

AGENDA ITEM NO.

ISLE OF ANGLESEY COUNTY COUNCIL	
REPORT TO	MEETING OF THE BOARD OF COMMISSIONERS
DATE	26th April 2011
SUBJECT	(Draft) Corporate Criminal Records Policy Adopting the Policy as set out below.
PORTFOLIO HOLDER(S)	Commissioner Mr Mick Giannasi
LEAD OFFICER(S)	Lynn Ball Director of Legal and Committee Services/Monitoring Officer
CONTACT OFFICER	Senior Solicitor OR Hughes (Children's Services)

1. Please confirm the nature of the report by ticking one of the following boxes:

For information.....

Operational.....

Strategic.....

2. Reason/s why a decision required by the Commissioners

a) Attached copy Report to full Council 8th March 2011. Council resolved not to adopt the Policy but to defer further discussion until the next Council meeting when the Information Commissioner was invited to be present.

b) Attached copy Monitoring Officer's letter to Council members 18th March 2011 which sets out the points made by members, the answers given in Council debate and the Monitoring Officer's opinion.

c) Attached outcome of consultations with Group Leaders, elected members, Standards Committee. The Policy was approved by the Information Commissioner's Office; he confirmed on 11th April 2011 that no one will be able to attend Council Meeting. It is intended to offer members a training/awareness session prior to the next Council.

3. Report summary

- a) The Council does not have a Corporate CRB Policy in place. The Council is exposed to unacceptable risk of criminal and civil liability as employer and commissioner of services to children and vulnerable adults and as a data holder.
- b) The Policy regulates obtaining and processing CRB information for permanent and temporary staff, independent contractors and volunteers, elected and co-opted members. It complies fully with the Data Protection Act 1998 and has been approved by the Office of the Information Commissioner.
- c) It has been the subject of internal and external consultations and is consistent with other corporate Policies.
- d) It provides uniform guidance to establish a consistent corporate approach to risk assessing each situation of significant contact with children and vulnerable people.
- e) The Local Government (Wales) Measure 2009 the Isle of Anglesey County Council 16th March 2011 and the 2011 Direction enables the Commissioners to adopt those parts of the Policy relating to permanent and temporary staff, independent contractors and volunteers.
- f) The proposal that elected and co-opted members undertake an enhanced CRB check can only be taken by the members in full Council.

4. Recommendation/s and reasons

By O.R.Hughes Senior Solicitor (Children's Services) and the Monitoring Officer :-

- a) That the Commissioners resolve to adopt the Policy in relation to employees, independent contractors and volunteers on behalf of the Council, and
- b) That the Commissioners recommend the Policy in relation to elected and co-opted members is adopted by full Council because :
 - i) s.80 Local Government Act 1972 disqualifies persons from holding office if sentenced to a 3 month prison sentence or a suspended 3 month prison sentence within past 5 years. No such check is carried out by the Council.
 - ii) Elected members are expected to take an active role in visiting Council homes e.g. care and children's homes. This is a check and balance on the discharge of the Council's duties towards these vulnerable people, the undertaking of such a role ought to be safe for all.
 - iii) Elected members take a central role in establishing budgets and policies to serve vulnerable people.
 - iv) Elected members are encouraged to become school governors. The Director of education has recently reminded school governing bodies of their need to establish child protection procedures for every school including the ability of

each school to request that each governor undertake a CRB check. The failure of schools to obtain such CRB checks was highlighted recently in a critical audit of a school in Rhyl where it was found that only 8 out of 15 governors were CRB checked.

- v) An initial round of CRB checks of members was undertaken in 2008, the response was positive on the whole but some information revealed by this process led to CRB processing issues. Not all members complied so that a voluntary process is not considered an adequate substitute for a formal Policy.
- vi) The Council is subject to intervention by the Welsh Assembly on grounds based upon inappropriate behaviour by members. Adopting the Policy reflects an acknowledgement of the importance of the role played by elected members in their communities. That they are qualified to take office, that they can be trusted by their electors with sensitive enquiries and are themselves of good standing.
- vii) The Council appoints members to outside bodies who ought to be able to rely unquestionably about that member's ability to undertake every aspect of that appointment.

5. Other options and reason/s for rejection

The Policy may need to be reviewed if there are changes in the law e.g. by the "Freedoms Bill". The Barring and Vetting legislation originally intended to come into force in the Autumn of 2010 was held back due to concerns about what was seen as an overzealous approach, particularly towards parents and volunteers. The draft Policy establishes a case by case risk assessment of each situation and will only require CRB checks if there is significant unsupervised contact with children and vulnerable adults – so that a parent accompanying teachers on a school trip would not require a CRB check but one that regularly gives one to one assistance to a young child in a closed environment would require CRB clearance.

6. Consultation

- 6.1 Finance/Section 151..... yes..... no
- 6.2 Legal/Monitoring Officer..... yes..... no
- 6.3 Human Resources..... yes..... no..... n/a
- 6.4 Property Services..... yes..... no..... n/a
- 6.5 Communications Unit..... yes..... no

6.6 Others consulted (including members): acting Managing Director , Corporate Directors, Corporate Information Officer, Human Resources Services, every elected member and the Information Commissioner's Office.

7. Any Policy Framework issues

No

8. Environmental issues

Does the item/matter have regard to:

1. Wildlife (biodiversity) under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006* yes..... no..... n/a

2. Anglesey's Area of Outstanding Natural Beauty (AONB) under Section 85 of the Countryside and Rights of Way Act 2000** yes..... no..... n/a

(* Ecological and Environmental Advisor can advise: ext. 2470)

(** Countryside and AONB Officer can advise: ext. 2429)

[Notes](#)

9. Background papers

1. The draft Policy
2. Result of consultations
3. Report to Council
4. draft Council minutes
5. letter 15.3.2011

**Cyngor Sir Ynys Môn/Isle of Anglesey County
Council**

**POLISI GWIRIADAU
TROSEDDOL
DRAFFT /**

**CRIMINAL
RECORDS POLICY**

Mae'r Polisi hwn yn effeithio i) staff parhaol a dros dro ii) contractwyr annibynnol iii) aelodau etholedig a chyfetholedig iv) gwirfoddolwyr /

This Policy applies to i) permanent and temporary staff ii) independent contractors iii) elected and co-opted members and iv) volunteers.

Paratowyd gan / Prepared by:	O.R.Hughes
Arweinyddion Grwpiau / Group Leaders	07.12.2010
Pwyllgor Safonau / Standards Committee	14.12.2010
Holl aelodau etholedig / every Elected Member	12.01.2011
Cyngor Llawn / Full Council:	08.03.2011
Comisiynwyr/ Commissioners	
Gweithredwyd / Implemented:	

Cyngor Sir Ynys Môn/Isle of Anglesey County Council

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POLISI GWIRIADAU TROSEDDOL

Cyflwyniad

Mae pob Awdurdod Lleol yn ymwneud yn agos â nifer o agweddau o fywyd yn y gymuned. Mae'r rhan fwyaf o aelodau'r gymuned yn ddigon tebol i arwain eu bywydau a bywydau eu teuluoedd yn ddiogel. Caiff uniondeb y gymuned ei ddiogelu gan ddeddfau a dyletswyddau a orfodir ar asiantaethau statudol i gynnal ymchwiliadau ac i warchod unigolion rhag niwed

Mae dyletswydd foisol ar y gymuned yn ei chyfanrwydd tuag at unigolion sydd ddim yn gallu sicrhau eu diogelwch eu hunain, mae'r rhan fwyaf o'r bobl hyn, a ddiffinnir yn y polisi hwn fel "pobl fregus", yn derbyn gwasanaethau gan Gyngor Sir Ynys Môn ("yr Awdurdod Lleol"). Mae'n ddyletswydd ar yr Awdurdod Lleol i sicrhau bod y sawl y mae'n ei gyflogi, y sawl sy'n ei gynrychioli a'r sawl sy'n ymgymryd â rôl sensitif o fewn yr awdurdod, yn addas. Mae hyn yn fodd i ddarparu gwasanaethau yn ddiogel i gleientiaid ac i ennyn hyder y cyhoedd yn uniondeb yr Awdurdod Lleol.

Mae'r Awdurdod Lleol wedi ei gofrestru i gynnal gwiriadau gyda'r Swyddfa Cofnodiadau Troseddol sy'n ychwanegol at wiriadau eraill i gefndir, cymeriad ac archwiliadau eraill. Mae pob Cyfadran yn yr Awdurdod ("Cyfadran") yn gyfrifol am weithredu'r polisi corfforaethol hwn a gall ychwanegu ato ganllawiau mewnol ychwanegol i staff sy'n ymgymryd â'r broses wirio - er enghraifft gwneud gwiriad cefndir gydag unrhyw gorff proffesiynol y mae'r ymgeisydd yn aelod ohono.

Mae'r polisi hwn yn berthnasol i i) staff parhaol a dros dro; ii) contractwyr annibynnol; iii) aelodau etholedig a chyfetholedig a iv) gwirfoddolwyr.

SYLWER:

Efallai y bydd gan berson a effeithir gan y Polisi hwn wiriad SCT cyfredol i'r lefel Uwch neu'r lefel Safonol angenrheidiol. Mae'r Awdurdod Lleol yn caniatáu i'r Gyfadran berthnasol ddisgresiwn i dderbyn y gwiriad SCT gwreiddiol ynghyd â'r dystiolaeth angenrheidiol i gadarnhau pwy yw'r

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CRIMINAL RECORDS POLICY

Introduction

All Local Authorities are closely involved with many aspects of life in the community. Most members of the community are capable of conducting their life, and that of their families, safely. The integrity of the community is protected by laws and duties imposed upon statutory agencies to investigate and protect individuals from harm.

The community as a whole has a moral duty towards individuals who are not capable of ensuring their own safety, most of these people, defined in this Policy as "vulnerable people" receive services from Cyngor Sir Ynys Môn/Isle of Anglesey County Council ("the Local Authority"). The Local Authority has a duty to ensure the suitability of those employed, those representing it and those undertaking a sensitive role within it. This enables safe delivery of services to clients and public confidence in the integrity of the Local Authority.

The Local Authority is registered to undertake checks with the Criminal Records Bureau ("CRB") which supplement background, character and other vetting checks. Each Directorate within the Authority ("Directorate") is responsible for implementing this corporate policy and may supplement it with additional internal guidance to staff undertaking the checking process - for example instigating a background check with any professional body with which the applicant is a member.

This policy applies to i) permanent and temporary staff ii) independent contractors iii) elected and co-opted members and iv) volunteers.

NOTE:

A person affected by this Policy may already have a current CRB check to the necessary Enhanced or Standard level. The Local Authority allows the relevant Directorate discretion to accept production of the original CRB check together with the necessary

person (gweler C1d isod) ar yr amod nad yw'r gwiriad SCT yn fwy nag 1 oed. Nid yw hyn yn gwneud i fwrdd â'r angen i adnewyddu gwiriad SCT o'r fath yn unol â'r polisi hwn.

Mae'r polisi hwn yn seiliedig ar ddeddfwriaeth a chanllawiau cyfredol perthnasol, gan gynnwys y Côd Ymarfer ar gyfer Personau cofrestredig ac eraill sy'n derbyn Gwybodaeth Datgeliad ("Côd Ymarfer SCT") a gyhoeddwyd gan yr SCT yn Ebrill 2009 mewn diwygiad www.disclosure.gov.uk

Bydd y Cyfarwyddwr sy'n cyflogi dilyn Polisi Recriwtio a Dethol gwasanaeth Adnoddau Dynol (adolygiad cyfredol Rhagfyr 2010).

A. Y GYFRAITH

- Deddf Adsefydlu Troseddwyd 1974
- Gorchymyn Deddf Adsefydlu Troseddwyd 1974 (Eithriadau) 1975
- Deddf yr Heddlu 1997
- Deddf Diogelu Data 1998
- Deddf Diogelu Plant 1999
- Deddf Safonau Gofal 2000
- Deddf Rhyddid Gwybodaeth 2000

B. Y MATHAU O WIRIADAU SCT – CYMERWYD O GÔD YMARFER YR SCT

1. Gwiriad Safonol

"Mae rhain yn bennaf ar gyfer swyddi sy'n ymwneud â gweithio gyda phlant neu oedolion bregus. Efallai y cynhelir gwiriadau safonol ar bobl sy'n mynd i mewn i rai proffesiynau megis aelodau o'r proffesiynau cyfreithiol a chyfrifeg. Mae'r gwiriad Safonol yn cynnwys manylion am yr holl euogfarnau sydd ar Gyfrifiadur Cenedlaethol yr Heddlu gan gynnwys yr euogfarnau cyfredol a rhai sydd wedi dod i ben ynghyd â manylion ynghylch unrhyw rybuddion, geryddau neu rybuddion terfynol. Os yw swydd yn ymwneud â gweithio gyda phlant, yna bydd gwiriad yr SCT yn nodi a oes gwybodaeth ar dair rhestr gan y llywodraeth o'r rheini sydd wedi eu gwahardd rhag gweithio gyda phlant neu bobl bregus."

identification evidence (see C1d below) provided the CRB is no more than 1 years old. This does not obviate the need to undertake a renewal of such a CRB check in accordance with this Policy.

This policy is based on relevant current legislation and guidance, including the Code of Practice for registered Persons and other recipients of Disclosure Information ("CRB Code of Practice") published by the CRB April 2009 revision www.disclosure.gov.uk

The employing Directorate will have regard to the Human Resources Services' Recruitment and Selection Policy (current revision December 2010).

A. LAW

- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
- Police Act 1997
- Data Protection Act 1998
- Protection of Children Act 1999
- Care Standards Act 2000
- Freedom of Information Act 2000

B. THE TYPES OF CRB CHECKS – TAKEN FROM THE CRB CODE OF PRACTICE

1. Standard check

"These are primarily for posts that involve working with children or vulnerable adults. Standard checks may also be issued for people entering certain professions, such as members of the legal and accountancy professions. The Standard check contains details of all convictions held on the Police National Computer ("PNC") including current and 'spent' convictions as well as details of any cautions, reprimands or final warnings. If a position involves working with children, the CRB check will indicate whether information is held on three government lists of those who are banned from working with children or the vulnerable."

2. Gwiriad Uwch

"Mae'r rhain ar gyfer swyddi sy'n golygu cyswllt llawer ehangach gyda phlant neu oedolion bregus. Yn gyffredinol, bydd y math o waith yn ymwneud â gofalu, goruchwyllo, hyfforddi neu bod yn hollol gyfrifol am bobl o'r fath a hynny'n rheolaidd. Mae enghreifftiau yn cynnwys Athrawon, Arweinydd Sgowntiaid neu Geidiaid. Caiff Datgeliadau Uwch hefyd eu gwneud ar gyfer rhai dibenion statudol megis trwyddedau gêm a loteri.

Mae'r lefel hon o wiriad yn golygu gwirio ar lefel uwch na'r rheini sy'n cael eu cynnal ar gyfer y SCT Safonol - gwiriad ar gofnodiadau'r heddlu lleol. Lle mae cofnodiadau'r heddlu lleol yn cynnwys gwybodaeth ychwanegol a all fod yn berthnasol i'r swydd y mae'r ymgeisydd yn cael ei ystyried ar ei chyfer, gall Prif Swyddog yr Heddlu ryddhau gwybodaeth ar gyfer ei chynnwys mewn gwiriad uwch".

Yn ychwanegol at hyn, mae'r Awdurdod Lleol wedi penderfynu y bydd angen gwiriad uwch ar gyfer y cyfan o'r swyddi isod oherwydd y cyswllt uniongyrchol sylweddol gyda phobl fregus neu'r sensitifrwydd penodol sy'n gysylltiedig gyda'u dyletswyddau o fewn yr Awdurdod i) pob aelod o'r Gwasanaethau Cymdeithasol; ii) Tai; iii) Hamdden a iv) Addysg (staff a chontractwyr annibynnol) ac, yn ogystal, v) pob aelod etholedig o'r Awdurdod.

3. Sut i benderfynu a oes angen Gwiriad Safonol nteu Wiriad uwch

a) Staff, Contractwyr Annibynnol a Gwirfoddolwyr:-

Bydd Cyfadrannau'n defnyddio'r rhestr wirio yn Atodiad A i gynnal asesiad risg ar bob swydd i benderfynu a oes angen gwiriad SCT, ar ba lefel a chan bwy. Caiff hyn ei gofnodi yn yr Adain Adnoddau Dynol.

b) Ni fydd unrhyw un sydd mewn swydd y mae angen gwiriad uwch ar ei chyfer yn cael cyswllt sylweddol heb oruchwyliaeth gyda phobl fregus, gweler nodiadau 3.1.4, 5 a 6.

c) Caiff yr holl wiriadau SCT eu hailgynnal bob 3 blynedd ar gyfer yr holl swyddi hynny y mae angen gwiriadau ar eu cyfer.

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2. Enhanced check

"These are for posts that involve a far greater degree of contact with children or vulnerable adults. In general the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Examples include a Teacher, Scout or Guide leader. Enhanced Disclosures are also issued for certain statutory purposes such as gaming and lottery licences.

This level of check involves an additional level of check to those carried out for the Standard CRB - a check on local police records. Where local police records contain additional information that may be relevant to the post the applicant is being considered for, the Chief Officer of Police may release information for inclusion in an Enhanced check."

In addition the Local Authority has decided that the following posts will all require an Enhanced check because of the significant direct contact with vulnerable people or the particular sensitivities involved with their duties within the Authority i) every member of Social Services ii) Housing iii) Leisure and iv) Education (staff and Independent contractors) and also v) every elected member of the Authority.

3. How to decide upon a Standard or an Enhanced check

a) Staff, Independent Contractors and Volunteers:-

Directorates will use the checklist in Appendix A to risk assess every post to determine whether, at what level CRB checks will be undertaken and by whom. This will be recorded with the Human Resources Section.

b) Anyone undertaking a post subject to an Enhanced check will not have unsupervised significant contact with vulnerable people see notes 3.1.4, 5, and 6.

c) All CRB checks will be repeated every 3 years for all those posts for which checks are required.

d) Efallai y bydd Cyfadrannau'n penderfynu ailgynnwch gwiriad SCT yn amlach neu'n newid y math o wiriad a hynny'n unol â'u disgresiwn. Bydd cyfrifoldeb ar Swyddogion unigol i roi gwybod i'r Cyngor am unrhyw amgylchiadau sy'n effeithio arnynt a fyddai neu a fyddai'n debygol o gael eu dangos ar y gwiriad SCT. Bydd methiant i hysbysu'r Cyngor yn cael ei ystyried fel mater disgyblu.

4. Diffiniadau ar gyfer eu defnyddio yn y polisi hwn.

"Pobl Fregus" – mae hyn yn cynnwys pob plentyn ac oedolyn bregus.

a) Mae'r plentyn yn rhywun sydd dan 18 oed (Deddf Plant 1989 a 105 (1)).

b) Diffinnir oedolyn bregus fel oedolyn "sydd angen neu a all fod angen gwasanaethau gofal cymunedol oherwydd anabledd meddyliol neu anabledd arall, oed neu salwch ac sydd ddim yn gallu neu efallai fydd ddim yn gallu gofalu amdano'i hun neu amdani ei hun neu'n methu gwarchod ei hun yn erbyn niwed sylweddol neu ecsbloetio difrifol" Comisiwn y Gyfraith (o "*Who decides?; Making decisions on behalf of mentally incapacitated adults 1997*" fel y cafodd ei fabwysiadu gan Bolisi a Gweithdrefn Gogledd Cymru ar gyfer diogelu Oedolion Bregus).

5. Gwybodaeth o'r SCT

Bydd Cyngor Sir Ynys Môn yn cydymffurfio gyda Deddf Diogelu Data 1998 a Chôd Ymarfer SCT ynghylch trin, defnyddio, storio, cadw a chael gwared o wiriadau a gwybodaeth a ddatgelwyd yn y modd cywir. Nodir hyn yn Atodiad C.

C. GWEITHDREFN

C1. Y drefn pan fydd yr Awdurdod Lleol yn recriwtio i swydd sydd angen gwiriad SCT.

a) Bydd pob swydd y mae angen gwiriad SCT ar ei chyfer yn cael ei hysbysebu fel un sy'n amodol ar wiriad SCT boddhaol. Bydd y pecyn ymgeisio ar gyfer swydd o'r fath yn cynnwys Datganiad Polisi'r Awdurdod ar Recriwtio cyn-

d) Directorates may decide to repeat a CRB check more frequently or change the type of check at their discretion.

It shall be the responsibility of individual Officers to notify the Council of any circumstance affecting them that would, or would be likely to, be demonstrated on the CRB check. Failure to advise the Council will be considered a disciplinary matter.

4. Definitions for use in this policy

"Vulnerable people" - these comprise all children and vulnerable adults.

a) A child is someone under the age of 18 years old (Children Act 1989 s105 (1)).

b) A vulnerable adult are defined as an adult who "is or may be, in need of community care services by reason of mental or other disability, age or illness and who is, or may be, unable to take care of himself or herself, or unable to protect himself or herself against significant harm or serious exploitation" Law Commission (from "*Who decides?; Making decisions on behalf of mentally incapacitated adults 1997*" as adopted by the North Wales Policy and procedure for the protection of Vulnerable Adults "POVA").

5. Information from the CRB.

Cyngor Sir Ynys Môn/Isle of Anglesey County Council will comply with the Data Protection Act 1998 and the CRB Code of Practice regarding the correct handling, use, storage, retention and disposal of Checks and Disclosure information. This is set out in Appendix C.

C. PROCEDURE

C1. Recruitment by the Local Authority in a post requiring a CRB check

a) Every post requiring a CRB check will be advertised as being conditional upon a satisfactory CRB check. The application pack for such a post will include the Authority's Policy Statement on the Recruitment of ex-

Droseddwyr (Atodiad B).

b) Ar gyfer pob swydd sydd angen gwiriad SCT, bydd raid datgelu'r holl droseddau gan gynnwys collfarnau sydd wedi dod i ben, manylion am unrhyw rybuddion neu geryddau. Mae cyflogi yn amodol ar wiriad SCT boddhaol.

c) Bydd Ffurflenni Datgeliadau SCT yn cael eu hanfon unwaith y bydd cynnig o swydd wedi cael ei dderbyn gyda'r nod na fydd cyflogaeth yn cychwyn hyd oni fydd gwiriad SCT boddhaol wedi dod yn ôl.

d) Bydd yr ymgeisydd ar gyfer y swydd yn cadarnhau pwy ydyw drwy ddarparu dogfennau gwreiddiol ar gyfer eu harchwilio a'u copïo. Mae'r canlynol yn hanfodol:

- Tystysgrif Geni
- Tystiolaeth o unrhyw newid enw.
- Pasport neu drwydded yrru cerdyn ffotograff
- 2 ddogfen yn profi'r cyfeiriad cyfredol e.e. biliau gwasanaethau neu ddatganiadau banc/cerdyn credyd.

f) Os ceir oedi gyda derbyn gwiriad SCT, yna bydd y Gyfadran yn penderfynu a fedr drefnu i oruchwylio dyletswyddau'r darpar ddeilydd swydd hyd oni fydd gwiriad SCT boddhaol wedi dod i law. Yn benodol, ni chaniateir cyswllt uniongyrchol sylweddol gyda phobl fregus.

C2. Cofnodiadau troseddol a ddatgelwyd gan yr ymgeisydd – Gweithwyr sy'n derbyn Cyflog

a) Ni fydd collfarnau sydd wedi dod i ben/rybuddion/neu geryddau o angenrheidrwydd yn gwahardd person rhag cael swydd (Atodiad B).

b) Rhoddir sylw i natur y materion a ddatgelwyd gan yr ymgeisydd yn ei ffurflen gais a pha mor berthnasol ydynt i'r swydd yr ymgeisiwyd amdani. Ystyrir hyn gan swyddogion dynodedig yn y Gyfadran a fyddai'n cyfweld y person ac yn asesu'r risg yn erbyn meini prawf penodol (Atodiad D).

c) Gall methiant i ddatgelu hanes o droseddu yn y gorffennol ar adeg cyflwyno'r cais gael ei ystyried fel ymgais i gael swydd trwy dwyll ac fel

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Offenders. (Appendix B).

b) Every post requiring a CRB check will require the disclosure of all offences including spent convictions, details of any cautions, reprimands or warnings. Employment is conditional on a satisfactory CRB check.

c) CRB Disclosure Applications will be submitted once an offer of employment has been accepted with the aim that employment will only commence upon the return of a satisfactory CRB check.

d) The applicant for the post will verify his/her identity by producing **original** documents for inspection and copying. The following are essential;

- Birth certificate
- Evidence of any change of name,
- Passport, or photo card driving licence.
- 2 documents proving current address e.g. utility bills or bank/credit card statements.

f) If there is delay in receiving the CRB check then the Directorate will decide whether it is able to arrange supervision of the prospective post holder's duties until a satisfactory CRB check is received. In particular no significant direct contact with vulnerable people will be allowed.

C2. Criminal records disclosed by the applicant – Paid Employees

a) Past convictions/cautions/reprimands or warnings may not necessarily be a bar to obtaining employment (Appendix B).

b) Consideration will be given to the nature of the matters disclosed by the applicant in his/her application form and relevance to the post applied for. This will be considered by designated officers of the Directorate who would interview the person and assess the risk against set criteria (Appendix D).

c) Failure to disclose past criminal history at the application stage may be seen as an attempt to gain employment by deception, and

arfer, bydd yn arwain at dynnu'n ôl unrhyw gynnig o waith.

d) Bydd methiant i ddychwelyd Ffurflen Datgeliad SCT wedi'i chwblhau'n gywir (ynghyd â'r dogfennau sydd eu hangen i bwrpas profi pwy yw'r person) o fewn cyfnod amser a bennwyd gan y swyddog a ddynodwyd i oruchwylio'r broses recriwtio, yn arwain at dynnu'n ôl unrhyw gynnig o waith.

Mae gwiriad SCT yn un rhan o broses recriwtio gadarn ac nid yw'n gwneud i ffwrdd â'r angen am broses ddeddfol drwyadl sy'n briodol i lefel y swydd, sicio tystlythyrau gwaith a phersonol ac unrhyw fylchau mewn cyflogaeth.

C3. Contractwyr Annibynnol a mathau eraill o Weithwyr Asiantaeth ("y contractwr") sy'n gwneud gwaith ar ran yr Awdurdod Lleol.

a) Bydd asesiad risg yn cael ei gynnal mewn perthynas â'r gwaith fydd yn cael ei wneud (yr un modd â staff cyflogedig – gweler C.1.a) a bydd yr hysbyseb a'r contract gwaith yn datgan a oes angen gwiriad SCT safonol neu uwch boddhaol. Ni fydd y gwiriad SCT ragor na 2 oed.

b) Bydd y contractwr yn cyflwyno gwiriad SCT gwreiddiol ynghyd â thystiolaeth o bwy ydyw (fel a nodir uchod yn C.1.e) ar gyfer pob person a fydd yn gwneud y gwaith. Bydd y Gyfadran yn cadw copïau yn ddiogel.

c) Bydd contractwr gyda hanes o droseddu sy'n dymuno gweithio gyda phobl fregus yn agored i'r un broses â honno a nodir yn C.2 b uchod.

d) Er mwyn osgoi unrhyw amheuaeth, mae'r gofynion hyn yn ychwanegol at ofynion Deddf Safonau Gofal 2000 a'r Rheoliadau sy'n berthnasol i'r Ddeddf a gofynion Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru.

C4. Aelodau Etholedig a Chyfetholedig o Gyngor Sir Ynys Môn

a) Mae Aelodau Etholedig a Chyfetholedig yn

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will normally result in the withdrawal of any offer of employment.

d) Failure to return a correctly completed CRB Disclosure Application (together with the documentation required for identification purposes) within a timescale set by the officer designated to oversee the recruitment process will lead to a withdrawal of any offer of employment.

A CRB check is one part of a sound recruitment process and does not obviate the need for a thorough selection process appropriate to the level of the post, the checking of work and personal references and any gaps in employment.

C3. Independent Contractors and other types of Agency Workers ("the contractor") undertaking work on behalf of the Local Authority

a) The work to be undertaken will be risk assessed (as for employed staff see C.1.a) and the advertisement and contract of work will state whether a satisfactory standard or enhanced CRB check is required. The CRB check will not be more than 2 years old.

b) The contractor will produce an original CRB check and evidence as to identity (as set out in C.1.e above) for every person undertaking the work. Copies will be retained securely by the Directorate.

c) A contractor with a criminal history wishing to undertake work with vulnerable people will be subject to the same process as set out in C.2.b above.

d) For the avoidance of any doubt these requirements are in addition to the requirements of the Care Standards Act 2000 and Regulations there under and the requirements of the Care and Social Services Inspectorate Wales.

C4. Elected and Co-Opted Members of Cyngor Sir Ynys Môn/Isle of Anglesey County Council

a) Elected and Co-Opted Members are an

elfen hanfodol o waith yr Awdurdod Lleol. Y nhw ydyw wyneb cyhoeddus yr Awdurdod Lleol ac maent yn ymgymryd â swyddogaethau hanfodol a sensitif ar Bwyllgorau, Panelau mewnol ac allanol a Chyrrff eraill, er enghraifft, y Panel Rhiant Corfforaethol ac fel Llywodraethwyr Ysgol yn unol â Chyfansoddiad yr Awdurdod Lleol ac unrhyw Brotocolau Rheolaeth Wleidyddol a fydd mewn grym o bryd i'w gilydd. Mae hawl gan y cyhoedd ddisgwyl safon uchel o ymddygiad ganddynt yn eu bywydau personol a phreifat, a bydd y broses archwilio SCT yn sicrhau bod unrhyw berson na ddylai wneud gwaith sensitif yn cael ei adnabod mor fuan ag sy'n bosibl.

b) Bydd y rhybudd ar gyfer pob Etholiad a pheynnau gwybodaeth yr Aelodau Etholedig yn datgan bod rhaid cael gwiriadau SCT Uwch ar gyfer pob Aelod Etholedig o'r Awdurdod Lleol. Rhoddir gwybod i Aelodau Cyfetholedig y bydd raid iddynt gael yr un gwiriadau SCT ag Aelodau Etholedig.

c) O fewn mis o gael eu hethol neu o dderbyn enwebiad, bydd pob Aelod Etholedig a Chyfetholedig yn cwblhau ffurflen gais am wriad SCT uwch ac yn cyflwyno'r gwaith papur cefnogol i brofi pwy ydynt.

d) Oni fydd yr aelodau yn cymryd rhan yn y broses wirio SCT neu os yw'r wybodaeth a ddatgelwyd yn y gwriad SCT Uwch yn codi pryderon ynglŷn â'r Aelod, yna bydd y Swyddog Monitro, yn dilyn ymgynghori gyda'r Arweinydd Grŵp perthnasol (a Chadeirydd y Cyngor yn achos aelodau sydd ddim yn gysylltiedig ag unrhyw grŵp gwleidyddol ac aelodau Cyfetholedig):-

i) Yn penderfynu a yw Aelod Etholedig neu Gyfetholedig yn addas i gael ei benodi i unrhyw swydd fewnol neu gorff allanol.

ii) Yn rhoi gwybod i'r Aelod am hynny ac os ydyw'r aelod eisoes mewn swydd neu'n gwasanaethu ar gorff allanol, yn gwahodd yr aelod i dynnu'n ôl o wasanaethu arnynt.

iii) Bydd methiant i gydymffurfio gyda phenderfyniad o'r fath yn gyfystyr â thorri polisi'r Cyngor a gall fod yn destun cwyn i'r Pwyllgor Safonau am fethu â chydymffurfio gyda pholisi'r

integral part of the Local Authority's work. They are the public face of the Local Authority and undertake vital and sensitive roles on Committees, internal and external Panels and other Bodies for example on the Corporate Parenting Panel and as School Governors in accordance with the Local Authority Constitution and any Political Management Protocols in force from time to time. The public are entitled to expect a high standard of behaviour from them both in their personal and private lives, the CRB vetting process will ensure that any person who ought not undertake sensitive work is identified at the earliest opportunity.

b) Notification of each Election and Elected Members' information packs will state that Enhanced CRB checks are required for each Elected Member of the Local Authority. Co-Opted Members will be informed that they will be required to undertake the same CRB checks as Elected Members.

c) Within 1 month of being elected or accepting nomination, each Elected and Co-Opted Member will complete an Enhanced CRB check Application form and produce the supporting paperwork as to identification.

d) In the event of non-participation with the CRB Check process or if the information revealed in the Enhanced CRB check raises concerns about the Member then the Monitoring Officer will, following consultation with the relevant Group Leader (and the Chairman of the Council in relation to unaffiliated and Co-Opted members):-

i) Determine whether an Elected or Co-Opted member is suitable to be appointed to any internal post or external body.

ii) Notify the Member accordingly, and if already in post or on an external body invite the Member to withdraw from serving them.

iii) Failure to comply with such determination will be in breach of Council policy and liable to be the subject of complaint to the Standards Committee for non-compliance with Council

Cyngor a rhoi gwybod am y penderfyniad i unrhyw gorff allanol.

e) Y Swyddog Monitro fydd yn dal yr holl wybodaeth ynghylch datgeliadau gwiriadau SCT.

C5. Gwirfoddolwyr sy'n ymgymryd â thasgau ar ran yr Awdurdod Lleol neu Gontractwyr Annibynnol.

a) Diffinnir gwirfoddolwr ar safle gwe yr SCT fel:

"a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives."

Bydd Cyfadrannau'n defnyddio'r rhestr wirio yn Atodiad A ac yn cynnal asesiad risg ar bob cyfle gwirfoddol i benderfynu a oes angen gwiriadau SCT, ar be lefel a pha mor aml a chan bwy.

b) Bydd gwirfoddolwyr sydd â chyswllt uniongyrchol sylweddol gyda phobl fregus angen gwiriadau SCT Uwch, er enghraifft, gall y rhain gynnwys cymhorthydd dosbarth / gwarchodwyr ar dripiâu ysgol neu bobl sy'n cynorthwyo gyda gweithgareddau hamdden. Ni ddylid drysu'r categori hwn o berson gyda'r teulu estynedig a chyfeillion sy'n gwneud trefniadau preifat.

Policy and notification of the determination to any external body.

e) All CRB check disclosure information will be held by the Monitoring Officer.

C5. Volunteers who undertake tasks on behalf of the Local Authority or Independent Contractors.

a) A volunteer is defined on the CRB web site as:

"a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives."

Directorates will use the checklist in Appendix A to risk assess every voluntary opportunity to determine whether, at what level, and at what frequency CRB checks will be undertaken and by whom.

b) Volunteers who have significant direct contact with vulnerable people will require Enhanced CRB checks, for example these include a classroom helper / chaperone on school trips or assists with leisure activities. This classification of person is not to be confused with extended family and friends who make private arrangements

Atodiad A

Appendix A

- Rhestr Wirio ar gyfer Asesu Risg - a oes angen gwiriad SCT? Os oes, a ddylai fod yn Wiriad Safonol neu'n Wiriad Uwch?
- A fydd y swydd yn cynnwys cyswllt un i un gyda phobl fregus (sylwer - mae'r diffiniad hwn yn cynnwys plant) p'un ai fel gweithwyr, cwsmeriaid, Aelodau Etholedig neu gleientiaid?
- A fydd y gwaith yn cynnwys gofalu'n rheolaidd am, goruchwyllo, hyfforddi neu fod yn bennaf gyfrifol am bobl fregus?
- A yw'r swydd yn cynnwys cyswllt uniongyrchol gyda'r cyhoedd yn eu cartrefi e.e. cynnal a chadw tai?
- A yw natur y swydd yn cynnig cyfleon i ddeilydd y swydd droseddu neu ymddwyn yn amhriodol gyda phobl fregus? e.e. tywysyddion ar deithiau/tywysyddion ymwelwyr.
- A fydd y person yn cael neu a fedrir dehongli neu ystyried ei fod wedi cael dylanwad dros bolisiau a gweithdrefnau'r Awdurdod Lleol sy'n gysylltiedig â phobl fregus?
- A fydd y person yn rhan neu a fedrir dehongli neu ystyried ei fod wedi bod yn rhan o wneud penderfyniadau ynghylch gwasanaethau ar gyfer pobl fregus neu eu diogelwch?
- Risk Assessment Checklist - is a CRB check required? If so whether it is to be a Standard or Enhanced CRB check?
- Will the position involve one to one contact with vulnerable people (n.b this definition includes children) whether as employees, customers, Elected Members or as clients?
- Will the work involve regularly caring for, supervising, training or being in sole charge of vulnerable people?
- Does the position involve direct contact with the public in their homes e.g. housing maintenance?
- Does the nature of the job present opportunities for the post holder to offend or behave inappropriately when involved with vulnerable people?. e.g. tour/visitor guides.
- Will the person have, be held out to have, or likely to be considered to have influence over Local Authority policies and procedures which relate to vulnerable people?
- Will the person take part, be held out as , or likely to be considered to be taking part, in decisions regarding the services to, or safety of, vulnerable people?

Os mai ydi/oes yw'r ateb i unrhyw un o'r cwestiynau uchod, yna mae angen gwiriad SCT.

I benderfynu ar lefel y gwiriad sydd ei angen, dylid ystyried y canlynol:

- Pa lefel o oruchwyliaeth fydd yr unigolyn yn ei dderbyn?

If the answer to any of the questions above is yes, then a CRB check is required.

To determine the level of check required the following should be taken into consideration.

- What level of supervision will the individual receive?

- Beth yw'r tasgau ac ym mha amgylchiadau fydd y dyletswyddau'n cael eu cyflawni e.e. pa lefel o annibyniaeth fydd gan yr unigolyn i ymweld ag eiddo a chael at oedolion bregus neu blant ar eu pennau eu hunain heb oruchwyliaeth.
- Sylwer: penderfynwyd bod raid i bob Aelod Etholedig gael gwiriad SCT Uwch.

Ar ôl ystyried yr uchod, os bydd gan yr unigolyn gyswllt uniongyrchol sylweddol heb oruchwyliaeth gyda phlentyn neu oedolyn bregus, yna bydd raid cael gwiriad uwch. Mae gwiriadau uwch yn darparu gwybodaeth leol ychwanegol sylweddol ac yn nodi lefelau o risg sydd ddim ar gael drwy gynnal gwiriad safonol.

Costau o 29 Hydref 2010

Safonol	£26
Uwch	£36

Mae gwiriadau ar wirfoddolwyr yn rhad ac am ddim.

- What are the tasks, and in what circumstances are the duties to be carried out e.g. What level of autonomy will the individual have to visit premises and have access to vulnerable adults or children alone and unsupervised.
- N.B. it has been decided that all Elected Members are to undertake an Enhanced CRB check.

Following a consideration of the above if the individual will have unsupervised significant direct contact with a child or vulnerable adult then an enhanced check will be required. Enhanced checks provide significant additional local information and indicate levels of risk not available through a standard check.

Costs with effect from 29th October 2010

Standard	£26
Enhanced	£36

Checks on volunteers are free of charge

**DATGANIAD POLISI AR RECRIWTIO CYN-
DROSEDDWYR**

Ni fydd y ffaith bod gennych hanes o droseddu yn eich gwahardd chi o angenrheidrwydd rhag gweithio gyda ni.
Bydd hyn yn dibynnu ar natur y gwaith.

1. Mae Cyngor Sir Ynys Môn ("yr Awdurdod Lleol") yn cydymffurfio'n llawn gyda Chôd Ymarfer SCT ac yn ymrwmo i drin yr holl ymgeiswyr am swyddi yn deg. Mae'n ymrwmo i beidio â gwahaniaethu'n annheg yn erbyn unrhyw ymgeisydd sy'n datgelu hanes o droseddu.
2. Mae'r Awdurdod Lleol yn ymrwmo i drin ei staff, darpar staff neu ddefnyddwyr ei wasanaethau yn deg waeth beth fo eu hil, rhyw, crefydd, cyfeiriadedd rhywiol, cyfrifoldebau am ddiabynyddion, oed, anabledd corfforol/ meddyliol neu gefndir o droseddu.
3. Rydym yn mynd ati'n egniol i hyrwyddo cyfleon cyfartal i bawb gyda'r cymysgedd iawn o ddoniau, sgiliau a photensial ac yn croesawu ceisiadau gan amrediad eang o ymgeiswyr, gan gynnwys y rheini sydd â record droseddol. Rydym yn dewis ymgeiswyr i'w cyfweld yn seiliedig ar eu sgiliau, eu cymwysterau a'u profiad.
4. Gofynnir am wiriad SCT dim ond os yw asesiad risg yn nodi fod gwiriad yn rhesymol ac yn berthnasol i'r swydd dan sylw. Yn achos y swyddi hynny y mae'n rhaid cael gwiriad SCT ar eu cyfer, bydd yr holl ffurflenni cais ac unrhyw hysbysebion yn cynnwys datganiad y bydd rhaid gofyn am wiriad SCT boddhaol os bydd yr unigolyn yn cael cynnig y swydd.
5. Lle mae angen gwiriad SCT, gofynnir i'r holl ymgeiswyr a fydd yn cael gwahoddiad i gyfweliad ddarparu manylion am unrhyw hanes o droseddu. Bydd datgeliad o'r fath yn cael ei wneud i'r Awdurdod Lleol ar daflen gyfrinachol ar wahân er mwyn sicrhau mai dim ond y rheini

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**POLICY STATEMENT ON THE
RECRUITMENT OF EX-OFFENDERS**

Having a criminal history will not necessarily bar you from working with us.
This will depend upon the nature of the work.

1. Cyngor Sir Ynys Môn/Isle of Anglesey County Council ("the Local Authority") complies fully with the CRB Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any applicant who discloses a criminal history.
2. The Local Authority is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
3. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select candidates for interview based on their skills, qualifications and experience.
4. A CRB check is only requested after risk assessment indicates that a check is proportionate and relevant to the position concerned. For those positions where a CRB check is required, all application forms and any advert will contain a statement that a satisfactory CRB check will be requested in the event of the individual being offered the position.
5. Where a CRB check is required all applicants called for interview will be asked to provide details of any criminal history. Such disclosure will be made to the Local Authority under separate, confidential cover to ensure it is only seen by those who need the

sydd angen y wybodaeth fel rhan o'r broses recriwtio sy'n cael ei gweld. Gall methiant i ddatgelu gwybodaeth sy'n uniongyrchol berthnasol i'r swydd arwain at dynnu'n ôl gynnig o gyflogaeth.

6. Mae'r rheini sy'n rhan o'r broses recriwtio wedi cael eu hyfforddi i nodi ac asesu perthnasedd ac amgylchiadau unrhyw hanes o droseddu a materion cysylltiedig. Bydd arweiniad priodol mewn perthynas â chyflogi cyn-droseddwy'r ar gael dan Ddeddf Adsefydlu Troseddwy'r 1974.

7. Cynhelir trafodaeth agored a chytbwys gyda'r ymgeisydd ynglŷn â chefnidir troseddol yr ymgeisydd ac unrhyw hanes neu fater perthnasol.

8. Bydd pawb sy'n gorfod cael gwiriad SCT yn cael gwybodaeth am Gôd Ymarfer yr SCT ar www.crb.homeoffice.gov.uk a bydd copi ar gael iddynt os oes angen.

9. Rydym yn gwneud ymrwymiad i drafod unrhyw fater a ddatgelir mewn gwiriad SCT gyda'r person sydd wedi ymgeisio am y swydd cyn tynnu'n ôl gynnig amodol o gyflogaeth.

information as part of the recruitment process. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

6. Those involved in the recruitment process are trained to identify and assess the relevance and circumstances of any criminal history and relevant matters. Appropriate guidance in the employment of ex-offenders under the Rehabilitation of Offenders Act 1974 will be available.

7. An open and measured discussion about an applicant's criminal history and any other relevant history or matter will be undertaken with the applicant.

8. Every subject of a CRB check will be informed of the existence of the CRB Code of Practice on www.crb.homeoffice.gov.uk and a copy made available if required..

9. We undertake to discuss any matter revealed in a CRB check with the person seeking the position before withdrawing a conditional offer of employment.

**DATGANIAD POLISI AR DREFNIADAU
DIOGEL MEWN PERTHYNAS Â STORIO,
TRIN, DEFNYDDIO, CADW A CHAEL
GWARD O WIRIADAU SCT A
GWYBODAETH A DDATGELWYD GAN Y
SWYDDFA COFNODIADAU TROSEDDOL**

1. Egwyddorion Cyffredinol

Mae'r Swyddfa Cofnodiadau Troseddol yn cynorthwyo gyda'r broses o asesu addasrwydd ymgeiswyr am swyddi. Mae'r Awdurdod Lleol yn cydymffurfio'n llawn gyda Chôd Ymarfer yr SCT a chyda'r Ddeddf Diogelu Data mewn perthynas â'r drefn gywir o drin, defnyddio, storio, cadw a chael gwared o wiriadau SCT a gwybodaeth a ddatgelir (cyfeirir atynt gyda'i gilydd isod fel "Gwybodaeth a Ddatgelir").

2. Storio a Mynediad at Wybodaeth

Yn achos Swyddogion, ni chaiff gwybodaeth a ddatgelir ei chadw ar ffeil bersonél yr ymgeisydd. Bydd tystiolaeth y cynhaliwyd gwiriad SCT e.e. tystysgrif ddatgelu yn cael ei chadw ar ffeil bersonél yr unigolyn.

Bydd y wybodaeth yn cael ei chadw ar wahân ac yn ddiogel mewn cynwysyddion y mae modd eu cloi, sydd ddim yn rhai symudol, y caiff mynediad iddynt ei reoli'n llym a'i gyfyngu i'r rheini sydd â'r hawl i'w gweld fel rhan o'u dyletswyddau. Caiff y wybodaeth ei phrosesu yn unol â Deddf Diogelu Data 1998.

3. Trin Gwybodaeth

Yn unol ag Adran 124 Deddf yr Heddlu 1997, dim ond y rheini sydd ag awdurdod i dderbyn gwybodaeth a ddatgelir wrth fynd o gwmpas eu dyletswyddau fydd yn cael eu gweld. Rydym yn cadw cofnod o bawb y datgelwyd y wybodaeth honno iddynt ac yn cydnabod ei bod hi'n drosedd i basio'r wybodaeth honno ymlaen i unrhyw un sydd ddim â'r hawl i'w derbyn.

4. Defnyddio

Defnyddir gwybodaeth a ddatgelir i'r pwrpas penodol y gofynnwyd amdani yn unig a chyda chaniatâd llawn yr ymgeisydd.

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**POLICY STATEMENT ON THE SECURE
STORAGE, HANDLING, USE, RETENTION
AND DISPOSAL OF CRB CHECKS AND
DISCLOSURE INFORMATION SUPPLIED
BY THE CRIMINAL RECORDS BUREAU**

1. General Principles

The Criminal Records Bureau service assists the process of assessing the suitability of applicants for employment. The Local Authority complies fully with the CRB Code of Practice and the Data Protection Act regarding the correct handling, use, storage, retention and disposal of CRB checks and Disclosure information (together referred to below as "Disclosure Information").

2. Storage and Access

In the case of Officers, disclosure information will not be kept on an applicant's personnel file. Evidence that a CRB check has been undertaken e.g. top of disclosure certificate will be kept on the individual's personnel file.

The information will be kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties. The information will be processed in accordance with the Data Protection Act 1998.

3. Handling

In accordance with section 124 of the Police Act 1997, Disclosure Information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom disclosures have been revealed and we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

4. Usage

Disclosure Information is only used for the specific purpose for which it was requested and for which the applicant's full consent has

5. Cadw Gwybodaeth

Unwaith y bydd penderfyniad wedi ei wneud i recriwtio, neu benderfyniad perthnasol arall, nid ydym yn cadw'r wybodaeth a ddatgelwyd am gyfnod hwy na sy'n hollol angenrheidiol. Fel arfer, mae hyn am gyfnod o hyd at 6 mis i ganiatáu ar gyfer ystyried a datrys unrhyw anghydfodau neu gwynion. Os, mewn amgylchiadau eithriadol iawn, yr ystyrir bod angen cadw gwybodaeth a ddatgelwyd am gyfnod hwy na 6 mis, byddwn yn ymgynghori gyda'r SCT ynglŷn â hyn ac yn rhoddi ystyriaeth lawn i ddiogelu Data a Hawliau Dynol yr unigolyn cyn gwneud hynny. Trwy gydol yr amser hwn, bydd yr amodau arferol ynghylch cadw'r wybodaeth yn ddiogel a chyfyngu mynediad iddi yn parhau.

6. Cael gwared â gwybodaeth

Unwaith y bydd y cyfnod angenrheidiol ar gyfer cadw'r wybodaeth wedi mynd heibio, byddwn yn sicrhau bod unrhyw wybodaeth a ddatgelwyd yn cael ei dinistrio'n ddiogel h.y. trwy ei rhwygo mewn peiriant. Cyn cael ei dinistrio, ni fydd gwybodaeth a ddatgelwyd yn cael ei chadw mewn unrhyw gynhwysydd anniogel (e.e. bin gwastraff neu sach gwastraff cyfrinachol). Ni fyddwn yn cadw unrhyw lungopi neu unrhyw ddelwedd arall o'r wybodaeth a ddatgelwyd nac unrhyw gopi neu sylwadau ar gynnwys gwiriad SCT. Fodd bynnag, er gwaethaf yr uchod, byddwn yn cadw cofnod o ddyddiad cyhoeddi gwiriad SCT, enw'r person, y math o wiriad y gofynnwyd amdano, y swydd y gofynnwyd am y gwiriad SCT yn ei chylch, ei chyfeirnod unigryw a manylion y penderfyniad recriwtio a gymerwyd.

been given.

5. Retention

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure Information for any longer than is absolutely necessary. This is generally for a period of up to 6 months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure Information for longer than 6 months, we will consult the CRB about this and will give full consideration to the Data Protection and Human Rights of the individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

6. Disposal

Once the retention period has elapsed, we will ensure that any Disclosure Information is safely destroyed, i.e. by shredding,. While awaiting destruction, Disclosure Information will not be kept in any insecure receptacle (eg waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure Information or any copy or representation of the contents of a CRB check. However, notwithstanding the above, we will keep a record of the date of issue of a CRB check, the name of the subject, the type of check requested, the position for which the CRB check was requested, it's unique reference number and the details of the recruitment decision taken.

SWYDDFA COFNODIADAU TROSEDDOL – DATGELIAD UWCH /
CRIMINAL RECORDS BUREAU - ENHANCED DISCLOSURE .

RHESTR WIRIO AR GYFER CYFARFOD I ADOLYGU GWYBODAETH A DDATGELWYD A
CHOFNOD O'R PENDERFYNIAD A WNAED YNGHYLCH CYFLOGI /
CHECKLIST FOR MEETING TO REVIEW INFORMATION DISCLOSED AND RECORD A
DECISION ON EMPLOYMENT.

ENW'R PERSON:
SUBJECT NAME:

Y SWYDD YR YMGEISWYD AMDANI:
POSITION APPLIED FOR:

Dyddiad y Cyfarfod:
Date of Meeting:

Yn bresennol yn y cyfarfod:

Present at meeting:

PRINTIWCH ENW/TEITL:

PRINT NAME/TITLE.....

1	<p>A yw'r swydd yn cynnwys cyswllt un i un gyda phlant neu grwpiau bregus eraill fel gweithwyr, cwsmeriaid a chlientiaid?</p> <p><i>Does the post involve one-one contact with children or other vulnerable groups as employees, customers and clients.</i></p>	
2	<p>Pa lefel o oruchwyliaeth fydd deilydd y swydd yn ei derbyn?</p> <p><i>What level of supervision will the post holder receive</i></p>	
3	<p>A yw'r swydd yn ymwneud â chyfrifoldeb uniongyrchol am arian neu eitemau gwerthfawr?</p> <p><i>Does the post involve any direct responsibility for finance or items of value</i></p>	
4	<p>A yw'r swydd yn ymwneud â chyswllt uniongyrchol gyda'r cyhoedd?</p> <p><i>Does the post involve direct contact with the public</i></p>	

5	<p>A fydd natur y swydd yn rhoi cyfle i ddeilydd y swydd aildroseddu yn y lle gweithio?</p> <p><i>Will the nature of the job present any opportunities for the post holder to re-offend in the place of work?</i></p>	
6	<p>Beth yw difrifoldeb y drosedd a'i pherthnasedd i ddiogelwch gweithwyr, cwsmeriaid, clientiaid ac eiddo arall?</p> <p><i>What is the seriousness of the offence and it's relevance to the safety of other employees, customers, clients and property</i></p>	
7	<p>Ers faint o amser y cyflawnwyd y drosedd?</p> <p><i>What is the length of time since the offence occurred</i></p>	
8	<p>Unrhyw wybodaeth berthnasol a gynigiwyd gan yr ymgeisydd ynglŷn â'r amgylchiadau a arweiniodd at gyflawni'r drosedd, er enghraifft, dylanwad anawsterau domestig neu ariannol.</p> <p><i>Any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example the influence of domestic or financial difficulties</i></p>	
9	<p>A oedd y drosedd yn ddigwyddiad unwaith ac am byth neu'n rhan o hanes o droseddu?</p> <p><i>Was the offence a one-off, or part of a history of offending</i></p>	
10	<p>A yw amgylchiadau'r ymgeisydd wedi newid ers cyflawni'r drosedd sy'n gwneud aildroseddu'n llai tebygol?</p> <p><i>Have the applicant's circumstances changed since the offence was committed, making re-offending less likely</i></p>	
11	<p>Y wlad y cyflawnwyd y drosedd ynddi; mae rhai gweithgareddau yn droseddau</p>	

	<p>yn yr Alban ac nid yn Lloegr a Chymru ac fel arall hefyd.</p> <p><i>The country in which the offence was committed; some activities are offences in Scotland and not in England and Wales, and vice versa.</i></p>	
12	<p>A yw'r senedd wedi annrhoseddu'r drosedd ers hynny?</p> <p><i>Whether the offence has since been decriminalised by parliament</i></p>	
13	<p>A oes dilysiad o'r eglurhad o ffynonellau eraill e.e. tystlythyrau STC?</p> <p><i>Is there verification of the explanation from other sources e.g. references, CRB</i></p>	
	Sylwadau / Comments:	
	Cyngor gan yr Adeiniau Personel neu Gyfreithiol fel sy'n briodol / <i>Advice from Personnel or Legal sections as appropriate.</i>	

ARGYMHELLIAD / RECOMMENDATION

Wedi cyfweid y person a enwir uchod, mae'r ymgeisydd uchod, yn fy marn i, *yn addas / anaddas ar gyfer y swydd.

*Dilëwch fel sy'n briodol os gwelwch yn dda.

*Having interviewed the above named person, it is my view that the applicant is * suitable / unsuitable for employment*

** please delete as appropriate*

Llofnodwyd/Signed.....Dyddiad/Date.....

PENNAETH GWASANAETH/CYFARWYDDWR
HEAD OF SERVICE/DIRECTOR

*Rwy'n cytuno / anghytuno bod yr ymgeisydd yn addas ar gyfer y swydd.

* Dilëwch fel sy'n briodol os gwelwch yn dda.

- * Agree/disagree that the applicant is suitable for employment.
- * please delete as appropriate

Llofnodwyd/Signed.....Dyddiad/Date.....

PRINTIWCH EICH ENW/TEITL /
PRINT NAME/TITLE.....

Unwaith y bydd penderfyniad wedi ei wneud, dim ond dyddiad y cyfarfod a'r penderfyniad fydd yn cael eu cadw ar ffeil, dylid dinistrio'r manylion a dderbyniwyd gan y Swyddfa Cofnodiadau Troseddol.

Once the decision has been made, only the date of the meeting and the decision can be kept on file, details received from Criminal Records Bureau should be destroyed.

CANLYNIAD O'R YMGYNGHORIAD / OUTCOME OF THE CONSULTATION

1. 07/12/2010 **Grwp Arweinyddion** yn cytuno'r drafft gyda ychydig o newidiadau / **Group Leaders** approve the draft with slight amendments.
2. 14/12/2010 **Pwyllgor Safonau** yn argymhell dylai'r Cyngor ei fabwysiadu / **Standards Committee** recommend it to be adopted by Council
3. 12/01/2011 Copi at bob **Aelod Etholedig** / Copy to every **Elected Member**.
Dau ymateb / Two responses :-

- a) "I have read the Policy. I am perfectly happy with its contents".
- b) "You will recall my earlier representations on this matter of CRB Checks for Councillors, where I objected to the process as being an intrusion and unnecessary, and argued it is against a principle of law that no-one has to prove his/her innocence. I have also cited my personal circumstances, as a Councillor, that I am not required to mix with vulnerable adults and, as a School Governor – a role which I could easily relinquish – I have no involvement with children and merely attend formal evening meetings. In reference to your document, particularly pages 8 and 9 Section C4 headed "Elected Members" I am dismayed at the sanctions described in (d) (i), (ii) and (iii) which I regard as draconian. It would be far more acceptable, in my view, if your well intended initiative were to encourage voluntary involvement by members, because co-operation is always more meaningful than compulsion".

4. 12/01/2011 **Swyddfa Comisiynydd Gwybodaeth / Information Commissioner's Office.**

"As the Policy outlines the Council has a duty to protect those in the community that are determined to be within groups that could be described as vulnerable and at risk and as such it is appropriate to put in place procedures in place to do so (sic). This would obviously include the checking of those persons who would have access to such groups whilst employed by, acting as agents for or representing the Council in any function. This may obviously include the roles of elected and co-opted Members as determined by their duties....

The draft Policy clearly meets the requirements of the fair processing requirements of the [Data Protection] Act [1998] and anybody who submits to the process will do so in a manner which would satisfy the schedule 3 condition in relation to the processing of sensitive personal information (if a criminal history exists). In the light of this it would appear that the policy is data protection compliant".

5. 08.03.2011 y **Cyngor Llawn / Full Council**

Gohirio'r drafodaeth er mwyn gwahodd y Comisiynydd Gwybodaeth i'r Cyngor i egluro'r sefyllfa, ar fater o gost i'r Awdurdod a chontractwyr annibynol, posibilid o gyfraith newydd ynghylch gwirfoddolwyr /

Discussion adjourned to allow the Information Commissioner to attend and explain the situation, because of cost to the Authority and independent contractors, possibility of new laws relating to volunteers.

CYNGOR SIR YNYS MÔN	
PWYLLGOR:	CYNGOR LLAWN
DYDDIAD:	8fed Mawrth 2011
TEITL YR ADRODDIAD:	Polisi Gwiriadau Troseddol
PWRPAS YR ADRODDIAD:	Cymeradwyo'r Polisi (wedi'r ymgynghori)
ADRODDIAD GAN:	Uwch Gyfreithiwr O.R.Hughes

1. **Cyflwyniad** – Mae'r Polisi'n rheoli gwybodaeth SCT gogyfer a staff parhaol, dros dro, contractwyr annibynol, aelodau etholedig ,cyfetholedig a gwirfoddolwyr.
 - 1.1 Mae dyletswydd cyfreithiol ar y Cyngor sicrhau rhai sy'n cyflwyno gwasanaethau i bobol bregus a phlant yn addas i wneud hynny.
 - 1.2 Cofrestrwyd y Cyngor gyda'r Swyddfa Cofnodion Troseddol ("SCT") i ymgymeryd gwiriadau gorfodol cyfreithiol yn erbyn rhai mewn swydd gyda chyswllt rheolaidd a phobol bregus neu blant heb oruwchwiliaeth. Mae dau fath o wiriad.
 - 1.3 Does dim Polisi cynhwysfawr gan y Cyngor er mwyn adnabod y swyddi hynny a pa fath o wiriad sydd angen. Mae'r Polisi'n gyson gyda prosesau cyflogi mewnol yr Adran Adnoddau Dynol.
 - 1.4 Yn ogystal bydd pob Aelod Etholedig a Chyfetholedig yn derbyn gwiriad SCT uwch cyn medru ymgymeryd a rhai dyletswyddau (ee gwasanaethu Pwyllgorau Tai, Gwasanaethau Cymdeithasol ac Addysg) a chynrychioli'r Cyngor ar gyffr allanol (ee Llywodraethwr Ysgol).
 - 1.5 Mae'r broses ymgynghori wedi cynnwys Arweinyddion Grwpiau, pob Aelod Etholedig, Y Pwyllgor Safonau, Rheolwr Gyfarwyddwr Gweithredol, Cyfarwyddwyr Corfforaethol, Swyddog Monitro, Swyddog Gwybodaeth Corfforaethol y Gwasanaeth Adnoddau Dynol a'r Polisi wedi gymeradwyo gan Swyddfa y Comisiynydd Gwybodaeth.
2. **Cyfraith i'r dyfodol**
 - 2.1 Bydd angen adolygu'r Polisi os bydd newid wedi'r "Bil Rhyddid".
3. **Argymhelliad**
 - 3.1 Fod y Cyngor yn mabwysiadu'r Polisi.

ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	FULL COUNCIL
DATE:	8th March 2011
TITLE OF REPORT:	Criminal Records Policy
PURPOSE OF REPORT:	Endorsing the Policy (following consultations)
REPORT BY:	Senior Solicitor OR Hughes

1. **Introduction** – a Policy regulating CRB information for permanent and temporary staff, independent contractors, elected and co-opted members and volunteers
 - 1.1 The Council has a duty to ensure that those who deliver services to vulnerable people and children are suitable to do so.
 - 1.2 The Council is registered with the Criminal Records Bureau (“CRB”) and must by law undertake checks against those in posts which involve regular unsupervised direct contact with vulnerable people and children. There are two types of check.
 - 1.3 The Council does not have a comprehensive Policy to identify which jobs require what sort of check. The Policy is consistent with the internal procedures followed by Human Resources Service on recruitment.
 - 1.4 In addition the Policy proposes that Elected and Co-opted Members will undertake an enhanced CRB check before being able to perform certain duties (eg serve on Housing, Social Services or Education Committees) and representing on relevant outside bodies (for example as a School Governor).
 - 1.5 The consultation process has involved Group Leaders, every Elected member, Standards Committee, Acting Managing Director, Monitoring Officer, Corporate Information Officer, Corporate Directors and Human Resources Service and approved by the Information Commissioner’s Office.
2. **Future legislation**
 - 2.1 The Policy will be reviewed in the light of any change in the law by the “Freedoms Bill”.
3. **Recommendation**
 - 2.1 That the Committee recommends the Council adopts the Policy.

FULL COUNCIL 8/3/2011

10 LOCAL AUTHORITY CRIMINAL RECORDS BUREAU POLICY

Reported by the Senior Solicitor (advising Children's Services) - That the draft Policy regulated collection and storage of CRB information for permanent and temporary staff, independent contractors, elected/co-opted members and volunteers.

The Council had a duty to ensure that those who delivered services to vulnerable people and children were suitable to do so. The Council was registered with the Criminal Records Bureau (CRB) and must by law undertake checks against those in posts which involved regular unsupervised direct contact with vulnerable people and children

In addition the Policy proposed that Elected/Co-opted Members would undertake an enhanced CRB check before being able to perform certain duties (e.g. serve on Housing, Social Services or Education Committees) and representing the Council on relevant outside bodies (e.g. as a School Governor).

The Group Leaders, all Council members, The Standards Committee and relevant Corporate Directors had all responded to the consultation process in respect of the draft Policy. Two representatives of the Information Commissioners Office had visited the Council Offices and approved of the draft Policy, in particular the regime for keeping and processing the confidential information.

Some of the Members expressed a wish that the matter should be deferred and that an invitation should be extended to the Information Commissioner to explain the implications of the CRB Policy to them. The additional cost of CRB checks was raised and it was explained that the Policy allowed the Council to accept suitable existing CRB checks to avoid duplication of checks. It was further explained that if a risk assessment identified that a job required a CRB check then no matter whether the job was undertaken by staff or an independent contractor the same level of CRB clearance was required. **Concern was also expressed that whilst such a Policy was important, carrying out risk assessments would create another level of bureaucracy for independent contractors and other types of agency workers undertaking work on behalf of the Local Authority.** It was acknowledged that the law relating to CRB checks was under review especially in respect of volunteers, the Policy stated the Council's requirements as the law stood. The Policy may need to be reviewed in the light of any change in the law by the 'Freedoms Bill'.

(Councillor Aled Morris Jones and K.P.Hughes wished it to be minuted that the Chair had not afforded them the opportunity to speak on this matter).

(Councillor R.LI.Hughes, Portfolio Holder for Social Services, wished it to be minuted that the decision taken today posed a substantial risk to Social Services and Education in particular).

(Councillor Aled Morris Jones also wished it to be minuted that the Chair had allowed Councillor R.LI.Hughes the right to speak on the matter after the decision had been taken).

RESOLVED to defer consideration and that an invitation be extended to the Information Commissioner to address the Council at its next meeting in May.

DRAFT
MINUTE
COUNCIL
DISCUSSION

Cynghorydd W J Chorlton
80 Penrhyn Geiriol
Treaddur Bay
Ynys Môn
LL65 2YW

*Letter to all
Councillors*

18^{fed} Mawrth / 18th March 2011

Annwyl Aelod,

**SCT DRAFFT – EITEM 10 CYFARFOD Y
CYNGOR LLAWN 8^{fed} Mawrth 2011**

Pleidleisiodd y Cyngor llawn i ohirio trafod y mater uchod ymhellach yn ei gyferfod diwethaf. Y fi ofynnodd i'r Polisi gael i fathu ac 'rwyf wedi cymryd rhan lawn yn yr ymgynghori gyda'r holl aelodau, Arweinyddion Grwpiau a'r Pwyllgor Safonau. 'Roeddwn yn bresennol yng nghyfarfod o'r Cyngor Llawn ar 8^{fed} Mawrth 2011.

'Roedd y gwrthwynebiadau a wnaed yn y Cyngor yn ymwneud â chost y gwiriadau, yn arbennig felly yn achos contractwyr annibynnol, y weinyddiaeth ychwanegol a'r adolygiad gyfreithiol cyfredol sy'n ymwneud â gwirfoddolwyr. Mewn ymateb fe eglurwyd i'r Cyngor bod y Polisi'n caniatáu derbyn gwiriad SCT addas cyfredol yn hytrach nag ymgymryd â gwiriad pellach ac os deuai asesiad risg gwaith i'r canlyniad bod angen gwiriad SCT, yna dylai hyn fod yr un mor berthnasol i staff ac i contractwyr annibynnol. Gellir adolygu'r Polisi petai raid gyda newid yn y gyfraith. Er gwaethaf y ffaith bod dau swyddog o Swyddfa'r Comisiynydd Gwybodaeth eisoes wedi ymweld â'r Cyngor (ac wedi cymeradwyo'r Polisi)

CC-014538-ORH/113394

**ADRAN Y CYFARWYDDWR GWASANAETHAU
CYFREITHIOL A PHWYLLGORAU
DEPARTMENT OF THE DIRECTOR OF LEGAL
AND COMMITTEE SERVICES**

**LYNN BALL LL.B., (Hons.)Cyfreithiwr/Solicitor
CYFARWYDDWR GWASANAETHAU
CYFREITHIOL A PHWYLLGORAU/SWYDDOG
MONITRO / DIRECTOR OF LEGAL AND
COMMITTEE SERVICES / MONITORING OFFICER**

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**Ein Cyf – Our Ref. LB/SR/CC-014538-ORH
Eich Cyf – Your Ref.**

Dear Member,

**DRAFT CRB POLICY ITEM 10 FULL COUNCIL
MEETING 8th March 2011**

Full Council voted to defer further consideration of the above at its last Meeting. It was at my request that the Policy was drafted and I have been fully involved in the consultation with all members, Group Leaders, Standards Committee and I was present at Full Council on the 8th March 2011.

The objections raised at Council were about the expense of the checks, especially for independent contractors, the additional bureaucracy and the ongoing review of the law relating to volunteers. In answer it was explained to Council that the Policy allowed accepting a current suitable CRB check rather than undertaking another check, that if a job risk assessment concluded a CRB check was required it ought to apply to staff and independent contractors alike and that the Policy could be revised if required following any change in law. Despite the fact that two officers from the Information Commissioners Office had already visited the Council (and approved of the Policy) it was resolved to defer further discussion in order

penderfynwyd gohirio'r drafodaeth gan wahodd y Comisiynydd i gyfarfod nesaf o'r Cyngor.

'Rwyf o'r farn bod y Cyngor a'r oedolion bregus a'r plant y mae'n eu gwasanaethu mewn perygl annerbyniol. Nid yw'r Adain Adnoddau Dynol bellach yn ymwneud â recriwtio staff rheng flaen - mae'r dasg honno wedi'w ddirprwyo i reolwyr pob Adran unigol. Nid oes ganddynt ganllawiau na bolisi Corfforaethol ar gyfer cynnal asesiadau risg, nid oes polisi Corfforaethol ar gael mewn perthynas ag ymgymryd â chynnal, dinistrio neu brosesu gwiriadau SCT eisoes yn eu meddiant.

Mae'r Aelodau Portffolio dros Dai a Gwasanaethau Cymdeithasol ac Addysg a Hamdden a'r ddau Gyfarwyddwr Corfforaethol wedi mynegi pryderon ynghylch goblygiadau'r sefyllfa gyfredol. Mae eu pryderon yn ymwneud â goblygiadau i'r prosesau cyfredol a'r ffaith y bydd eu Hadrannau yn cael eu harolygu gan AGGCC ac ESTYN gan ddisgwyl bod polisïau a gweithdrefnau o'r fath yn bodoli.

Yn wyneb y risg annerbyniol hon i'r Cyngor, rwyf wrthi'n paratoi Adroddiad i'r Comisiynwr sy'n rhoi sylw i'r angen i gael Polisi yn ei le mewn perthynas â staff, contractwyr annibynnol a gwirfoddolwyr. Byddaf yn gwahodd y Comisiynydd Gwybodaeth i gyfarfod nesaf o'r Cyngor Llawn pryd y bydd y Polisi drafft hollgynhwysol yn cael ei ailgyflwyno i'r Cyngor fel ag y mae, ar gyfer ystyried yr angen i bob aelod etholedig a chyfetholedig gael gwiriad SCT lefel uwch.

Yn gywir / Yours sincerely

Lynn Ball

Cyfarwyddwr Gwasanaethau Cyfreithiol a Phwyllgorau/Swyddog Monitro Director of Legal and Committee Services/Monitoring Officer

to invite the Commissioner to the next Council meeting.

I am of the opinion that the Council and the vulnerable adults and children it serves are at unacceptable risk. The Human Resources Section is not now involved with front line staff recruitment - this task is delegated to each individual Department's management. They do not have Corporate guidelines or policy for undertaking risk assessments, there is no Corporate policy for undertaking, holding, destroying or processing existing CRB checks.

I have received expressions of concern about the implications of the present position from the Portfolio Holders for Housing and Social Services and for Leisure and Education. Both Corporate Directors are concerned about the implication for current processes and the fact their Departments will be inspected by CSSIW and ESTYN in the expectation that such policies and procedures exist.

In view of this unacceptable risk to the Council I am preparing a Report to the Commissioners addressing the need to have in place a Policy in respect of staff, independent contractors and volunteers. I will invite the Information Commissioner to the next Full Council Meeting when the all inclusive draft Policy will be re-presented in its current form to Council for it to consider requiring all elected and co-opted members to undertake an enhanced CRB check.