

**SALISBURY**  
**CITY COUNCIL**



# **Criminal Records Disclosure and Barring Policy (DBS):**

## **Recruitment of ex-offenders**

**(Draft for publication after 6 Dec)**

<b>Policy No</b>	<b>Version</b>	<b>Owner</b>	<b>Doc No</b>	<b>PDF No</b>	<b>Date Published</b>	<b>Review date</b>	<b>Changes</b>
HR50	1	HR	66294	66572	15 May '18		As required
HR50	2	HR	69458	70967	Jan 2019		Clarification of policy for those not requiring enhanced DBS but do need a basic check
HR50	3	HR	84534		6 Dec 2021	Dec 2022	Update of the policy to include standard DBS checks and new Safeguarding Policy document numbers and review of level of DBS required for roles, including volunteers

**Distribution**

Internal: All SCC Staff

External: Website/Councillors/Partners

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## 1.0 Purpose

- 1.1. This policy is written to provide further detail on the DBS process relating to the Salisbury City Council Safeguarding Children Policy (DOC73519) and the Adults at Risk Safeguarding Policy (DOC73322) and should be used in conjunction with those policies. The recruitment policy states that consideration should be given to new roles and whether a DBS is required. Appendix D highlights roles which have been assessed as requiring a DBS and the level needed. This also details those roles where a basic check, which will look at unspent convictions is required. The levels of DBS are defined in paragraph 3 of this policy.
- 1.1. This policy should be used in conjunction with the recruitment procedure (DOC77459).
- 1.2. 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), Salisbury City Council complies fully with the DBS code of practice (<https://www.gov.uk/government/publications/dbs-code-of-practice>) and undertakes to treat all applicants for positions fairly.
- 1.3. Salisbury 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

## 2. Deciding which roles require a DBS and at what level

- 2.1. Salisbury City Council can only ask an individual to provide details of convictions and cautions that Salisbury City Council are legally entitled to know about.

2.2.

Basic check	A <a href="#">Basic DBS check</a> is for any purpose, including employment. The certificate will contain details of convictions and conditional cautions that are considered to be unspent under the terms of the Rehabilitation of Offenders Act (ROA) 1974. An individual can apply for a Basic check directly to DBS through our <a href="#">online application route</a> , or an employer can apply for a basic check on an individual's behalf, through a <a href="#">Responsible Organisation</a> , if they have consent.
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<p>Standard Check</p>	<p>A Standard DBS check is suitable for certain roles, such as a security guard. The certificate will contain details of both spent and unspent convictions, cautions, reprimands and warnings that are held on the Police National Computer, which are not subject to filtering. An individual cannot apply for a standard check by themselves. There must be a recruiting organisation who needs the applicant to get the check. This is then sent to DBS through a <a href="#">Registered Body</a>.</p> <p>The service is free for <a href="#">volunteers</a>.</p>
<p>Enhanced check</p>	<p>An Enhanced DBS check is suitable for people working with children or adults in certain circumstances such as those in receipt of healthcare or personal care. An Enhanced DBS check is also suitable for a small number of other roles such as taxi licence applications or people working in the Gambling Commission.</p> <p>The certificate will contain the same details as a standard certificate and, if the role is eligible, an employer can request that one or both of the <a href="#">DBS Barred Lists</a> are checked. The certificate may also contain non-conviction information supplied by relevant police forces, if it is deemed relevant and ought to be contained in the certificate. An individual cannot apply for an Enhanced DBS check by themselves. There must be a recruiting organisation who needs the applicant to get the check. This is then sent to DBS through a <a href="#">Registered Body</a>.</p> <p>The service is free for <a href="#">volunteers</a>.</p>

2.3. Details on the eligibility criteria for each level of DBS check outlined above can be found in the Safeguarding Children Policy (DOC 73519) and the Safeguarding Adults at Risk Policy (DOC 73322).

2.4. As stated in the Salisbury City Council safeguarding policies, the Council will have carried out an assessment on the whether the role needs an enhanced DBS check. An example of the questions considered can be found at:

2.4.1. <https://www.gov.uk/find-out-dbs-check>

### **3. Employment of ex-offenders:**

3.1. Salisbury 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 dependants, age, physical/mental disability or offending background

3.2. Salisbury City Council will display this policy on the website so that it is available for anyone thinking of applying on how we manage the recruitment of ex-offenders

3.3. Salisbury 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

3.4. Salisbury 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

3.5. Salisbury City Council expects that the Recruiting Manager where a candidate has disclosed a criminal conviction discusses the impact with the HR Manager. Where needed further advice will be obtained from relevant professionals.

3.6. Salisbury 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.

### **4. Information disclosed on DBS reference:**

- 4.1. Where information is contained on the DBS reference of previous convictions, a DBS risk assessment will be completed prior to making any offer on whether the post can continue to be offered to the individual. See Appendix C for DBS Risk assessment form.

## 5. Ongoing DBS checks

- 5.1. Salisbury City Council will expect any holder of a role requiring an enhanced DBS check to be a member of the DBS update service the fee for this will be reimbursed. Reimbursement will be made following the usual expenses claim process. To join the update service you will need to follow the instructions and enter the relevant information into the website.

5.1.1. **PLEASE NOTE this MUST be done within 30 days of the certificate being issued.** If this is not completed within 19 days then a new DBS check will need to be undertaken, the cost of which may be deducted from the staff members salary.

5.1.2. <https://secure.crbonline.gov.uk/crsc/apply?execution=e1s1>

- 5.2. If a staff member who's role requires a DBS allows their DBS update service to lapse then a new DBS will be required, the cost of the additional DBS may be deducted from the staff member's salary.

- 5.3. **A DBS re-check** will be completed either:

5.3.1. **Every year on each employee who's role requires a DBS check to be part of their role OR**

5.3.2. **Should any concerns/allegations be raised relating to that individual and potential offending behaviour**

## 6. New offences for current employees:

- 6.1. Should an employee be subject to a police investigation, charge, caution, reprimand, fine or conviction this will be investigated using the disciplinary policy.

## 7. Handling of DBS information:

- 7.1. DBS information will be processed in line with Data Protection Act or subsequent legislative updates.

## **Appendix A – Form to be sent with application form, where role does NOT require DBS check**

### **Criminal record declaration form**

This form must be completed by all applicants. The information disclosed on this form will not be kept with your application form during the application process.

#### **Policy statement on recruiting applicants with criminal records**

We recognise the contribution that ex-offenders can make as employees and volunteers and welcome applications from them. A person's criminal record will not, in itself, debar that person from being appointed to this post. Suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.

All cases will be examined on an individual basis and will take the following into consideration:

- Whether the conviction is relevant to the position applied for.
- The seriousness of any offence revealed.
- The age of the applicant at the time of the offence(s).
- The length of time since the offence(s) occurred.
- Whether the applicant has a pattern of offending behaviour.
- The circumstances surrounding the offence(s) and the explanation(s) offered by the person concerned.
- Whether the applicant's circumstances have changed since the offending behaviour.

It is important that applicants understand that failure to disclose all unspent convictions could result in disciplinary proceedings or dismissal. Further advice and guidance on disclosing a criminal record can be obtained from [Nacro](http://www.nacro.org.uk) [www.nacro.org.uk](http://www.nacro.org.uk).





## **Appendix B – Form to be sent with application form where post requires a DBS check**

<b>Criminal record declaration form (exempt positions)</b>
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This form must be completed by all applicants. The information disclosed on this form will not be kept with your application form during the application process.

### **Policy statement on recruiting applicants with criminal records**

This post is exempt from the Rehabilitation of Offenders Act 1974 and therefore applicants are required to declare any convictions, cautions, reprimands and final warnings that are not protected (i.e. that are not filtered out) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013).

For further information on filtering please refer to [Nacro guidance](#) and the [DBS website](#).

We recognise the contribution that ex-offenders can make as employees and volunteers and welcome applications from them. A person's criminal record will not, in itself, debar that person from being appointed to this post. Any information given will be treated in the strictest confidence. Suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.

All cases will be examined on an individual basis and will take the following into consideration:

- Whether the conviction is relevant to the position applied for.
- The seriousness of any offence revealed.
- The age of the applicant at the time of the offence(s).
- The length of time since the offence(s) occurred.
- Whether the applicant has a pattern of offending behaviour.
- The circumstances surrounding the offence(s), and the explanation(s) offered by the person concerned.
- Whether the applicant's circumstances have changed since the offending behaviour.



## Appendix C – DBS risk assessment to be completed if applicant has disclosed criminal convictions

### Criminal record check risk assessment form

This form is to be completed and used for the following purposes:

- 1 When a successful candidate has been offered a role.
- 2 When an existing employee has transferred to a role that requires a disclosure.
  - **Where required, the risk assessment needs to be completed before candidates can commence employment.**
  - **If further action is necessary, this should be agreed between the relevant member of the HR team and the line manager.**
  - Once completed this form should be signed by both the relevant member of the HR team and the line manager and sent to the HR department to be stored on file.
  - A review of the risk assessment should be carried out whenever a risk is presented.

To access an editable copy of Appendix, go to [www.nacro.org.uk/recruitingsafelyguide](http://www.nacro.org.uk/recruitingsafelyguide)

**Section A To be completed by the relevant member of the HR team and the line manager**

Please complete in full:

Name of applicant:		
Post applied for/current post:		
Level of disclosure required:	Enhanced <input type="checkbox"/>	Basic <input type="checkbox"/>
Date of assessment:		
Name of assessor one (HR team):		
Name of assessor two (line manager):		

Question	Yes/No	Please provide details
Has the applicant declared any cautions, convictions, reprimands, final warnings or bind overs in the UK or any other country, or are they under police investigation?		
Is this a single offence or has there been more than one offence?		
Has any police intelligence been disclosed at chief police officer discretion which causes concern (if applicable)?		
<b>Nature of conviction(s) or police intelligence disclosed (Continue on separate sheet if necessary)</b>		
Offence(s):		
Date of conviction(s):		
Sentence(s) received:		
Age at time of offence(s):		
Length of time since conviction(s):		

**Section B To be completed by line manager and individual during risk assessment meeting**

<b>Question (Please provide details)</b>		
What were the circumstances surrounding the offence(s)?		
Attitude to the offence(s)		
Efforts made to not reoffend		
<b>Question</b>	<b>Yes/No</b>	<b>Please provide details</b>
Have the individual's circumstances changed since the offence(s)? If so, how?		
Are the offence(s) relevant to the post?		
Is the individual taking part in a specific remedial/action programme?		
Does the nature of the role present any opportunities for the post-holder to reoffend in the place of work?		
Does the post involve regular one-to-one/unsupervised contact with vulnerable people?		
Does the post involve direct contact with the public?		
Does the post involve direct responsibility for finance or items of value?		
Does the post involve a significant level of trust i.e. nursing or caring for people?		
Is the individual barred from working in regulated activity? (If applicable)		
Were suitable references obtained and ID checked? (If references gave cause for concern please state details)		
What level of supervision does the post-holder receive?		

**Enter below any further questions you feel may be relevant to the post in relation to criminal convictions.**

Question	Please provide details

Signed:		Print name:		Date:	
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**Section C To be completed by line manager after risk assessment meeting has taken place**

Please enter below any precautionary measures recommended for the individual in light of the above information to minimise the risk of any reoccurrence of any potential criminal activity or associated behaviour. This can be expanded on as necessary for the particular role as required.

1.	
2.	
3.	
4.	
5.	



## Section D Criminal record risk hazard form

Please record below any organisational risk of harm. This should relate specifically to the impact on the organisation and not the individual.

<b>Nature of hazard?</b> e.g. reputational risk, risk of sexual harm, risk of theft
<b>Who might be harmed?</b>
<b>What is already/will be done to minimise risk?</b>
<b>Likelihood of hazard/risk occurring? Please select from:</b> 1 = Very unlikely 2 = Fairly unlikely 3 = Fairly likely 4 = Very likely
<b>Impact of hazard/risk? Please select from:</b> 1 = Minor impact 2 = Fairly serious impact 3 = Very serious impact
<b>What is the remaining risk based on likelihood and impact? e.g. low/medium/high</b>
<b>What further action is required?</b>
<b>Who is responsible for taking this action and by when?</b>

**Section E To be completed by all parties carrying out the risk assessment**

The information above has been considered and we are/are not satisfied that it is safe to allow the named applicant/employee to commence/continue work.

Detail action to be taken below:

<p>Detail action to be taken below:</p>
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<p><b>Signed:</b> Relevant member of HR team/ line manager</p>	
<p><b>Print name and job title</b></p>	<p>Date:</p>
<p><b>Signed:</b> Relevant member of HR team/ line manager</p>	
<p><b>Print name and job title</b></p>	<p>Date:</p>



## Appendix D Current roles which are subject to DBS check:

The following roles were considered against the criteria on <https://www.gov.uk/find-out-dbs-check>

Job title	Level of DBS required
Casual Sports Coach	Enhanced
Communities Manager	Enhanced
Communities Officer	Enhanced
Community Team Support Officer	Enhanced
Activities Managers	Enhanced
Communities Lead Volunteers (E.g. youth club)	Enhanced
Communities Regular Volunteers (Children and Young People)	Enhanced
Shop Mobility Staff	Standard
CCTV Volunteers (if licensed)	Standard
Communities Occasional Volunteers (Children and Young People)	Basic
Communities Volunteers (Adults and older people)	Basic
Shop Mobility Volunteers	Basic
Playground Inspection Staff and Volunteers	Basic
Grounds Operatives who may work in or near playgrounds	Basic