Playschemes and Splash site staff [*]
- Sports coaches and leisure centre staff such as duty managers and recreation assistants
- Crèche supervisors [*]
- Staff operating a Junior Citizen initiative
- Appropriate Museum staff

[*] Ofsted require that enhanced CRB checks are undertaken on these staff and will request that inspectors see the individual's disclosure at any time.

The postholder's normal duties involve unsupervised contact with children under arrangements made by the child's parents or guardians or another "responsible person".

All staff working on premises where playschemes for the under-8's are run

The postholder's regular duties involve the care, supervision or training of vulnerable adults, for example, but not exclusively:

Sheltered housing managers
Day centre managers and care assistants
Officers required to visit the elderly or vulnerable as a routine part of their duties.

Safer Runnymede operators are required to have CRB checks. They will be subject to a licensing scheme from next year and their CRB checks will be undertaken by the licensing authority.

Annex 1

CRB NOTES RELATING TO ENHANCED CHECKS

Confidentiality

The letter, containing the additional information, should be handled, stored, retained and used in exactly the same way as any other Disclosure information and in accordance with the Code of Practice and other guidance. However, in addition to this, ***the information contained within the letter must never be revealed to the applicant or be shown to the applicant or to any other person not involved with the recruitment decision.***

Criminal Offence

It is a criminal offence under the Police Act 1997 to reveal the information contained within the letter to the applicant or another person who is not involved with the recruitment decision, without the written permission of the Chief Police Officer.

Making an informed decision

If, after receiving a letter containing the additional information from a Chief Police Officer, you decide to withdraw the provisional offer of appointment, the applicant will need to be informed of that decision. It may be that you can justify such a decision based on the information contained on the Enhanced Disclosure; or it may be that it is the information contained in the separate letter that makes the person unsuitable.

In this circumstance, the conversation with the applicant may be difficult to conduct and recruiters may wish to take professional advice before proceeding. Further advice and guidance is available from the Chartered Institute of Personal Development (CIPD), in their *Practical Guide to Employing Ex-offenders*, available from the CRB website.

It will perhaps be sufficient for recruiters to explain that, having taken up a number of references and enquiries, it has been decided not to confirm their offer.