



**Response from the Association of Directors of Adult Social Services (ADASS)
and the Association of Directors of Children's Services (ADCS) to the Charity
Commission Consultation paper:
'Criminal Records Bureau checks of trustees of charities'**

The Association of Directors of Adult Social Services (ADASS) and the Association of Directors of Children's Services (ADCS) are pleased to respond jointly to the Charity Commission consultation paper on Criminal Record Bureau checks of trustees of charities.

The ADASS is a registered charity (no. 299154), whose members include all directors of adult social services in local authorities in England. The ADASS emerged from the former ADSS whose members including directors of children's and adult social services, following constitutional changes agreed at the AGM in April 2007.

The ADCS is the national leadership Association in England for statutory directors of children's services and other children's services professionals in leadership roles. The Association is a new organisation that is in the process of becoming a registered charity.

Trustees of charities hold leadership positions for the charity they represent. In addition the title 'trustee' denotes a position of trust and respect by in wider society. As such the Associations hold the view that in order to ensure that vulnerable groups are protected, charities whose work includes any access to vulnerable groups however limited should ensure that all of their trustees undergo rigorous recruitment processes before appointment including CRB checks and enhanced checks wherever they are legally allowed.

The response below provides answers to questions posed in the consultation paper in the order in which they appear.

Which trustees should be CRB checked?

1. Should CRB checks on trustees be carried out by charities wherever they are legally allowed, not just in the limited circumstances where they are legally required?

Yes, where they are legally entitled.

2. *If not, in what circumstances do you consider that CRB checks should be carried out?*

See above

3. *Should trustees of charities with general objects which do occasional but regular work with children or vulnerable adults get CRB disclosures for trustees wherever this is legally allowed? If not, what would be an appropriate approach?*

Yes

4. *Where only some of a charity's trustees have direct contact with vulnerable beneficiaries, do you think that only those trustees with contact should be CRB checked or should all the trustees be checked?*

Check all trustees, as individual roles may change

5. *Are other safeguards in place which you believe ensure that trustees are unable to abuse their positions and which mean that CRB checks are not necessary?*

No

Level of checks

6. *Should trustees ensure that wherever enhanced checks are legally allowed they are carried out (rather than standard checks)?*

Yes

Portability of disclosures

7. *In the case of both new and existing charities, should a trustee that has already been CRB-checked in another capacity (for example because they are a teacher) be checked again as part of the process of appointing trustees?*

Yes, unless it is less than three months old.

8. *The CRB recommends that the following factors should be considered in making judgments about portability: the length of time since the disclosure was issued; the level of disclosure; the nature of the position for which the disclosure was issued; and the nature of the position for which the individual is applying. Are there other factors that you think are important?*

No

Validity period for disclosures

9. *How often should CRB checks be carried out on trustees?*

Follow CSCI guidelines (three year period)

10. *Should there be different periods of validity for CRB disclosures for trustees in different circumstances (for example, dealing with different groups of vulnerable beneficiaries)? If so, which groups should be checked more often and at what intervals?*

No

How our policy applies to charities at registration and evidence of CRB checks

11. *Does the Commission's policy of asking to see CRB disclosures before registering a charity help to safeguard vulnerable beneficiaries?*

Potentially, yes.

12. *Does this approach cause an unreasonable administrative burden for charities?*

It should not.

13. *In your view, what information should the Commission seek to reassure itself that CRB disclosures have been obtained when registering charities (for example, a disclosure, a letter from a registered body or a self declaration that the trustee is not disqualified)? Please provide reasons.*

A disclosure is the most consistent approach.

14. *Is supplying the original CRB disclosure to the Commission more burdensome than supplying a copy of a letter from a registered body? If so, why?*

It shouldn't be.

15. *Are you asked to provide original CRB disclosures for charity trustees to any other regulator? If so, please specify.*

Trustees who are registered social workers will have to declare criminal convictions to the General Social Care Council (GSCC)

How our policy applies to trustees of existing charities

20. *Do you agree that it is appropriate to monitor that CRB checks are carried out for existing charities through the annual return?*

Yes

Reviewing our policy – considering the role of registered and umbrella bodies

21. *Do you think that the Commission is duplicating regulation carried out by registered bodies, the CRB or any other regulators?*

No, as Trustees may only be involved as trustees.

22. *What do you think of the proposal that instead of seeing a CRB disclosure, the Commission could rely on information (such as a copy of a letter) from a registered body as assurance that CRB checks have been carried out appropriately?*

A disclosure is more consistent.

Future changes – The Safeguarding Vulnerable Groups Act 2006

28. *We think that trustees of charities whose beneficiaries include children or vulnerable adults should be subject to monitoring under the Safeguarding Vulnerable Groups Act. This would mean that their criminal records and other relevant information would be regularly checked by the CRB. Do you agree? If not, why not?*

Yes

29. *Charities will probably need to nominate a person responsible for checking that each trustee is regularly monitored by the CRB. What do you think would be the best way to check that this nominated person is also subject to monitoring by the CRB?*

By seeing that person's disclosure.

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