



HWCBS Care (T/A Segal Gardens)

436 Fleet Lane, Parr, St Helens, nr Liverpool, Merseyside, WA92NH



Review Sheet

Last Reviewed
31 Jul '19Last Amended
31 Jul '19Next Planned Review in 12 months, or sooner
as required.

Business impact



These changes require action as soon as possible.

Reason for this review

Scheduled review

Were changes made?

Yes

Summary:

This policy has been reviewed as part of an annual review. A new decision making assessment form has been added to assist when positive disclosures are received.

Relevant legislation:

- | The Police Act 1997
- | Rehabilitation of Offenders Act 1974 (Exceptions) Order
- | The Care Act 2014
- | Safeguarding Vulnerable Groups Act 2006
- | General Data Protection Regulation 2016
- | Data Protection Act 2018

Underpinning knowledge - What have we used to ensure that the policy is current:

Author: Hertfordshire Gov.UK, (2019), *DISCLOSURE RISK ASSESSMENT FORM*.
[Online] Available from: <https://www.hertfordshire.gov.uk/media-library/documents/childrens-services/hscb/professionals/dbs-risk-assessment-form-appendix-7.pdf> [Accessed: 31/7/2019]

Suggested action:

- | Encourage sharing the policy through the use of the QCS App
- | Establish process to confirm the understanding of relevant staff
- | Establish training sessions for staff
- | Widely distribute the 'Key Facts' of the policy
- | Share content of the policy with all staff

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**1. Purpose**

- 1.1** To ensure that all employees, paid and unpaid, including volunteers, bank staff, staff on honorary contracts and others not covered by the term 'employee' are aware that this policy applies to them.
- 1.2** To ensure that those members of staff who are engaged in a regulated activity with vulnerable adults and/or children are subject to a DBS check of the appropriate level.
- 1.3** To ensure that HWCGS Care (T/A Segal Gardens) complies with its duties under the Rehabilitation of Offenders Act 1974 (Exceptions) Order.
- 1.4** To ensure that HWCGS Care (T/A Segal Gardens) only employs people who are safe to work with Service Users.
- 1.5** To ensure compliance with the CQC Guidelines.
- 1.6** This policy should be read alongside the Recruitment of Ex-Offenders Policy and Procedure and the Recruitment Policy and Procedure.
- 1.7** To support HWCGS Care (T/A Segal Gardens) in meeting the following Key Lines of Enquiry:

Key Question	Key Lines of Enquiry
SAFE	S3: How does the service make sure that there are sufficient numbers of suitable staff to support people to stay safe and meet their needs?
WELL-LED	W2: Does the governance framework ensure that responsibilities are clear and that quality performance, risks and regulatory requirements are understood and managed?

1.8 To meet the legal requirements of the regulated activities that HWCGS Care (T/A Segal Gardens) is registered to provide:

- | The Police Act 1997
- | Rehabilitation of Offenders Act 1974 (Exceptions) Order
- | The Care Act 2014
- | Safeguarding Vulnerable Groups Act 2006
- | General Data Protection Regulation 2016
- | Data Protection Act 2018

**2. Scope**

- 2.1** The following roles may be affected by this policy:
- | Student placements
 - | Work placements
 - | Agency staff

**3. Objectives**

- 3.1** To ensure that HWCGS Care (T/A Segal Gardens) has a clear, straightforward policy outlining when a DBS check will be required, at what level and how this will be maintained on an ongoing basis.
- 3.2** To ensure that those individuals carrying out regulated activities are aware of the requirement to hold a valid and current DBS check.



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4. Policy

4.1 HWCGS Care (T/A Segal Gardens) uses the DBS service to help assess the suitability of applicants for positions of trust.

4.2 HWCGS Care (T/A Segal Gardens) complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and information.

4.3 HWCGS Care (T/A Segal Gardens) complies fully with its obligations under the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of disclosure information.

4.4 HWCGS Care (T/A Segal Gardens) considers that the below roles will fall within the groups requiring DBS checks and that are **Excepted Roles**, allowing HWCGS Care (T/A Segal Gardens) to ask questions about any spent convictions:

- | Any work defined as regulated activity relating to children within the meaning of Schedule 4 Part 1 of the Safeguarding Vulnerable Groups Act 2006
- | Any work defined as "work with children" in regulation 5C of the Police Act 1997 (Criminal Records) Regulations 2002
- | Any work defined as regulated activity relating to adults within the meaning of Schedule 4 Part 2 of the Safeguarding Vulnerable Groups Act 2006
- | Any work defined as "work with adults" in regulation 5B of the Police Act 1997 (Criminal Records) Regulations 2002; and
- | Any office or employment which is concerned with:
 - | The provision of care services to vulnerable adults; or
 - | The representation of, or advocacy services for, vulnerable adults by a service that has been approved by the Secretary of State or created under any enactment
 - | And which is of such a kind as to enable a person, in the course of his normal duties, to have access to vulnerable adults in receipt of such services

4.5 However, HWCGS Care (T/A Segal Gardens) will also undertake a risk assessment of each role to ascertain the level of checks to be undertaken (if any), in line with the appropriate guidance issued by the Disclosure and Barring Service and in accordance with the flowchart that supports this policy.

4.6 HWCGS Care (T/A Segal Gardens) will comply with the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order as set out in this policy.

4.7 Any data collected as part of this policy will be processed in accordance with current Data Protection legislation, the Privacy Notice issued to staff and the Data Security and Data Retention Policy and Procedure at HWCGS Care (T/A Segal Gardens). HWCGS Care (T/A Segal Gardens) appreciates that certain data related to criminal records will be special category data and HWCGS Care (T/A Segal Gardens) will process this data accordingly.

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**5. Procedure**

5.1 A DBS Certificate will be requested as part of pre-recruitment checks at HWCGS Care (T/A Segal Gardens) following an offer of employment for any role which has been assessed as requiring a DBS check, including volunteering roles. In the event that the role does not require a DBS check, HWCGS Care (T/A Segal Gardens) may ask the individual to voluntarily disclose their criminal record history, and/or, may ask the individual to obtain a basic DBS check.

5.2 The recruiting manager will determine whether a DBS check is required for the post and the appropriate level. The Disclosure and Barring Service Eligibility Flowchart supporting this policy provides a useful guide for managers.

5.3 HWCGS Care (T/A Segal Gardens) expects all current and prospective members of staff to voluntarily disclose any spent and unspent convictions. HWCGS Care (T/A Segal Gardens) is entitled to ask about spent convictions on the basis that the role is an **Excepted Role** as outlined above. For guidance on when a conviction will be unspent, please see the table that supports this policy.

5.4 As an organisation assessing an 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), HWCGS Care (T/A Segal Gardens) complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly.

HWCGS Care (T/A Segal Gardens) undertakes to not discriminate unfairly against any person who is the subject of a criminal record check on the basis of a conviction or other information revealed.

HWCGS Care (T/A Segal Gardens) can only ask an individual to provide details of convictions and cautions that it is legally entitled to know about. 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. It is the view of HWCGS Care (T/A Segal Gardens) that most of the job roles provided by HWCGS Care (T/A Segal Gardens) will be excepted roles and HWCGS Care (T/A Segal Gardens) will be entitled to request details of any spent convictions.

5.5 HWCGS Care (T/A Segal Gardens) can only ask an individual about convictions and cautions that are not protected.

5.6 HWCGS Care (T/A Segal Gardens) 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.

5.7 HWCGS Care (T/A Segal Gardens) actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records.

5.8 HWCGS Care (T/A Segal Gardens) selects all candidates for interview based on their skills, qualifications and experience.

5.9 HWCGS Care (T/A Segal Gardens) ensures that all those in HWCGS Care (T/A Segal Gardens) who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

5.10 HWCGS Care (T/A Segal Gardens) also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

5.11 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 a DBS Certificate will be required as a condition of employment in the event of the individual being offered the position.

5.12 At interview, or in a separate discussion, HWCGS Care (T/A Segal Gardens) 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 the withdrawal of an offer of employment or, if the employment has commenced, dismissal from that employment. HWCGS Care (T/A Segal Gardens) considers that failure to reveal information that is directly relevant to the position sought would be an act of gross misconduct.

5.13 HWCGS Care (T/A Segal Gardens) 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.

5.14 HWCGS Care (T/A Segal Gardens) undertakes to discuss any matter revealed on a DBS Certificate

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with the individual seeking the position before withdrawing a conditional offer of employment.

5.15 The Disclosure and Barring Service (DBS) offers three types of criminal record check:

- 1 **Basic DBS check** contains details of unspent convictions, conditional and unconditional cautions, or a statement that the individual has no such convictions or cautions. An individual can apply directly to the Disclosure and Barring Service to obtain a basic check
- 1 **Standard DBS check** contains details of an individual's convictions, cautions, reprimands or warnings recorded on police central records and includes both 'spent' and 'unspent' convictions. These are shown on a criminal records check
- 1 **Enhanced DBS check** contains the same details as a standard check, together with any information held locally by police forces that it is reasonably considered might be relevant to the post applied for. These can only be applied for in the event that the post is an excepted post included in both the Exceptions Order and the Police Act Regulations

The Enhanced DBS check may also include checks of any information stored about the individual on any statutory lists as set out below:

- 1 **Enhanced DBS and Barred List Check (Child)** includes information from the DBS Children's Barred List and is only available for those individuals engaged in regulated activity with children and a small number of posts as listed in the Police Act regulations, for example, prospective adoptive parents
- 1 **Enhanced DBS and Barred List Check (Adult)** includes information from the DBS Adult's Barred List and is only available for those individuals engaged in regulated activity with adults and a small number of posts as listed in the Police Act regulations

5.16 Regulated Activities

The new definition of regulated activity relating to adults identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. There are **six** categories of regulated activity, and a broad outline of these categories is set out below:

- 1 **Provision of Health Care** – Any healthcare professional providing health care to an adult, or anyone who provides health care to an adult under the direction or supervision of a healthcare professional
- 1 **Provision of Personal Care** – This means any of the following:
 - 1 Providing physical assistance with eating or drinking including the administration of parenteral nutrition, going to the toilet, washing or bathing, dressing, oral care, or the care of the skin, hair or nails because of an adult's age, illness or disability
 - 1 Prompting and supervising an adult in relation to the above activities who, because of their age, illness or disability, would otherwise be unable to make a decision to perform the above
 - 1 Training, instructing or offering advice or guidance which relates to the performance of the above activities to an adult who requires it because of their age, illness or disability
- 1 **Provision of Social Work** – The provision of social care by a social care worker which is required in connection with any health care or social services to an adult who is a client or potential client
- 1 **Provision of Assistance in Relation to General Household Matters** – The provision of assistance to an adult because of their age, illness or disability, in relation to managing the person's cash, paying their bills or shopping on their behalf
- 1 **Provision of Assistance in the Conduct of a Person's Own Affairs** – Anyone who provides various forms of assistance in the conduct of an adult's own affairs, for example by virtue of an enduring power of attorney. Please see the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, for the further categories which are covered here
- 1 **The Conveying of Adults** – A person who transports an adult because of their age, illness or disability either to or from their place of residence and a place where they have received, or will be receiving, health care, personal care or social care; or between places where they have received or will be receiving health care, personal care or social care. This will not include family and friends or taxi drivers

In addition, any activity which consists of or involves the day to day management or supervision of a person carrying out a regulated activity on a regular basis is in itself a regulated activity.

5.17 Disclosure Prior to Engagement

HWCGS Care (T/A Segal Gardens) takes it duties to protect Service Users from unsuitable people gaining



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access to them very seriously. HWCGS Care (T/A Segal Gardens) balances this duty with respect for human rights, privacy and compliance with the Data Protection Act.

Prospective employees are required to disclose any criminal convictions, warnings or reprimands at all stages of the recruitment and selection process. This will include all spent, as well as unspent convictions, cautions and reprimands. Candidates will be informed that failure to disclose could result in a conditional offer being withdrawn. Candidates will also be informed that any disclosure will be held in confidence and discussed only with the HR team as appropriate.

5.18 Procedure for DBS Applications

HWCGS Care (T/A Segal Gardens) may be a registered body with the DBS and is entitled to carry out and countersign applications for DBS checks themselves. However, in the event that HWCGS Care (T/A Segal Gardens) is not a registered body, HWCGS Care (T/A Segal Gardens) engages an umbrella body who is a registered body and is entitled to countersign and carry out applications for DBS checks on behalf of HWCGS Care (T/A Segal Gardens). There is an expectation that, if HWCGS Care (T/A Segal Gardens) is a registered body or if an umbrella body is being used for the undertaking of DBS checks, that the DBS Code of Practice is complied with.

HWCGS Care (T/A Segal Gardens) will first make an assessment of the post to be filled to determine whether a DBS check is necessary and, if so, at what level. It is expected that **Enhanced Disclosures** will be most often required. The check will be an Enhanced Level for those employees having direct access to Service Users, and a Standard Level for those who do not have direct access. Best practice dictates that Enhanced Level Checks are used in all instances due to the practical difficulties of ensuring that a person subject to only a Standard Check never has unsupervised access to Service Users.

HWCGS Care (T/A Segal Gardens) or the umbrella body will then send a DBS application form to the individual who has been offered the role. The individual must complete this fully and completely, disclosing all information. It is a condition of any offer of employment made to an individual that they consent to HWCGS Care (T/A Segal Gardens) applying for a DBS check and that the individual will provide a copy of the DBS Certificate upon receipt. It is also a condition of employment that the individual permits the retention of the certificate on their file.

Once the DBS check has been carried out, the DBS will send, to the individual, a copy of the certificate. HWCGS Care (T/A Segal Gardens) expects the individual to provide a copy of the DBS Certificate to them within 7 days of receipt. Failure to do so may result in the withdrawal of any conditional job offer. HWCGS Care (T/A Segal Gardens) will retain a copy of the certificate on the personnel file (secured appropriately) as evidence that this check has been undertaken.

Renewal Checks

HWCGS Care (T/A Segal Gardens) will carry out renewal checks on every member of staff in line with any contractual requirements or as agreed by HWCGS Care (T/A Segal Gardens). If the member of staff is signed up to the update service or if HWCGS Care (T/A Segal Gardens) has reasonable cause to request an update, the decision to renew the DBS will be agreed by HWCGS Care (T/A Segal Gardens).

5.19 DBS Update Service

HWCGS Care (T/A Segal Gardens) may require candidates and current employees who already have existing DBS Certificates to sign up to the DBS Update Service and consent to HWCGS Care (T/A Segal Gardens) having access to it. This allows HWCGS Care (T/A Segal Gardens) to carry out checks to see if any new information has come to light since the date of the original check. It is the decision of HWCGS Care (T/A Segal Gardens) as to whether it will pay this fee on behalf of the candidate or employee.

5.20 Handling and Disposal of Disclosure Information

HWCGS Care (T/A Segal Gardens) will take the following steps when handling and disposing of disclosure information:

- 1 Ensure that disclosures are available only to those who need to have access to them in the course of their duties relevant to recruitment and vetting. The DBS maintains a record of all those to whom certificates and certificate information has been revealed. It is a criminal offence to pass disclosure information to anyone who is not entitled to receive it
- 1 Ensure that disclosure information is kept in secure conditions in a locked, non-portable container (wherever possible, in rooms to which access is limited to staff engaged in recruitment work). Keys or combinations to the container must not be freely available within HWCGS Care (T/A Segal Gardens) and access must be restricted to named individuals who are entitled to see it as part of their duties
- 1 Ensure that no copies of disclosure information (in any format) are made without the prior agreement of the DBS or as the result of a stipulated requirement relating to its e-channel service

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- | Use certificate information only for the specific purpose for which it was requested and for which the applicant's full consent has been given
- | Retain disclosure information only for as long as is necessary and for a maximum of six months following the recruitment decision for which it was obtained, unless a dispute is raised or, in exceptional circumstances, where DBS agreement is obtained. It should not be kept on file simply in case it is useful in the future. The DBS will only permit extended retention when it considers it appropriate after taking into account both human rights and data protection rules
- | Dispose of disclosure information securely (by shredding, pulping or burning). Self-evidently, copies of disclosures must be destroyed with the originals, although the DBS anticipates that employers will wish to retain details of:
 - | The name of the candidate
 - | The date of the search
 - | The type of search
 - | The position
 - | The DBS reference number, and
 - | The recruitment decision taken
- | Open confidential waste sacks and other open receptacles (even if they eventually lead to secure disposal after the waste leaves the building) are considered to be an inappropriate method of disposal. In most cases, employers will wish to use shredders to dispose of disclosure information, preferably also disposing of the shredded information securely
- | Ensure that any additional police information, including information as to its existence, is not revealed to the disclosure applicant and is disposed of in the appropriate manner and at the appropriate time

5.21 Positive Disclosure

If there is a positive disclosure in any returned DBS check then this does not automatically mean that the person should not be employed. HWCGS Care (T/A Segal Gardens) should review the nature of the information disclosed against the role the person will be undertaking and make a decision on the suitability of employment. Any decision should be based upon a robust, fair, transparent and equitable risk assessment process that is specific to the content of the disclosure and the role to be undertaken. Any decision made regarding the person's employment should be recorded and be able to be justified. The actual DBS disclosure should be held in line with data protection and the process highlighted in 5.20.



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6. Definitions

6.1 Caution

- | A formal warning about future conduct given by a senior police officer, usually in a police station, after a person has admitted an offence. It is used as an alternative to a charge and possible prosecution, generally used for juvenile or first-time offences. Basically, there are two types of caution, which we have noted below:
 - | **Simple Caution** - previously known as a formal caution - is used to deal quickly and simply with those who commit less serious crimes. It aims to divert offenders away from appearing in court and to reduce the likelihood of them offending again
 - | **Conditional Caution** - introduced by the Criminal Justice Act 2003, differs from a simple caution in that the offender must comply with certain conditions to receive the caution and to avoid prosecution for the offence they have committed. Like simple cautions, conditional cautions aim to keep lower level offenders out of court. The conditions are usually in the form of rehabilitation or reparation where the offender is requested to repair/or make good the damage caused. The offender may be requested to pay financial compensation

6.2 Child

- | A person aged under 18

6.3 Criminal Record

- | A record of convictions held on the Police National Computer (PNC) for individuals convicted of crimes (includes information on cautions, reprimands, final warnings and bind-overs)

6.4 Disclosure

- | Disclosure is the term that is used to describe the service provided by the Disclosure and Barring Service (DBS) and the document issued to the applicant and Registered Body when a DBS check has been completed

6.5 Disclosure & Barring Service (DBS)

- | The DBS provides access to information about criminal convictions and other police records to help employers make an informed decision when recruiting staff across England and Wales

6.6 Special Category Data

- | Special Category Data is a category of data which is more sensitive than normal personal data. This includes data which relates to:
 - | Race
 - | Ethnic origin
 - | Politics
 - | Religion
 - | Trade union membership
 - | Genetics
 - | Biometrics (where used for ID purposes)
 - | Health
 - | Sex life
 - | Sexual orientation



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Key Facts - Professionals

Professionals providing this service should be aware of the following:

- 1 There is no requirement for a service that directly employs its own staff to repeat DBS checks within a set period. For example, there is no blanket rule such as re-checking all employees every three years. However, employers can re-check their staff whenever they think it is necessary. Any additional checks should be proportionate to risk and HWCGS Care (T/A Segal Gardens) should check any contractual requirements
- 1 All health and social care providers registered with the CQC, including dental and primary medical services, are responsible for checking the suitability of their staff
- 1 Providers should undertake checks at the appropriate level for staff and volunteers who are eligible for them. They should consider the eligibility of everyone employed, including contracted staff, temporary staff, bank staff, practitioners working under practising privileges, volunteers, students and learners, and contractors. In general, and dental practices, as well as GPs and dentists, this is likely to include health visitors, nursing staff, and dental technicians. It may also include front office reception staff, depending on their duties, which can vary greatly depending on the size of the practice
- 1 Providers should risk-assess different roles and look at their responsibilities and activities to determine if staff are eligible for a DBS check and to what level. The CQC expects providers to be able to show that they have undertaken this risk assessment, especially where they have decided not to undertake a check



Key Facts - People affected by the service

People affected by this service should be aware of the following:

- 1 HWCGS Care (T/A Segal Gardens) owes a duty to protect your health and safety. HWCGS Care (T/A Segal Gardens) therefore undertakes DBS checks, where at all possible, to identify areas of risk



Further Reading

As well as the information in the 'underpinning knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

CQC Guidance on DBS Checks:

<http://www.cqc.org.uk/guidance-providers/registration/apply-cqc-countersigned-disclosure-barring-service-dbs-check>

Disclosure and Barring Service Website: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

DBS Update Service: <https://www.gov.uk/dbs-update-service>



Outstanding Practice

To be 'outstanding' in this policy area you could provide evidence that:

- 1 The wide understanding of the policy is enabled by proactive use of the QCS App
- 1 HWCGS Care (T/A Segal Gardens) carries out and retains records of full risk assessments for each role regardless of level
- 1 HWCGS Care (T/A Segal Gardens) follows best practice and carries out enhanced checks on all prospective members of staff
- 1 HWCGS Care (T/A Segal Gardens) ensures that a clear re-checking practice is established and maintained consistently without exception
- 1 HWCGS Care (T/A Segal Gardens) ensures, as far as is possible, that all members of staff are signed up to the update service



Forms

The following forms are included as part of this policy:

Title of form	When would the form be used?	Created by
Changes to Rehabilitation Periods - PR04	When reviewing any positive disclosures	QCS
DBS Flowchart - PR04	This flowchart can be used by recruiting managers for guidance on whether a DBS check is required	QCS
Positive Disclosure Decision Support Risk Assessment Questionnaire - PR04	When a positive disclosure is received	QCS

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Sentence	Old Rehabilitation Period (pre-March 2014)	New Rehabilitation Period
Custodial sentence over 4 years or a public protection sentence (a custodial sentence for specified sexual and violent offences)	Never spent	Never spent
Custodial sentence (over 2½ years, up to 4 years)	Never spent	7 years (beginning with the day on which the sentence, including any period on licence, is completed)
Custodial sentence (over 6 months, up to 2½ years)	10 years (from date of conviction)	4 years (beginning with the day on which the sentence, including any period on licence, is completed)
Custodial sentence (up to 6 months)	7 years (from date of conviction)	2 years (beginning with the day on which the sentence, including any period on licence, is completed)
Fines	5 years	1 year (beginning with the date of the conviction in respect of which the fine is imposed)
Absolute Discharge	6 months	No rehabilitation period

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Part A

Name of individual:			
Date of Birth			
Post Applied for:			
Recruiting Manager Name			
Disclosure Reference Number			
Disclosure Date			
Decision (please tick as applicable)			
Employ		Do not employ	
Suspend		Allocate to other work	
<p>*Employ with adjustments to role (give details e.g. supervision, monitoring) State what adjustments are required:</p>			
Discussed with individual Yes/No		Date:	

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Part B

Consider the following questions	Possible Responses	Response	Comments - please complete as fully as possible to inform risk assessment
Do the DBS Listings bar the appointment? If the answer is yes, then the appointment is automatically unlawful and the person must not be appointed to the post. Do not continue with this decision sheet.	Yes		
	No		
Are you satisfied with the candidate's/employee's/volunteer's explanation of the circumstances of the offence? All positive disclosures should be discussed with the candidate. Note down their explanation of the circumstances.	Yes		
	No		
	Unsure		
How serious do you consider the offence to be?	Major		
	Moderate		
	Minor		
Did the offence occur recently? For example, minor offences that occurred a long time ago may be less relevant than ones that are very recent.	Within last;		
	Year		
	3 years		
	10 years		
	Older		
At what age were the offences committed? Was the offence committed as an adult, or as a child or adolescent? Offences that took place years ago may have less relevance now except for serious violent or sexual offences.	Record Age		
What age is the applicant now?	Record Age		

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Consider the following questions	Possible Responses	Response	Comments – please complete as fully as possible to inform risk assessment
<p>Does the disclosure show a pattern of behaviour, or was the offence a one-off? Repeated offences may indicate that the individual has not been able to change his/her offending behaviour and may be more likely to re-offend.</p>	One-off		
	Repeat – frequent		
	Repeat – infrequent		
<p>Have the circumstances that contributed to the applicant committing the offence or behave in such a manner changed for the better? Look at all the circumstances, including the employment pattern and the individual's own explanation.</p>	Yes		
	No		
	Unsure		
<p>Did the applicant disclose any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance, as part of the application process/at interview/or during their employment? Note that a failure to disclose a relevant offence, without a satisfactory reason, will be a breach of contract and render any employment offer void or where the individual is an employee lead to disciplinary action which could lead to their dismissal.</p>	Yes		
	No – no reason given		
	No – but reason given		
<p>Are there any concerns regarding the employee's motivations for working with vulnerable adults or where there may be children?</p>	Yes		
	No		
<p>Is there any evidence regarding any inability to manage conflict, cope with challenging behaviour?</p>	Yes		
	No		
<p>Were any gaps in employment identified and were these cause for concern?</p>	Yes		
	No		

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Consider the following questions	Possible Responses	Response	Comments – please complete as fully as possible to inform risk assessment
Were both employer references satisfactory and references verified by telephone?	Yes		
	No		
Does the post involve responsibility for finance, items of value or other high-risk areas such as access to Service User finances/property? This is particularly relevant where the disclosed offences are related to robbery, burglary or fraud.	High		
	Moderate		
	Low		
Does the role allow the opportunity to re-offend? Consider the nature of the post in relation to the disclosed offence(s).	Yes		
	No		
What level of management supervision will the person receive? What opportunity would there be to re-offend? Will supervision reduce the risk? How much responsibility does the post carry?	High		
	Moderate		
	Low		
What mechanisms are in place to track the individual's progress? Probationary period or appraisal system allows for the possibility of the person moving to a role they are not currently safe for, or moving into a 'safer' role or dismissed if there is a deterioration.	Adequate		
	Inadequate		

HWCGS Care (T/A Segal Gardens)
436 Fleet Lane, Parr, St Helens, nr Liverpool, Merseyside, WA92NH

Part C

Summary of evidence considered and rationale for this decision. Any additional comments from the hiring manager:

Do you wish to proceed with employment? Yes/No (if yes, please explain why here):

Date:.....

Name:.....

Signature:.....

Outcome: Agreement to continue with offer/withdraw offer (if agreed, please give details of the evidence relied upon to make this decision)

Name:.....

Date risk assessment authorised:.....

Signature:.....