

## **Human Resources**

# **Disclosure and Barring Service checks policy**

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## I Introduction

A criminal record check relates to the data held about a person's criminal history. The information included on a criminal record can vary between countries, and even between jurisdictions within the same country.

In the majority of cases, a check will include all criminal checks including cautions, convictions, reprimands and final warnings. It may also include traffic offences such as speeding and drink driving. In some countries the record is limited to actual convictions issued by a court of law, while others will include arrests, charges missed, charges pending and even charges of which the individual has been acquitted.

The Council will request a criminal record check for eligible roles as part of our recruitment process. These checks are processed by the Disclosure and Barring Service (DBS). For certain roles the check will also include information held on the DBS children barred list, together with any information held by police forces, that is reasonably considered to be relevant to the applied for post.

These checks are to assist the Council in making safer recruitment decisions and help the Council to ensure that unsuitable people are prevented from working with vulnerable people. A check is just one part of robust recruitment practice which is described in the Safer Recruitment policy

The checks provide the following information:

Information that may be included	Basic disclosure	Standard DBS check	Enhanced DBS check*	Enhanced and barred DBS check
Unspent convictions	√	√	√	√
Spent convictions (that are not protected)	×	√	√	√
Cautions, reprimands and final warnings (that are not protected)	×	√	√	√
Police intelligence	×	×	√	√

Inclusion on the children's barred list (where requested)	x	x	x	√
Inclusion on the adult's barred list (where requested)	x	x	x	√

\*Positions that were eligible for an enhanced disclosure with a barred list check before 2012 remain eligible for enhanced disclosures but without barred this information.

The Council has few roles which require a check of the adult's barred list but a number of roles are eligible for a check of the Children's barred list.

Roles within the Council are assessed for eligibility for a DBS check and the appropriate level of that check.

When making this decision, reference is made to the following eligibility guidance:

<https://www.gov.uk/government/collections/dbs-eligibility-guidance>

<https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance>

This eligibility check should be undertaken with the guidance of an HR Business Partner and the outcome, including a screenshot of the Gov.uk outcome should be provided with the Authority to Fill form. The minimum age at which someone can be asked to apply for a criminal record check is 16 years old.

The Rehabilitation of Offenders Act 1974 aims to ensure that a person who has been convicted of a criminal offence in the past and who has not re-offended for a specified period is, so far as possible, freed from the stigma of that conviction, and is treated as if the offence and conviction for it never occurred. In such cases spent convictions do not need to be declared and will not be revealed by a check if they are filtered from disclosure. A refusal to employ a rehabilitated person on the grounds of a spent conviction is unlawful under the Rehabilitation of Offenders Act.

Further guidance on the employment of ex-offenders is at the link below:

<https://www.gov.uk/exoffenders-and-employment>

However, some jobs and categories of employment are exempt from the provisions of the Act and in such cases an individual must reveal their full criminal history. This excludes protected cautions and convictions that will be filtered from a criminal record check. Further information is at the link below:

If a conviction is filtered from an employee's record and which are therefore 'protected' should not be taken into consideration if this information is received through the recruitment process

## 2 Scope

This policy applies to employees\*, volunteers, off payroll workers and suppliers who work in roles that are eligible for a DBS check. The Council will undertake the check for employees and volunteers and some off-payroll workers in some circumstances. \*The term employee throughout this document also covers workers and volunteers.

Employees who undertake more than one role for the Council will be assessed for each role to determine the level and type of check that will be undertaken for each role as appropriate.

A requirement for a check is triggered when:

- The applicant has never had a DBS check before and the position they are applying for is eligible for such a check
- The applicant is an existing member of staff who has had a DBS check for their original role, and they are moving into a new role which requires a different level of check and/or barred list clearances. The requirement to undertake a DBS check may be triggered when there are significant changes to the duties within the role, internal secondments or acting up, appointed of a secondees from outside of the organisation or a change of role following a restructuring or re-deployment process.
- Appointment of staff following a TUPE transfer process will trigger the requirement to undertake appropriate checks with a risk assessment process if all checks are not available in accordance with Council policy.
- Concerns have been raised about an employee's behaviour, conduct or practice (for example, because of criminal activity, actual harm or risk of harm to patients) which may trigger the need for a new check where relevant to the role

Casual or seasonal workers returning to work for the council after a break of more than 12 months will need to undertake a new DBS check at the point of re-employment unless they have signed to the Update service in which case a check will be undertaken through this service.

For workers provided through an agency, it is the agency as the employer who will be required to confirm that a check has been undertaken if the worker is undertaking a role within the Council that is eligible for a check. As part of the procurement process, the Council will specify that individuals undertaking activity on behalf of the Council have had the appropriate level of check to the role that they are undertaking.

## 3 Definitions and level of check

Statutory requirements provide the levels of checks required for certain jobs and such will depend upon whether it is 'Regulated Activity' or not. A person can be in a 'Regulated Activity'

because of what they do (activities), where they work (establishments) or who they are (specified position).

There are two defined groups namely; 'Regulated Activity for Adults' and 'Regulated Activity for Children', each with specific definitions.

The definition of Regulated Activity for Adults is given below for ease of reference. However, it has been assessed that the Council does not have any roles which meet the definition of this activity and therefore they are not eligible for an Adults barred list check.

Those roles which provide:

- Healthcare: if they are a regulated health care professional or are acting under the direction or supervision of one, for example doctors, nurses, health care assistants or physiotherapists
- Personal care: assistance with washing or dressing, eating, drinking and toileting or teaching someone to do one of these tasks
- Social work: provision by a social care worker or social work which is required in connection with any health services or social services
- Assistance with a person's cash, bills or shopping because of their age, illness or disability
- Assistance with the conduct of an adult's own affairs, for example lasting or enduring powers of attorney or deputies appointed under the Mental Health Act
- Conveying adults for reasons of age, illness or disability to or from places where they receive healthcare, personal care or social work. This would not include friends or family or taxi drivers.

The definition of Regulated Activity for Children is as follows:

- Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on wellbeing, moderate a public electronic interactive service or drive a vehicle only for children carried out on a frequent, intensive or overnight basis. An individual carrying out activities as above, under reasonable day-to-day supervision by another person who is also engaged in Regulated Activity is not undertaking Regulated Activity.
- Work for a limited range of establishments (schools, nursery schools, childcare premises, children's homes, children's centres) with the opportunity for contact with children carried out on a frequent intensive or overnight basis. A volunteer carrying out supervised activities under reasonable day-to-day supervision by another person who is also engaged in Regulated Activity is not undertaking Regulated Activity, however supervised paid employee working for a supervised specified establishment does come under Regulated Activity.

- Work under (1) and (2) is Regulated Activity only if done regularly. Regular means carried out by the same person frequently (once a week or more often) or 4 or more days in a 30-day period (or in some cases, overnight)
- Providing Healthcare – provision by a healthcare professional or under the direction or supervision of one. This may include psychotherapy and counselling, first aid administered on behalf of an organisation established for the purposes of providing first aid. This does not include workplace first aiders, members of peer support groups or life coaching.
- Providing Personal Care – Physical assistance (or prompting with supervision or training or providing advice or guidance) with eating, drinking because of illness or disability, physical assistance (or prompting with supervision or training or providing advice or guidance) with going to the toilet, washing or bathing or dressing because of age, illness or disability, because of the age, illness or disability.
- Registered childminders and foster carers.
- Day-to-day management or supervision of individuals carrying out Regulated Activity relating to children.

For employment within the Council that involves use of the DWP's Customer Information System a basic disclosure will be required before a contract of employment is confirmed, as per the HMG Baseline Personnel Security Standard.

It is against the law for the Council to employ someone or allow them to volunteer for this kind of work/activity if the person is on the barred list.

## 4 Levels of Disclosure

The Council will use on-line assessment tools as evidence to determine the level of DBS check to be undertaken.

Basic DBS checks. Whilst the Council do not generally use this level of check for roles, we will consider their use for high risk roles such as senior budgetary posts and those involving cash handling. For roles that access government systems such as Civica a Memorandum of Understanding sets out the relevant security checks with a Basic Disclosure check obtained as part of this vetting process which is the Baseline Personnel Security Standard.

Standard DBS checks are for people entering certain professions, such as some members of the legal and accountancy professions. The Council would use this check for those employees entering their first role in one of these professions. Civil Enforcement Officers are also required to have a standard check.

Enhanced checks are for posts that perform a 'regulated activity', or a 'regulated activity provider' for children and young people. The Council generally uses this level of check with the relevant barred list check. Should a role be undertaking regulated activity for adults at risk, the Adults Barred list will be checked. In some circumstances the Enhanced check without barred lists would be undertaken.

Overseas checks. If the role being recruited to is eligible for a DBS check and the applicant is currently living overseas or has declared that they have spent a significant period of time outside the UK, or, in some circumstances, if the applicant has been born abroad, the Council will:

- Ask them to provide evidence of police certificate or certificate of good conduct from the relevant country or countries: and
- Obtain a standard or enhanced DBS check (as appropriate to the role) as soon as is reasonably practical. This check requirement applies even if the individual states that they have never lived or worked in the UK before.
- If the applicant does not have a certificate which they can provide, the Council as the employer may apply for a certificate to the relevant body. However, in some cases it is only the applicant who can apply for this certificate.

All overseas police checks must be in accordance with the relevant country's justice system. Additional time to acquire overseas police checks must be factored into the recruitment process. Wherever possible, prompting individuals to obtain a certificate before they leave their residing country will help avoid any unnecessary delays in them taking up their appointment.

Further information is available at the following link:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

## **5 DBS check procedure roles and responsibilities**

### **5.1 Recruiting managers will:**

- Review the role prior to recruitment and ensure the role profile is an accurate reflection of the duties required of the post holder.
- Discuss with HR the duties and responsibilities that are within the role to enable an assessment to be made with regard to the eligibility for a DBS check and provide a documented outcome of that decision with a screen shot of the outcome of the on-line eligibility check
- Advise HR of any amendments to the duties of the post holder which may change the eligibility of the role for a DBS check.
- Where a criminal conviction is revealed for a new recruit or for an existing member of staff through the recheck process, participate in the risk assessment process with HR to determine the relevance of the conviction to the role. The risk assessment will be referred to the Director of Service for their decision.

### **5.2 Human Resources will:**

- Hold a record of all roles in the Council which require a DBS check.
- Communicate clearly via the job advertisement, intranet/website, application form and job description that a DBS check is required for the role



- Ensure that all new recruits have a DBS check if the role is eligible.
- Ensure that re-checks are undertaken in accordance with the Council recheck policy for existing employees who are in roles eligible for a DBS check
- Advise individuals of the document requirement for a check to be undertaken
- Initiate the DBS process by checking the validity for supporting documents.
- With the service, ensure that the risk assessment process is undertaken where a criminal conviction is revealed for new recruits or for employees going through the re-check process
- Following the decision by the Director, with the service, ensure that the appropriate process is followed should the risk assessment reveal that the conviction is incompatible with the duties of the role.
- Ensure that a referral is made to the DBS in appropriate cases in accordance with the Council's legal duty to refer.

### **5.3 Employees** eligible for a DBS check will:

- For an internal job move into a role which is eligible for a DBS check, provide appropriate documentation and complete the application process to enable a DBS check to be undertaken in accordance with Council policy.
- Provide appropriate documentation and complete the application process promptly to enable a recheck to be undertaken in accordance with Council policy.
- Present their certificate within 7 calendar days of a request from HR to do so.
- Declare criminal convictions during the course of employment. Please note, a failure to disclose convictions could result in disciplinary action and potentially dismissal.

## **6 Self-declaration of criminal convictions or other offences/investigations**

The Council requires applicants to complete a self-declaration form.

This gives applicants an opportunity to identify any additional information or evidence that they may wish to be considered in support of their application.

The Council is only required to request information from applicants that is relevant to the role applied for. In most cases the Council will only legally be permitted to ask applicant to declare any unspent cautions and convictions.

If the role applied for is eligible for a DBS check, the Council will request spent and unspent convictions and this information is matched against the outcome of the DBS check when received.

A risk assessment of any declarations is undertaken against the duties of the role and the applicant may be interviewed prior to the review of any offer of employment.

## **7 DBS check procedure**

Short-listed applicants should bring their self-declaration of criminal convictions form in a blank envelope to their interview, if this is not provided the applicant should be asked to complete it. This should be provided to the HR Support team for review for the successful applicant.

If a role is eligible for a DBS check, recruiting managers should ensure that they inform interviewees at interview that they will be required to undergo a Disclosure and Barring Service check, if offered the post, and that any offer of employment will be subject to clearance from the Disclosure and Barring Service (and other Pre-Employment vetting as per the safer recruitment procedure), prior to commencement.

Successful applicants requiring Disclosure of criminal records will be required to provide proof of identity by producing the original of the documents described in the approved identity document list given at the following link:

<https://www.gov.uk/government/publications/dbs-identity-checking-guidelines>

Documents need to be presented to the recruiting manager or HR to enable the DBS process to be initiated. Should identity need to be checked from other sources, the consent form at Appendix A should be completed by the applicant.

## **8 Checks for new employees**

Any person being recruited to a role that is eligible for a DBS check and is not currently employed by Chelmsford City Council is subject to a new Disclosure and Barring Service check. A check will be undertaken for applicants at the point at which a conditional offer of employment has been made. However please see the section on 'Portability' below.

If an individual refuses to agree to a disclosure the offer of employment may be withdrawn.

Unconditional offers of employment should not be confirmed for exempted positions (i.e. those that require a DBS check) until the relevant Disclosure has been obtained. It is possible to make a conditional offer subject to receipt of all satisfactory documentation where this is considered appropriate.

It is an offence for anyone excluded from working with children and adults at risk and on the barred lists to apply for a regulated position. If an application is received, the police must be notified, and a referral made to the DBS. It is also an offence to knowingly offer a regulated position to someone on the regulated activity barred list.

Where employees are transferred to the City Council following a TUPE arrangement, the Council will determine the pre-employment checks that are available, those which are outstanding and how to fill the gaps and will undertake a risk assessment process where gaps in pre-employment checks remain.

## 9 Portability

The DBS define portability as meaning the reuse of a disclosure certificate which has been obtained for a position in one organisation and is later used for another position in a different organisation.

Disclosure certificates have no term of validity. The only assured means of ensuring that information is as accurate and up to date as it can be, is to obtain a new DBS check or where individuals declare that they are subscribed to the DBS update service, by carrying out an online status check.

In exceptional circumstances, if considering accepting a disclosure certificate that has been issued for another role, the Council will take the following factors into account;

- The date of the last disclosure. The disclosure certificate will only provide information that is known about an individual up to the point of its issue. Therefore, there is a chance that the individual's criminal record status may have changed since their last disclosure. The Council will not accept a Disclosure certificate that is more than 3 months old.
- Whether the new role is the same or similar to their previous role. Any intelligence provided will have been relevant to the individual's previous role. There is a possibility that additional information could be revealed for a different role.
- Whether the certificate is genuine, and it relates to the person presenting themselves. The previous disclosure will have been issued based on another organisation's ID verification process. The Council will take all necessary steps to assure itself that the certificate is genuine, the information provided relates to the individual presenting themselves, and it can be cross-referenced with other documentary evidence the applicant has provided as part of their application.

The Council will request a new DBS where the above factors cannot be satisfied.

## 10 DBS Update Service

The update service lets employers check the status of an existing DBS certificate, if it is for the same workforce where the same type and level of criminal record check is required and the permission of the individual for the Council to undertake this check has been received.

The Council can only make the status check if they could also legally request a new DBS application for the role the individual will be working in. For example, a check that would be in the same workforce and at the same level as the original certificate.

All update service checks will be co-ordinated via HR.

For permanent staff accessing the Update Service, reimbursement will be made for the Service on proof of payment. Employees can also claim back the cost of a Basic Disclosure if this has been undertaken at the request of the City Council due to the nature of their role with the Council. A form for this is attached Appendix D.

## **11 Rechecking employees**

Chelmsford City Council will re-check employees and casual workers who are in posts that are eligible for a DBS check, every 3 years. This policy also applies to volunteers.

Confirmation of employees who require a recheck will be sent to the reporting manager. The employee/worker/volunteer will be issued with a log in to enable them to undertake the on-line check as quickly as possible.

If the application process is not completed and documents provided to support the application are not provided to HR/or appropriate manager within 3 months of the employee receiving the request to complete a new check, this should be escalated to the HR Business Partner and Line Manager. If the Certificate is older than 3 years and the employee or casual worker has not completed the application process for a new check, this may mean that the employee or worker cannot carry out the usual duties of their role until the DBS is completed and it will be reported to the Director of the relevant service. Employees, casual workers and volunteers who fail to comply with the re-check despite all reasonable attempts to enable them to do so will be investigated and further action may follow including potentially suspension and disciplinary action for employees or an ending of the casual worker agreement and volunteer agreement for volunteers.

In the cases where HR have received an on-line notification of information revealed through the DBS recheck process, the employee/worker/volunteer will be asked to present their certificate for review to HR within 7 calendar days. Should they fail to do so, the employee may be suspended from work pending the provision of the certificate and may be subject to a disciplinary process. On presentation of the Certificate and review of the criminal convictions revealed it may be necessary to suspend the employee pending a full risk assessment of the convictions as they relate to the role undertaken.

Where an existing employee is moving without a break to a position in a similar environment and the level and type of DBS check required for the old and new posts are the same, no further DBS check is required provided the check is less than three years old. Should the employee have a criminal conviction(s) an assessment will be undertaken to assess the relevance of the criminal conviction to the role as the process outlined below. As the Council will not have a copy of the DBS certificate, the employee will be asked to provide their DBS certificate so that the criminal conviction information can be seen and can be risk assessed against the role.

Internal staff changes or significant changes to the role will trigger a review of the need and/or level and type of DBS to be undertaken. This will include internal secondments, secondees from outside the organisation and changes initiated by restructuring or redeployment.

## **12 Assessing relevance of criminal records**

The suitability for employment of a person with a criminal conviction will vary according to the tasks and responsibilities of the role and the details and circumstances of any convictions. As an equal opportunities employer Chelmsford City Council is committed to ensuring that recruitment decisions are based on relevant facts and criteria and a risk assessment will be undertaken to enable an informed decision to be made.

In all cases the Council will make a decision in accordance with the Rehabilitation of Offenders policy statement

A written record of the assessment should be completed and retained (Appendix B) The following are some of the areas which should be considered:

- Whether the post involves regular one to one contact with children, adults or other vulnerable groups (other employees, customers, clients) and in what context e.g. overnight
- The level of supervision the post holder will receive and its regularity
- Whether the post involves any direct responsibility for finance or any other items of value
- Whether the post involves direct contact with the public (and their vulnerability)
- Whether the nature of the job present any opportunities for the postholder to re-offend in the workplace
- The length of time since the offence occurred
- Whether the offence was a one-off or part of a history of offending
- The relevance, nature and seriousness of the offence
- Whether the applicant's circumstances have changed since the offending took place
- Any mitigating circumstances presented by the applicant
- The country of conviction
- Whether the offence has been decriminalised

Where, on the basis of Disclosure information, a decision is reached to not confirm an offer of employment it is important that applicants are given the opportunity to discuss this with the recruiting manager and the HR Business Partner. In most circumstances the applicant will be asked to attend a meeting with the recruiting manager and HR to discuss their conviction and provide any further information they would wish the Council to consider when coming to a decision.

An applicant may wish to refute the information given on a Disclosure and has the right to query the accuracy of details directly with the DBS through their appeals procedure. In the event of this occurring it will be necessary to consider temporarily suspending the appointment process.

Disclosure information must only be used for the specific purpose for which it is requested and for which the applicant has given consent i.e. to assist with determining the suitability of the individual for employment in a particular position. It should not be used at any other time for other purposes.

Any deviation from the Council's recruitment policy in relation to DBS checks or other checks which should be applied to applicants or employees should be documented on a risk assessment form to capture the decision made.

### **13 Storage and Handling of Disclosure information**

Chelmsford City Council will ensure that:

- Disclosure information provided by the applicant or employee/casual worker will not be passed to anyone who is not entitled to receive it.
- All information will be held in accordance with DBS Code of Practice on the storage and handling of DBS information and copies of the Certificate will not be held on file.
- Documents will be stored in a locked, non-portable container or cabinet. The keys to this are kept in a separate locked cabinet.
- Documents outside of the cabinet when being used will, under no circumstances, be left unattended.
- Whilst certificate itself will not be retained on file, information that a check was undertaken, and the date and the certificate number will be held on file together with the risk assessment document as appropriate.

HR will report to DBS any suspected malpractice.

## **14 Charging arrangements**

Chelmsford City Council will, in most cases, meet the charges levied by DBS for Certificates requested in connection with recruitment to their own positions. This will be via a contract with ECC.

There will be no charge made by the DBS for volunteers.

## **15 Links to other policies**

The following policies should be referred to for more information and guidance:

- Safeguarding policy
- Safer recruitment policy
- Policy on handling and storage of criminal convictions
- Policy on the Recruitment of Ex-Offenders
- Code of Conduct

## **16 Review**

This policy is owned by Human Resources and will be reviewed on an annual basis or more regularly in response to legislative change



## Appendix A – Consent Form for Identity Verification



**Please complete if you cannot provide any Route 1 Identity documents:**

Name: .....

(please print)

“You may undertake a search with an external organisation for the purpose of verification of the name, address and date of birth I supply against any particulars on any database (public or otherwise) to which they have access. A record of the search will be retained but will not be visible to other parties or affect my credit rating.”

I confirm I have read, understood and signed the Privacy notice for applicants/employees and agree that my data may be processed in accordance with data protection legislation for the purpose of conducting pre-employment/pre-engagement checks

Signed: .....

Date: .....



## Appendix B

### **Risk Assessment Form following disclosure of criminal records from the Disclosure and Barring Service**

To be used to assess the suitability of the applicant for the role they have applied for

<b>Employee Personal Details</b>
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other: <input type="checkbox"/>
<b>Full Name and Legal Title:</b>
<b>Position Applied For:</b>
<b>Department/Service:</b>
<b>Date of Risk Assessment:</b>
<b>Risk Assessment undertaken by HR Business Partner (or Manager):</b>

Please note, that the information obtained from this risk assessment process, will form the main basis to deciding whether an unconditional offer of employment can be made/an offer of volunteering can be made therefore it is in the best interests of all parties (both the Applicant and Manager) that the risk assessment form is completed in full and that a full account is given of any matters which have been disclosed. This form should be completed with the Senior HR Business Partner before review and a decision by the HR Services Manager in conjunction with the Service Manager.

<b>Details of conviction</b>	
Country of origin (conviction)?	
Has the conviction been decriminalised?	
Dates of conviction(s)	
Certificate reference number	

Question	Applicable	Comments
Did the applicant declare the matters on the Criminal conviction form?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
Does the individual agree that the information detailed on the DBS Certificate is correct?  Note the date of the offence and the age of the applicant at the time of the offence(s)	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
Does the individual regret the matter(s), show remorse or what is their attitude towards the matters now?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
Would they do anything differently now?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
Have the individual's circumstances changed since the conviction? E.g. location, friends, partner, education	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
Are there any mitigating circumstances? (E.g. peer pressure, age of applicant at time of the offence, financial need or lack of judgement)	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
Do the matters disclosed form any pattern? E.g. is there a cycle or history, reoccurrence, repeat offences	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
Can the applicant demonstrate any efforts not to re-offend? I.e. Rehabilitation Course or other community activity	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
What is the nature of the contact the individual has with children / vulnerable adults including regularity	Yes <input type="checkbox"/> No <input type="checkbox"/>	

and whether overnight?	Not applicable <input type="checkbox"/>	
Can any safeguards be implemented to reduce/remove any risk? E.g. level and type of supervision	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
Will the nature of the post present any realistic opportunities for re-offending?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/>	
Does the employee have access to financial systems or handle Council funds?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	
Provide an assessment of the relevance, nature and seriousness of the offence in relation to the role		

\*\* Please use an additional sheet if required \*\*

Declaration by Applicant / Employee / Volunteer and any additional comments in support of their employment.

I understand that any offer of employment / continued employment (paid or voluntary) will be subject to the information I have supplied above and that this is complete and correct. I understand that false information, or a failure to supply the details required, could make an offer of employment, work or engagement as a volunteer invalid or lead to termination of employment.

I understand that this information may be shared with other relevant statutory bodies to enable the City Council to undertake its legal duties. I give my consent for this information to be shared on this basis.

Signature of Applicant / Employee:	Date:
Additional comments from the Manager/HR Business Partner	
Outcome of Risk Assessment (delete as appropriate*):	
<b><u>Recruitment</u> - Withdraw Offer of Employment / Continue with Offer of Employment*</b>	
<b><u>Recruitment</u> – Withdraw Offer of Volunteering/Continue with Offer of Volunteering*</b>	
<b><u>Recheck</u> – Take further action / Continue with Employment*</b>	
<b><u>Recheck</u> – Take further action/Continue with Volunteering*</b>	
If the assessment has highlighted a withdrawal or further action required (i.e. High Risk) this should be in agreement with HR. Authorisation below is not required in these circumstances.	
Please state (if applicable) whether approval is dependent upon conditions being met, such as recommendations, restrictions, and safeguards to be implemented by the employing service.	
Name and signature of Manager:	Date:
Authorisation	Date:
HR Service Manager or Director	

## Appendix C

### Rehabilitation of Offenders policy:

- as an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Chelmsford City Council complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly
- Chelmsford City Council undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed
- Chelmsford City Council can only ask an individual to provide details of convictions and cautions that Chelmsford City Council are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended)
- Chelmsford City Council can only ask an individual about convictions and cautions that are not protected
- Chelmsford City Council 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 dependents, age, physical/mental disability or offending background
- Chelmsford City Council has this written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process
- Chelmsford City Council actively promotes 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
- Chelmsford City Council select all candidates for interview based on their skills, qualifications and experience
- an application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position
- Chelmsford City Council ensures that those in Chelmsford City Council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences or can seek advice and guidance from Human Resources
- Chelmsford City Council also ensures that they have received appropriate guidance and training or have access to guidance on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974
- at interview, or in a separate discussion, Chelmsford City Council ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to

reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment or volunteering

- Chelmsford City Council makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#) and makes a copy available on request
- Chelmsford City Council undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

### **Rehabilitation Periods and filtering guidance**

Information on the employment of ex-offenders can be found on the Gov.UK website using the link below:

<https://www.gov.uk/exoffenders-and-employment>

The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account.

All guidance and criteria on the filtering of these cautions and convictions can be found in the DBS filtering collection <https://www.gov.uk/government/collections/dbs-filtering-guidance>

Guidance of the disclosure of criminal convictions can be obtained from Nacro:

<https://www.nacro.org.uk/>

or

<http://www.unlock.org.uk/>

All applicants who are required to complete a self-declaration form regarding criminal convictions and encouraged to seek guidance to ensure that all relevant information is disclosed

Appendix D

**DBS BASIC CHECK / UPDATE SERVICE - CLAIM FORM**

Name (Capitals)

Payroll No.

Please select the DBS check you are claiming for:

Basic DBS Check [£23.00]

DBS Update Service [£13.00]

Date	Please state current Disclosure Number or Disclosure Receipt Number

When submitting a claim, you MUST attach all receipts (or proof of payment) before we can reimburse you.

**FRAUDULENT COMPLETION OF ANY CLAIM IS A SERIOUS OFFENCE AND WILL BE DEALT WITH IN ACCORDANCE WITH THE COUNCIL'S DISCIPLINARY RULES AND PROCEDURES AND COULD RESULT IN DISMISSAL.**

Signature of Claimant

Date

**The below will need to be completed by an Authorised Signatory in your service prior to submitting your claim to payroll.**

I confirm that the above individual requires the above specified DBS Check as an essential part of their role, and as such accept reimbursement.

Certified for Payment

Authorised Signatory

Print Name

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Payroll Use ONLY

**Expenditure Code**

4 3 7

0 5 7 5 0 0 9 4 0 0

£

Input by

Checked by

Date

**CHELMSFORD CITY COUNCIL**

Version Number	Creation Date	Changes Made	Changes Made By:	Authorised/Checked?	Date of Changes
3.0	December 2019	General review, move to on line DBS service and updates to policy	J Corsham	Manager, employee and Unison consultation	Dec 2019
2.0	April 2011	Several links updated, acceptable documents changed, rehabilitation periods changed, two ticks changed to Disability Confident	M Barnett	Y	17/10/16
1.9	April 2011	Amended to reflect new HR structure	J Ferguson	Y	22/09/15
1.8	April 2011	Amended claim forms	A Cartwright	Y	27/11/2014