

Appendix 8



Safeguarding and risk assessment of criminal conviction or other disclosure information

Some criminal convictions result in automatic barring for work with vulnerable groups. Individuals can also be barred from work with children or vulnerable groups for reasons of conduct rather than a criminal conviction. If an individual is barred from working in regulated activity they will be listed on the barred list for children, for adults, or both. This barred list is checked as part of a DBS (Disclosure and Barring Service) enhanced check for regulated activity (DBS was formerly CRB).

It is illegal to employ someone directly or indirectly, or use a volunteer, in regulated activity if they are barred from working with that vulnerable group. Individuals are also committing an offence if they are barred and seek to work in regulated activity with that group. Contractors are advised to consider the risk if an individual declares that they are barred from working with one vulnerable group but they are seeking to work with another vulnerable group

A conviction does not necessarily mean that someone is unsuitable to work with children or vulnerable adults but there is a need for the nature of the work and the potential risks to be fully considered. If an individual is not barred but has convictions or relevant information is disclosed by the police as part of an enhanced DBS check, the responsible employer should consider the following issues as part of completing a risk assessment and assessing suitability.

- Nature, seriousness and relevance of the offence or information e.g. a driving offence may be irrelevant for some positions but relevant for a driver position.
- How long ago it occurred and the age of the individual at the time.
- If it was a one-off or part of a pattern of behaviour
- Circumstances in which offences etc were committed
- Changes in an applicant's personal circumstances
- Country of conviction and relevant circumstances
- Decriminalisation
- Nature of the role and the level of potential risk to vulnerable groups and mitigation of identified risk

Contractors shall record a summary of the risk assessment and outcomes on the record form. Evidence of risk assessment in relation to employees or volunteers used by contractors shall be required as part of the county council's contract and inspected during monitoring. The responsible manager shall discuss the circumstances surrounding the convictions or information with the individual as part of the assessment. Contractors can access specialist advice on safeguarding by first contacting the manager responsible for commissioning the contract and are advised to read the county council's policy on the employment of ex offenders. **The disclosure certificate should not be retained once a decision has been taken (except where subject to CQC inspection when the top third should be retained for inspection purposes. This can be destroyed after inspection)**

Appendix 8



RISK ASSESSMENT – DISCLOSURE OF CRIMINAL CONVICTIONS – RECORD FORM

Name:						
Date of assessment:						
Workplace:						
Position title:						
Disclosure number						
Assessment completed by: (Name):						
(Signature):						
Dates of convictions considered	Summary of discussion with applicant	Potential risks identified	Measures in place to control risk	Level of residual risk	Final outcome of risk assessment	Review date (if applicable)

Please note, where criminal convictions or police information is disclosed as part of a DBS check, a risk assessment to consider suitability shall be undertaken and recorded. You may be instructed to disclose this document to the Borough of Poole as part of contract compliance and you should make the individual aware of this. Please note that you shall not record details of disclosed convictions on this form, you shall only record the dates of the convictions/relevant information discussed as part of the risk assessment. **Once a risk assessment has been undertaken the disclosure certificate should be destroyed (if subject to CQC inspections retain the top third for inspection purposes. This can be destroyed after the CQC inspection has taken place.**