

RECRUITMENT AND SELECTION POLICY

INTRODUCTION

Aim

The Council wishes to ensure that recruitment and selection processes are fair, transparent and consistent, and are in accordance with best practice and employment legislation as well as the Council's Equality and Diversity Policy.

Managers and HR will give due regard to safer recruitment practice at all times. Safer recruitment is embedded into the Council's Recruitment and Selection Policy at each stage of the process.

Safer recruitment in relation to safeguarding children and vulnerable adults is an essential part of the recruitment process and aligns with our statutory responsibility as a local authority. This will apply to everyone who is engaged in a role (paid or volunteer), working with children, young people or vulnerable adults.

Scope

This policy contains important information for managers and staff who are involved in the recruitment and selection process. The principles set out in this policy document apply to all groups of staff with the exception of those employees in establishments who operate under local management of schools, Chief Officer appointments and acting-up arrangements.

This policy does not form part of any employee's contract of employment, and may be amended at any time in consultation with the Employee Side and recognised Trade Unions. Notwithstanding this point, any dispute arising from the application of this policy, procedure and guidance will be raised with and dealt with in consultation with the Employees' Side and resolved at the Council's Employee Joint Committee or escalated to formal dispute resolution procedures with the Local Government Association as appropriate.

This policy adheres to all relevant legislation including but not limited to:

- Equality Act 2010
- Immigration Act 2016 (including the Code of Practice on the English language requirement for public sector workers - s7)
- The Rehabilitation of Offenders Act 1974
- The Agency Workers Regulations 2010
- The Safeguarding Vulnerable Groups Act 2006

Data Protection

The organisation processes personal data collected during the recruitment process in accordance with its data protection policy. In particular, data collected as part of the recruitment process is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the recruitment exercise effectively. Inappropriate access or disclosure of job applicant data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

EQUALITY AND DIVERSITY

Recruitment, promotion and other selection exercises such as redeployment and redundancy selection (refer to the Redundancy Policy and Procedure for more information) will be conducted on the basis of merit against objective criteria. This criteria will be relevant, non-discriminatory and capable of objective verification and based on the skills, competencies and behaviours required for the role.

The Council will regularly review recruitment process to ensure that individuals are treated fairly and are shortlisted on the basis of their relevant skills and abilities specific to the role. Vacancies will be advertised to a diverse section of the labour market. Advertisement wording must avoid stereotyping or using wording that may discourage particular groups or individuals from applying.

Job applicants cannot be asked questions which might suggest an intention to discriminate on the grounds of a protected characteristic (see Additional Guidance for more information).

If an applicant is disabled or becomes disabled the council has a statutory duty to consider any reasonable adjustments that may be required. At shortlisting stage any applicant who declares a disability should be shortlisted if they meet the minimum criteria for the role without further competitive scoring against other applicants.

As part of the application process candidates are encouraged to complete Equal Opportunities monitoring information. This does not form part of the selection process and is used to assist the Council in monitoring equality and diversity and identifying any groups that may be underrepresented to ensure best recruitment practice is maintained and to avoid discrimination.

The Council is required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation.

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in the Council, the Council monitors applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment. The information is removed from applications before shortlisting, and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps the Council to take appropriate steps to avoid discrimination and improve equality and diversity.

SAFER RECRUITMENT

We must protect our children and vulnerable adults by having in place safer recruitment and employment processes that prevent unsuitable people from being appointed into the workforce. See the guidance note – Safer Recruitment for more information. This will apply to everyone engaged in a role (paid or volunteer), working with children, young people or vulnerable adults, who is likely to be seen by the children/vulnerable adult as a safe, responsible and trustworthy adult.

APPRENTICESHIPS

The Council is committed to supporting the employment of young people in the workforce and offer apprenticeships as part of this commitment. Managers must consider whether an apprenticeship is an appropriate method of recruitment prior to advertising externally for any vacant posts.

REDEPLOYMENT

The Council has a duty to find employees at risk of redundancy, or served with notice of redundancy suitable alternative work. The Council will ensure all vacancies are made available to redeployees and provide them with the opportunity to apply to a vacancy that they are interested in.

EMPLOYING EX MEMBERS OF STAFF

If a successful applicant has previously worked for the Council, the hiring manager must inform the relevant Director and Human Resources. This should be done before the candidate is progressed to interview. The hiring manager should provide the following information:

- The facts and circumstances relating to the former member of staff's previous employment and subsequent termination (e.g. resignation, voluntary or compulsory redundancy, dismissal etc.)
- The reasons which justify the proposed re-engagement

Human Resources will advise the hiring manager as to whether the candidate may proceed. A copy of the documentation will be retained in the recruitment file and, where an appointment is made, on the file of the member of staff concerned.

ADVERTISING

Advertising will be carried out with due regard to the Council's policy on equality and diversity.

Ensure that any advertisements clearly state the nature of the role and any specific screening or assessment requirements, for example, the fluency test for customer facing roles (refer also to Code of practice on the English language requirement for public sector workers) and obtaining disclosures from the Disclosure and Barring Service for roles dealing with children and vulnerable adults (further information can be obtained at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>).

ROLES AND RESPONSIBILITIES

Hiring Managers are responsible for:

1. Identifying vacancies in their business area.
2. Ensuring that establishment and budgetary requirements are in place.
3. Obtaining approval to recruit through their direct line manager.
4. Providing an up-to-date role profile.
5. Creating advertising wording.
6. Using all Council systems required to facilitate the appointment.
7. Shortlisting candidates.
8. Arranging interview dates, panels and venues.

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9. Interviewing candidates and ensuring safer recruitment practices are embedded into the process where applicable.
 10. Selecting successful candidates and advising HR of the terms and conditions of appointment.
 11. Approving all screening supplied by the HR team and agreeing start dates with candidate's documentation ensuring safer recruitment practices have been followed, if applicable.
 12. Ensuring the candidate is effectively onboarded and all required ICT equipment and facilities access have been arranged prior to start date.

HR Team Responsibilities:

1. Providing advice and guidance to managers on all aspects of the recruitment process.
2. Posting adverts and obtaining costing for advertising campaigns.
3. Carrying out right to work checks on all successful candidates.
4. Carrying out pre-employment screening checks for approval by the hiring manager.
5. Producing HRMI and analysing data to ensure recruitment best practice and advice is provided.

PROCEDURE

Aim

This procedure aims to detail the requirements of the policy information outlined above defining the specific process required to be undertaken to complete your recruitment. This procedure adheres to the policy above, all relevant legislation and the Council's commitment to safer recruitment.

Scope

This policy contains important information for managers and staff who are involved in the recruitment and selection of new members of staff. The principles set out in this policy document apply to all groups of staff with the exception of those employees in establishments who operate under local management of schools, Chief Officer Appointments and acting-up arrangements.

This policy does not form part of any employee's contract of employment, and may be amended at any time in consultation with the Employee Side and recognised Trade Unions. Notwithstanding this point, any dispute arising from the application of this policy, procedure and guidance will be raised with and dealt with in consultation with the Employees' Side and resolved at the Council's Employee Joint Committee or escalated to formal dispute resolution procedures with the Local Government Association as appropriate.

Identifying a vacancy

A vacancy can arise through various means, for example, if someone leaves, through reorganisation or expansion. When a vacancy is identified the hiring manager must ensure that the post is established on the HR system (iTrent) prior to starting any recruitment exercise (see guidance notes for more information).

When planning the campaign for recruitment managers must also consider the following:

- Can the workload be distributed amongst the remaining team?
- Would the role be suitable for an apprenticeship?
- Would the role offer an internal development opportunity as a secondment?
- Whether there is any reason, for example, an impending reorganisation, which will preclude your ability to recruit to the role. Managers should refer to their HR Adviser for more information.

When creating new positions or where the position has changed hiring managers should contact the HR Consultant to obtain guidance on creating the role profile and to ensure that the role sits within the correct job family and is graded correctly. For roles that do not easily sit within the existing job families a full evaluation process may be required. Person specifications must show the essential competencies required and/or preferred and have regard to the Council's core behaviours.

Vacancy Authorisation

Once a need to recruit has been established hiring managers are required to raise a recruitment requisition through the Council's electronic recruitment system.

The requisition will be forwarded electronically to the Head of Service (or Assistant Director/Director if the Head of Service is the hiring manager) for approval. Should the

request be declined the manager will be notified of this and be required to amend and resubmit the requisition.

Redeployment

The Council ensures all vacancies are made available to redeployees. On approval of a recruitment requisition redeployees will be able to apply for these posts in line with the recruitment timescales for that particular post (in line with any internal/external advertising). Redeployees have access to training and support throughout this process, from the Learning and Development Team.

If the redeployee meets the essential criteria for the role they will be invited to interview before offering an interview to an external candidate.

To ensure the Council meets its responsibility on the redeployment of employees with disabilities, guidance should be sought from HR on the application of any reasonable adjustments.

The interview panel for redeployment interviews should consist of HR and the hiring manager. The chair is responsible for gathering all the interview documentation together at the end of each interview session.

If the redeployee does meet the essential criteria for the role, or it is considered they could meet this within the 4 week trial period with training then they should be appointed.

Where more than one redeployee is shortlisted for interview the standard process for interview and scoring candidates as outlined below will apply.

In cases where a recruitment campaign is in process, but a written offer of employment has not yet been made, and an existing employee becomes eligible to apply under redeployment the recruitment process will be suspended to allow the redeployee to apply and be considered for the role.

Hiring managers will ensure that comprehensive feedback is available for redeployees throughout the application, shortlisting and appointment process.

Hiring managers must liaise with the HR Consultant during any redeployment recruitment process and the HR Consultant will be required to be a member of the interview panel.

In the event of successful redeployment, the Hiring manager must complete a Candidate Appointment eForm through the eRecruitment system.

Advertising

Advertising will be as cost-effective as possible. The HR team will advise on the most cost effective options. All external adverts will automatically be placed on the Council's website, Jobcentre plus and any free media available.

Adverts can be placed internally, externally or both. It is suggested that to ensure adequate responses internal vacancies are advertised for a minimum of 7 days and external vacancies for a minimum of two weeks, however, for the majority of external paid for sites there is a minimum 30 day posting period.

For roles where a criminal records check will be obtained the following wording must be included within the advert:

“This post is exempt from the Rehabilitation of Offenders Act 1974 and, for successful candidates, a comprehensive screening process will be undertaken which will include a DBS Disclosure.”

Selection, Assessment and Pre-Screening

There are several options for pre-screening candidates during the application stage. If a role has very specific qualifications required then pre-screening questions will be applied to the vacancy to filter out unsuitable candidates. Candidates who do not pass the pre-screening process will not be able to apply for the role. Care must be taken to ensure that these questions are fair, clearly worded and are not discriminatory.

A further means of selection is to use criteria questions as part of the application process. These should be directly related to the requirements of the role and will provide a ‘quick sift’ option during shortlisting. Candidates will be scored against each answer so again the questions must be clearly worded and the hiring manager and panel members should have agreed evidence expectations of responses for shortlisting.

If full criteria questions are not required there is an option to shortlist on the basis of application form or curriculum vitae and a supporting statement only. This is advised for harder to fill roles.

Hiring managers can also choose to implement testing as part of the assessment process which should be used to aid assessment during the interview process. The HR team can provide more information on this if required.

In circumstances where there is competitive assimilation as a result of reorganisation/ redundancy the trade union representative will be invited to observe the proceedings, if available.

Applications

Candidates must apply using the online portal. Agency CV submissions, where applicable, will also be submitted using the online portal and correspondence through the system will be between the agency and the Council. The agency will be required to maintain communication with the candidate in this instance.

When required, the HR team will provide additional support to candidates who have a disability and are unable to apply through the online portal.

Shortlisting

Hiring managers and the panel need to agree the evidence expectations before commencing the shortlisting process. Evidence expectations can include, qualifications, previous relevant experience, responses to criteria questions or supporting statement as per the application route chosen by the hiring manager.

Shortlisting scores must be recorded on the online recruitment system and the hiring manager is responsible for progressing candidates through the system to regret or select for interview.

Any applicants who declare a disability must be shortlisted if they meet the essential criteria for the post.

The hiring manager is responsible for providing feedback if a candidate requests this after the shortlisting process is complete.

Interviewing

Prior to the interview, interview questions should be agreed by the panel together with the evidence expectation of the candidate response. Questions should be designed to evidence candidates' suitability based on the specific requirements of the role.

Hiring managers should also consider previous experience and gaps in employment history during this process.

Safer recruitment provides that the hiring manager must explore a complete employment history for any roles that require working with children, young people and vulnerable adults. Gaps in employment and reasons for them and any previous convictions and their circumstances should be recorded and may be subject to audit.

Following interview the panel should agree the candidate's interview scores and the hiring manager will enter the scoring on the recruitment system to progress the candidate.

The hiring manager will contact the successful candidate and agree the terms of employment such as salary and working hours. The hiring manager should ensure that the candidate is aware that this offer is subject to them achieving satisfactory pre-employment checks. All details will be recorded on the online recruitment system to enable the HR team to progress the appointment effectively.

The HR team will follow up with a written conditional offer and will commence pre-employment screening in line with the requirements of the role.

The hiring manager should contact all candidates who were unsuccessful at interview stage to provide feedback.

Pre-Employment Screening

The following checks are carried out on all candidates:

- Identity check
- Right to work check
- Pre-employment medical
- Qualifications and professional memberships check
- Referencing (minimum of two references, ideally one being the most recent employer)

In addition to the above if the role is being recruited under Safer Recruitment guidelines the following will apply:

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- Enhanced disclosure provided by the Disclosure and Barring Service (DBS)
 - Five years employment history
 - Full verbal employment history check (which will be carried out during interview by the relevant manager)
 - Checks with relevant bodies to ensure up to date and valid registration (for example, HCPC)

It is the hiring manager's responsibility to review all checks carried out, contact referees to confirm information where required and satisfy themselves as to the validity of the checks and the bona fides of the candidate.

In the event that anomalies in checks arise through no fault of the candidate and the hiring manager is satisfied with the reasons why the check cannot be completed, for example, inability to obtain a reference and all other checks are found to be satisfactory, a risk assessment can be undertaken and the file may be signed off and annotated to confirm that the manager is happy to progress the file.

In exceptional cases, for example, if there is a particular delay with DBS clearances, a candidate can commence employment prior to receiving all clearances providing the manager provides the HR team with a Risk Assessment signed by the Executive Head of Service. This employment is subject to receipt of the outstanding checks and them being satisfactory and should be time limited.

Contract of Employment

The hiring manager will be required to review all pre-employment clearances which will be provided through the online recruitment system and approve the candidate appointment.

The hiring manager will agree the final offer with the candidate to include start date etc. and will complete the online appointment form to enable the HR team to generate the contract of employment and add the candidate to payroll.

The HR team will create the contract electronically for the candidate to review and accept and complete the required onboarding forms.

The hiring manager is required to contact IT, facilities etc. to ensure that the new starter has everything in place in time for their start date.

ADDITIONAL GUIDANCE

1. Introduction

Scope

1. This additional guidance contains important information for managers and staff who are involved in the recruitment and selection process. The principles set out apply to all groups of staff with the exception of those employees in establishments who operate under local management of schools, Chief Officer appointments and acting-up arrangements.
 2. This guidance does not form part of any employee's contract of employment, and may be amended at any time in consultation with the Employee Side and recognised Trade Unions.

3. Safer Recruitment

Appointment of employees:

- 3.1 Safer recruitment is a set of principles and practices that should be embedded in the organisation's processes when appointing workers and volunteers who work with children or vulnerable adults.
- 3.2 Key guidance documents setting out the practice relating to the appointment of workers working with children and young people can be found using the links below. These principles can be adapted for those working with vulnerable adults and in different settings.

Recruiting Safely – Safer Recruitment Guidance as outlined in Part 3 of Keeping Children Safe in Education (Department of Health statutory guidance - September 2016):

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

- 3.3 The principles set out in these documents should be considered as the **MINIMUM** standards that should be followed for workers engaged to work with children, young people, and vulnerable adults and **BEST PRACTICE** for all other appointments.
- 3.4 The guidance applies to everyone engaged in a role (paid or volunteer) within an organisation working with children, young people or vulnerable adults, who is likely to be seen by the children/vulnerable adult as a safe, responsible and trustworthy adult.
- 3.5 There are also people who regularly work in a setting, such as a children's centre or youth and community project or day centre or residential unit, where children, young people or vulnerable adults are present, whose role is a support function (e.g. administration, catering, caretaking).

12 Steps to Safer Recruitment

4. The 12 steps below provide an overview of what needs to be covered during the safer recruitment process.

Before you release your post ...	
1	Ensure that you have an up to date recruitment and selection policy that describes the process and roles before you begin.
2	Ensure that your organisation has a safeguarding policy and that a statement about the organisation's commitment to safeguarding is included in all recruitment and selection materials.
3	Ensure that you have an up to date job description and person specification for the role(s) you wish to recruit to, that have been agreed with the recruiting manager.
4	Ensure that you have an appropriate advertisement prepared that contains all necessary information about the role, timetable for recruitment and your commitment to safeguarding.
5	Ensure that you have compiled a suitable candidate information pack containing all the required information about the organisation, role, recruitment timetable, safeguarding policy/statement and application form. It would be clear that CVs on their own would not normally be accepted.
Before you interview...	
6	Ensure that each application received is scrutinised in a systematic way by the shortlisting panel in order to agree your shortlist before sending invitations to interview.
7	Ensure that any appropriate checks have been undertaken on your shortlisted candidates.
8	Ensure that all shortlisted candidates receive the same letter of invitation to interview, supplying them with all necessary information.
Before you select your preferred candidate...	
9	Ensure that a face-to-face interview is conducted for ALL shortlisted candidates based on an objective assessment of the candidate's ability to meet the person specification and job description.
10	Ensure that all specific questions designed to gain required information about each candidate's suitability have been asked, including those needed to address any gaps in information supplied in the application form (e.g. employment history) and ensure that there is a record of discussion, which is retained with the application form.
Before you appoint...	
11	Ensure that you are able to make a confident selection of a preferred candidate based upon their demonstration of suitability for the role.
12	Ensure that your preferred candidate is informed that the offer of employment (including volunteer positions) is conditional on receiving satisfactory information from all necessary checks.

Note: It is recommended that organisations include safer recruitment practices as part of general recruitment and selection training programmes. This ensures that a future appointing manager is aware of what their responsibilities are. In addition safer recruitment practices should be included as part of induction processes for new managers.

Pre-employment and Vetting and Barring Checks

5. There are a number of vetting checks that must be carried out for all staff. Some additional checks are required for staff working with children and vulnerable adults. The table below provides an outline of what should be included within the pre-employment process:

Nature of Check	Applicant	Comment
Identity	All applicants	DBS have issued guidance 31 August 2012 there are certain documents that will not be accepted to confirm identity. Further information can be found: https://www.gov.uk/government/organisations/disclosure-and-barring-service
Date of Birth	All applicants	
NI number	All applicants	
Qualification	All applicants	Qualifications required for the position.
Professional Membership	All applicants	Professional membership required for the position.
Barred List	Workers with children and vulnerable adults	This is the barred list maintained by the Disclosure and Barring Service, previously referred to as list 99, PoCA or PoVA.
Right to work in UK	All applicants	
Health check	All applicants	After provisional offer has been made.
References	All applicants	At least 2 references – one from the current/previous employer. If this is an agency, then it is recommended that in addition a reference is sort from a relevant placement.
DBS	Workers qualifying under one or more DBS exempt category	This relates to all staff working with children, young people and vulnerable adults plus other “exempt” staff such as accountants, parking staff (see DBS website).
DBS for overseas	As above but for overseas applicants	For any applicant as above but for overseas applicants (see DBS website)

- 5.1 All the checks must be completed and cleared **before** the person is allowed to start work. If it is business critical to commence an individual prior to the receipt of a DBS check then a DBS risk assessment must be undertaken. It should be noted that this will be the **EXCEPTION** and not the **RULE**. Organisational policies and procedures

should include guidance on how this is managed locally. A good practice template can be found at **Appendix 1** (which can be adapted to deal with those cases where a positive check is received). It is recommended that this is completed and retained with the employment file should there be an inspection or audit. Equally it is essential the HR and the operational manager ensure that the risk assessment is reviewed in the light of the DBS being returned and that there is a tracking mechanism in place. Note: if the employee already works for the organisation but changes job roles into a front line post, then safer recruitment checks must be undertaken.

- 5.2 If a positive DBS check is received then a risk assessment should be undertaken. Does the conviction/caution have a bearing on the post that the individual has been appointed to?
- 5.3 In some organisations where there is a requirement to undertake a DBS re-check every 3 years. The same template can be used should a matter arise once the individual is in employment. There may be occasions when the DBS 3 year period “expires” and there is a gap when the employee is not covered by a DBS check. It is recommended to organisations that there is a risk assessment undertaken – the risk assessments referred to in the appendices can be adapted for this purpose.

Statute and Statutory Guidance

The legislation listed below is the most relevant for the employment of staff. Organisational policies, procedures and practice must be consistent with:

- Asylum Act 1999 and 2002
- The Immigration Restriction on Employment Order 2007
- Human Rights Act 1998
- General Data Protection Regulation (GDPR)
- Rehabilitation of Offenders Act 1974
- Employment Rights Act 1996 and Employment Act 2002
- Protection of Vulnerable Adults Act 1999/Criminal Justice and Court Act 2000
- Protection of Children Act 1999/Criminal Justice and Court Act 2000
- Vulnerable Group’s Act 2006 (Vetting and Barring – Independent Safeguarding Authority)
- http://www.legislation.gov.uk/ukpga/2006/47/pdfs/ukpga_20060047_en.pdf
- Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote the welfare of children
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/281368/Working_together_to_safeguard_children.pdf
- Safeguarding Children and Safer Recruitment in Education
- <https://www.gov.uk/government/publications/keeping-children-safe-in-education>

- The Equality Act 2010
- The Protection of Freedoms Act 2012
- http://www.legislation.gov.uk/ukpga/2012/9/pdfs/ukpga_20120009_en.pdf

This is a template which can be adapted for use in line with the relevant organisation's policies and procedures.

DBS Risk Assessment

Date of Assessment:	Employee assessed:
Post assessed:	Place and location of work:
Activity Assessed:	Appointment of individual with a criminal conviction, caution or for whom other relevant or additional information has been disclosed or to commence employee in advance of receipt of the DBS.

When completing this section please refer to the guidance notes

Section A, B C and D to be completed by the Recruiting Manager

Section A

Please confirm the checks that have been completed (circle Y or N as appropriate):

- 1. Face to face interview Yes/No
- 2. Satisfactory list 99 check Yes/No
- 3. Identity check Yes/No
- 4. Satisfactory references covering 5 years full time Employment Yes/No
- 5. Are there any unexplained gaps in employment? Yes/No
- 6. Do we have evidence of eligibility to work in the UK Yes/No

Section B – Details of the convictions, cautions and other information including dates (continue overleaf)

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Has the conviction, caution or other information been declared by the individual? Yes/No

Section C – Justification for appointment (continue overleaf)

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Section D – Control measures (continue overleaf)

Is it necessary to put in place any control measures to mitigate the risk of this employee being appointed? Yes/No

If yes please describe those control measures

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Are all recommended control measures in place? Yes/No/N/A

Is the new employee able to adhere to the control measures above? Yes / No

Manager's Name (please print):.....

Signed:.....Date.....

Section E – To be completed by HR for HR advice/recommendation

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HR Practitioners Name (please print):

Signed: Date:

Risk assessment continuation sheet

Section F – To be completed by senior manager as per organisational procedures (please delete as appropriate)

Comments (if any)

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I agree to the appointment being confirmed/I do not agree to the appointment being confirmed (please delete).

Print Name: Signed: Date:

This is a template which can be adapted for use in line with the relevant organisation's policies and procedures.

Good Practice Guidance on the Completion of the Risk Assessment

What should I do if the DBS check for the individual reveals a conviction?

Assessing the risk of employing a person with a criminal record means comparing an applicant's skills, experience and conviction circumstances against risk criteria you have identified for the job. For example sexual or child pornography offences would almost certainly disqualify any person from working with children. In contrast a driving offence may not be relevant for a similar post unless driving was a requirement. But it is also important to remember that no two offences are exactly alike.

You should carefully analyse all the factual information available against the job and person specification. It is important to balance the employer's duty of care and protection of adults, children and young people whilst ensuring that you do not unfairly discriminate against a person because of a criminal offence.

In addition, the [enter organisation](#) has an information sharing agreement with the Metropolitan Police. Depending on the offence, you may wish to seek further information about the offence or concern revealed by the DBS check from the Police (if the offence took place in the area covered by the Metropolitan police area). This will be useful when weighing up the offence and will also allow you to assess what the individual says against the facts provided by the Police. You should be aware that for offences that may date back some years, the Police may not have any record but this should not deter you from asking. Advice and assistance is available from your HR representative or [enter here safeguarding lead contacts](#).

You should ensure that all the following checks have been completed and are satisfactory:

- Face to face interview
- Identity check
- Academic/vocational qualification check
- Eligibility to work in the UK
- Professional references for a minimum of 5 years, ensuring there are no gaps
- Character references for a minimum of 5 years, ensuring there are no gaps
- Previous employment history, ensuring there are no gaps
- Health check
- Mandatory check of List 99, POCA, POV
- DBS check

Assessing the offence(s)

Addressing issues related to criminal convictions needs an objective common sense approach which takes account of:

- the employer's duties in law
- the nature of the offence
- when it happened

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- the circumstances involved
 - the persons age at the time
 - the sentence
 - whether it was an isolated offence or part of a pattern of offending
 - efforts to avoid re-offending
 - what is known about the person's conduct and character before or since
 - the job requirements
 - the person's account set against any available objective information about the offence/matter of concern

You should also consider:

- Was the information about the offence (s) disclosed by the individual at interview?
- Is it considered that a meeting should be held with the individual to gain all the relevant information before a decision is made?

Assessing the job for risk

In assessing the potential risks of the job you should consider:

- Does the post involve unsupervised contact with adults, children or young people?
- Does the post involve direct contact with the public?
- Am I prevented by law from appointing an individual convicted of this type of offence? E.g. a candidate for a driver post who had been banned from driving for a period of time.
- Does the post involve any direct responsibility for cash, cheques or other items of value?
- Will the nature of the job present any opportunity for the post holder to re-offend in the workplace?
- What would be the possible result/impact on service users/delivery the post holder should re-offend in the workplace?

What else should I consider?

The essential thing for managers is to remember is to keep an open mind. In some cases, the relationship between the offence and the post will be clear enough to assess the risks. In other cases, the decision may not be so clear-cut.

The following factors may help in making a decision:

- The availability of assessments and reports from those agencies involved in the applicant's process of rehabilitation. For example, the Probation Service, specialists working in prison, etc.
- The seriousness of the offence and its relevance to the safety of other employees, customers, clients and property. Generally speaking, the longer the sentence the more seriously the Courts viewed the offence at the time. Custodial sentences are usually for more serious crimes than non-custodial sentences.
- The length of time since the offence occurred. (How effective has rehabilitation been?).
- Was the offence a one-off, or part of a history of offending.

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- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely (e.g. improved personal circumstances, drug addiction therapy).
 - The country in which the offence was committed. For example, some activities are offences in Scotland and not in England or Wales, and vice versa.
 - Whether the offence has since been decriminalised by Parliament.
 - Any relevant information disclosed by the individual about the circumstances which led to the offence being committed (and whether their account matches the available facts).
 - The degree of remorse, or otherwise, expressed by the applicant.

What control measures or safeguards should I consider?

You should consider:

- The level and closeness of supervision that might be needed early on in the employment.
- The extent to which procedures, such as audits or the involvement of others in the work process, would be a form of indirect supervision.
- Whether any training or briefing would be useful to enable the supervisor to manage the post-holder in the work context.
- What precautions already exist in the work place or could be put in place?