

## **Umbrella Body Guidance**

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## 1. Introduction

- 1.1 This booklet has been designed to provide advice and guidance to organisations who are thinking about becoming an Umbrella Body, and existing Umbrella Bodies.
- 1.2 The development of the Umbrella Body network is a high priority for the Criminal Records Bureau (CRB) to ensure that smaller organisations can gain access to its valuable public service. As an Umbrella Body you will be helping other organisations to improve their child and vulnerable protection policies, thereby helping to create a safer society.

## 2. Background

- 2.1 If an organisation wishes to incorporate CRB checks into their recruitment, licensing or appointment processes they must:
- Be entitled to ask exempted questions under the Rehabilitation of Offenders Act (ROA) 1974 Exceptions Order 1975; and
  - Be able to comply with the CRB's Code of Practice; and either
  - Satisfy the conditions of registration and become what is known as a 'Registered Body'; or
  - Use the services of an existing Registered Body that is willing to act as an intermediary between them and the CRB - this type of Registered Body is referred to as an 'Umbrella Body' or one that offers an 'Umbrella service'.
- 2.2 Umbrella Bodies play a very important role by providing access to CRB checks to organisations that, for one reason or another, are not able to register directly with the CRB, for example the organisation may:
- Lack the necessary administration resource or the relevant expertise.
  - Require only a small number of checks per annum.
  - Do not wish to pay the CRB's registration fee.
  - Cannot meet the minimum threshold requirements or the conditions of registration.
  - Need help and assistance in order to comply with the Code of Practice.
  - Need help with the interpretation of the information provided in a CRB check from a more experienced user.

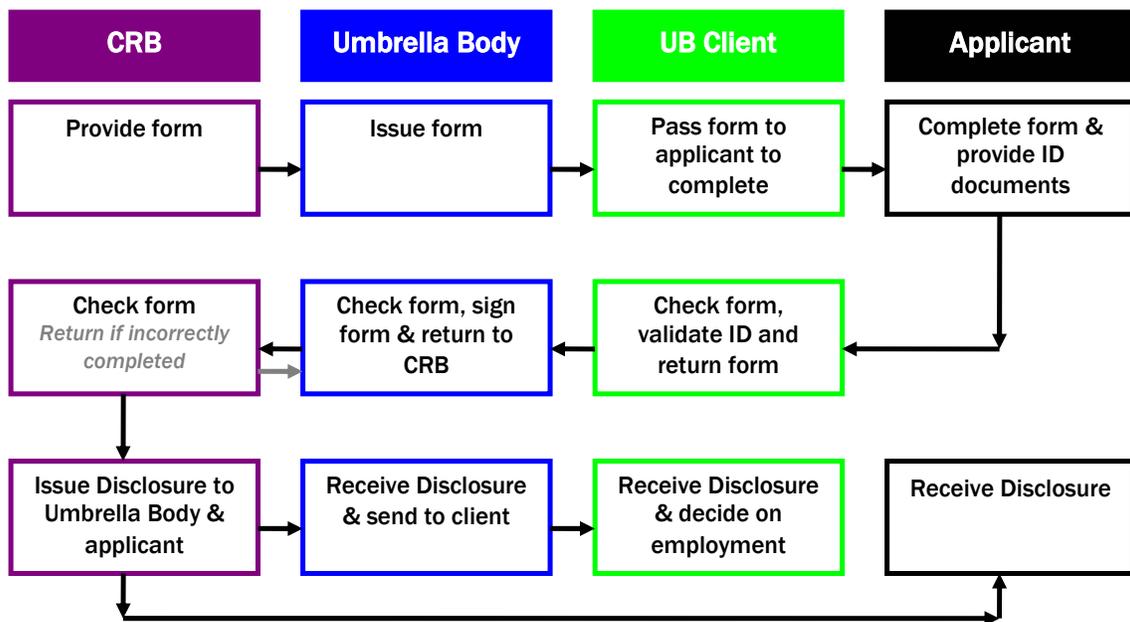
## 3. Should I become an Umbrella Body?

- 3.1 Each organisation considering whether to become an Umbrella Body will have a different reason for doing so - whether this is just for the benefit of others; new business opportunities; or community support. There are, however, four main types of organisations that should consider becoming an Umbrella Body, these are:
- 3.2 **Organisations having a regulatory, supervisory or monitoring function.**
- While this may not be a statutory function, those covered by these functions will be required to conform to rules and systems laid down by the organisation.
  - This group may include local authorities, health authorities and regulatory bodies who can provide voluntary organisations with vital back-up facilities, and enable them to retain their independent status.
  - Being an Umbrella Body can also increase your organisation's status, enhancing your appeal to potential business partners in both the commercial and the voluntary sectors.
- 3.3 **Organisations comprising of affiliated bodies.**
- The affiliation may have a similar set of activities and responsibilities providing a common set of services to well-defined roles and guidelines.
  - This group could include associations and membership organisations who wish to provide a new service to its members or affiliate groups by extending its own administrative facilities, helping them to focus their efforts on their intended activities.
  - The provision of an Umbrella Body can enhance your appeal to new members or affiliate, increasing the appeal of belonging to your affiliation or membership.
- 3.4 **Organisations wishing to expand their customer base, list of products or services.**
- This may include organisations with no regulatory, monitoring or affiliated relationship with the organisation requiring the CRB check – and which may or may not be operating in the same sectors.
  - This group may also include existing Registered Bodies who wish to offer their service to non-registered organisations or organisations who see this as a business opportunity.

- Offering an Umbrella Body service for access to CRB checks can improve your business opportunities through the provision of added value services such as consultancy advice, good practice and training and development in the use of criminal record checks.
- 3.5 **Registered Bodies that cannot meet the threshold requirements of their registration.**
- To maintain their registration, Registered Bodies must comply with their terms of registration, one of which is a minimum threshold for the number of applications processed each year. Registered Bodies who, for whatever reason, cannot meet the threshold, may wish to consider offering an Umbrella Service to other organisations thereby increasing their volumes.
- 3.6 If you do choose to become an Umbrella Body, you remain in control over the number and types of organisations that you wish to offer your services.

#### 4. Process

- 4.1 As an Umbrella Body you would act as an intermediate between the CRB and the employing organisation. The following flow chart provides an overview of the interaction between the three parties.



#### 5. Recruitment decisions

- 5.1 When the CRB issues the completed check, a copy of the Disclosure is issued to the applicant and to the person who countersigned the applications. This means that you as the Umbrella Body will be sent a copy of the Disclosure. At this point the CRB's Code of Practice allows you to pass this copy to the person in the organisation that you were acting on behalf of. How you do this will be a matter between you and the organisation. You will need to take into account the security aspects of transmission and delivery when sending Disclosure information to the organisation. For instance, the envelope used should be clearly marked Strictly Private and Confidential – for the addressee's attention only. Please refer to Section 7 'Obligations'.
- 5.2 This means that the recruitment decision and responsibilities of that decision rests with the employing organisation and not you, as the Umbrella Body. In such circumstances, no liability should lie against the Umbrella Body if a claim were subsequently made on the basis that the employing organisation had acted unfairly against the applicant.
- 5.3 You may however wish to go further, and provide advice and guidance to the organisations that will inform their recruitment decision. For example, there may be a particular relationship between you and the organisation where the organisation looks to you for advice and support in relation to employment and other matters. If so your advice should be:
- Fair and reasonable;
  - Reflect guidance issued or approved by the CRB or other reputable parties in the field;

- Does not discriminate unfairly against a person because of a previous conviction or other information revealed in the CRB check.
- 5.4 In other circumstances, the relationship may be such that you as the Umbrella Body are expected to make the decision on an applicant's suitability. In this case there needs to be a clear, preferably written, agreement to this effect.
- 5.5 In the end you must consider your own position in this matter and take legal advice if required. If you are considering becoming an Umbrella Body you should not feel intimidated, because in the majority of cases it will be sufficient and appropriate for you to simply pass on the results of the CRB check to the organisation, taking into account the obligations set out below.

## 6. Liabilities

- 6.1 The Police Act 1997 includes specific provision that no proceedings shall lie against the CRB by reason of an inaccuracy in the information made available or provided to the CRB.
- 6.2 While there is no corresponding provision in relation to an Umbrella Body, you would be able to argue that no liability would rest with you as long as you have not knowingly made a false declaration on the application form and that you have complied with all guidance issued by the CRB, including the Code of Practice.
- 6.3 If the information revealed by the CRB check is disputed by the applicant or employing organisation, the CRB has a procedure in place to resolve issues about accuracy. As the Umbrella Body you will be the main point of contact for the CRB, acting as an intermediary between the applicant/client organisation and the CRB. Where a dispute is raised, the recruitment or licensing decision should not be made until the investigation is completed, and it will be your responsibility to make the employing organisation aware of this.

## 7. Obligations

- 7.1 As an Umbrella Body you will be required to comply with the CRB's Code of Practice and take reasonable steps to ensure that those to whom you are providing the CRB service are able to comply with the relevant obligations of the same code. Ultimately, however, the responsibility for complying with these obligations – which relate to 'all recipients of Disclosure information' – rests with each individual recipient of the CRB check. For further details about these obligations please read the CRB's Code of Practice.
- 7.2 The following provides an overview of the main obligations:
  - **Main point of contact:** You would act as the CRB's main point of contact for all interaction relating to the applications that you countersign.
  - **Storage & security:** You would be responsible for the correct storage and security of the information revealed in a CRB check and that the information contained is only seen by those that have a right to see it in the course of their normal duties. This extends to those organisations to which you provide the service. You must have a written security policy to govern their handling of information revealed in a CRB check, and provide your client with a copy.
  - **Records:** You would be required to maintain an up-to-date written record of the contact details within organisations to which you provide the Umbrella service.
  - **Recruitment of ex-offenders:** You would be required to have, and ensure that the organisation to whom you are providing the service have a policy on the recruitment of ex-offenders. A sample policy is available from the CRB website [www.crb.gov.uk/dip](http://www.crb.gov.uk/dip)
  - **Identity checks:** You would be required to ensure that the identity of the person on whom the CRB check is required has been verified and validated according to CRB's guidance; however the actual process of ID verification and validation can be undertaken by the organisation to whom you are providing the service.
  - **Countersigning the application form:** You would be responsible for countersigning the application form on behalf of your customer confirming that there is a legal entitlement to the check, the information provided is true and accurate and that you have not knowingly made a false declaration. The types of work, occupations or positions which can be CRB checked are listed in the Rehabilitation of Offenders Act 1974. For further information please refer to the CRB's 'Disclosure Access Category Codes' which is available from the CRB website [www.crb.gov.uk/dip](http://www.crb.gov.uk/dip)
  - **Continuation of service:** If at any time you are not satisfied that the organisation that you provide the service to is entitled to ask an exempted question, or you believe that it may be acting illegally, you should contact the CRB immediately. Likewise, you should contact the CRB at once if you have any concerns about the way one of these organisations is handling Disclosure information. An Umbrella Body should not act for organisations that appear unable to adhere to the CRB Code of Practice.

## 8. Service standards

- 8.1 The CRB publicises its public service standard for the processing and issue of CRB checks. The standards commence when the CRB has received a fully completed and accurate application form.
- 8.2 Umbrella Bodies may wish to set their own similar service standards or service level agreements with those on whose behalf they are acting.
- 8.3 More information on our current service standards can be found on the CRB website at [www.crb.gov.uk/dip](http://www.crb.gov.uk/dip)

## **9. Agreements**

- 9.1 The CRB recommends that each Umbrella Body develops a clear, preferably written, agreement between them and their customers. This agreement would set out the expectations and responsibilities of each party. A typical agreement could include the following:
- What Disclosure information the Umbrella Body is to share with the organisation to whom it is providing the Disclosure service;
  - The role each party plays, if any, in the recruitment decision (this may be the sole responsibility of one of the parties) and the obligation to comply with your policy on the recruitment of ex-offenders;
  - What arrangements are kept in place by both parties for handling Disclosure information and observing the Code of Practice including for example, a policy on the storage and retention of Disclosure information;
  - Where the responsibility lies for verifying the identity of an applicant;
  - Security of transmission arrangements for sharing Disclosure information between the parties;
  - Service levels between the parties;
  - What charges, if any, it will make for providing the service;
  - Payment and invoicing arrangements;
  - Conditions regarding withdrawal of the service;
  - Any additional services the Umbrella Body may provide to the organisation.

## **10. Charges**

- 10.1 The CRB makes a charge for the issuing of Disclosures and the CRB will invoice you on a monthly basis for these. This can be recovered by you from the organisation that you are acting on behalf of. It is at your discretion whether or not to levy an additional administration charge to that organisation for your service. Your administration charge may vary depending upon the level of service provided.
- 10.2 Any such arrangement would be a commercial agreement between you and your customers. While the CRB has no legal duty to define a level of charge, we encourage Umbrella Bodies to keep any fee to a minimum.

## **11. Registration**

- 11.1 If you are not already registered as a Registered Body with the CRB, the registration process is the same as if you were applying to become a Registered Body - the only difference being the response to question 23 on the Registration application form, which refers to 'acting on behalf of recruiting organisations'. If your organisation is interested in acting as an Umbrella Body and thereby countersigning applications on behalf of others, you should answer 'yes' to this question.
- 11.2 An existing Registered Body can, however, become an Umbrella Body at any time – simply by completing the online questionnaire on the CRB website [www.crb.gov.uk/ubrequests](http://www.crb.gov.uk/ubrequests)
- 11.3 The CRB may contact you if clarification is needed on the information you have provided.
- 11.4 When you register with the CRB the person who completes the registration form is known as the 'Lead Countersignatory'. When registered, this person is able to countersign applications for CRB checks on behalf of the organisations to whom you are providing the service. However, depending upon the scale of your intended operation you may require additional resources to perform this task, these are called 'Countersignatories'. If you require additional Countersignatories you will need to have these registered with the CRB by completing a Countersignatory application form.
- 11.5 Please note that each of these additional Countersignatories must be employed by your organisation and not in the organisation to which you are providing the service.
- 11.6 The CRB will carry out a check – the equivalent of an Enhanced Disclosure – on the Lead and each additional Countersignatory. Before nominating Countersignatories, organisations should make it clear to the individuals that the CRB will require a police record check.

- 11.7 If not already registered with the CRB a registration fee will be charged upon application to become an Umbrella Body and for each additional Countersignatory. The registration fee is a one-off payment. There is no additional fee if an existing Registered Body wants to become an Umbrella Body.

## **12. Publicity**

- 12.1 The CRB publishes details of all Umbrella Bodies on its website. This facility allows organisations to search for suitable Umbrella Bodies and for Umbrella Bodies to advertise their services.
- 12.2 The CRB and Disclosure logos are registered trademarks in the United Kingdom under numbers 2263661 and 2263664 respectively. The CRB does not allow or permit Registered or Umbrella Bodies to use these logos.
- 12.3 Umbrella Bodies that wish to refer to the CRB service they provide can refer to themselves as “[Name of organisations] is registered with the Criminal Records Bureau as an Umbrella Body”.

## **13. Further information**

- 13.1 You can get further information and advice on the Disclosure service by contacting the CRB directly. Since all information is published on the website, please make this your first contact point. If you have any further questions, please contact the CRB information line.

- CRB website: [www.crb.gov.uk](http://www.crb.gov.uk)
- CRB Information line: 0870 90 90 811
- CRB Registration line: 0870 90 90 822
- Address: CRB Registration Management Unit  
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