



Disclosure and Barring Service (DBS) Checking Policy and Procedure

Policy No. 58

Official – February 2024

People Area	DBS Checking Policy and Procedure
Authored by	Senior Head of People
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Implementing Officer:	Head of Human Resources

1. Policy

Policy Statement

- 1.1 Cleveland Fire Authority has a duty of care to protect the safety and wellbeing of the community we serve. Therefore, we commit to ensuring that the appropriate measures are in place to safeguard communities to whom we provide a service, particularly in relation to the community initiatives that the Brigade are involved with. We have in place measures to ensure that we do not employ any individual, who may be unsuitable to work with or have access to vulnerable adults or children. A DBS is just one of the pre-employment checks that are carried out. Please see the Recruitment and Selection Policy for further details.
- 1.2 The Authority acknowledges current legislation relating to employment, The Rehabilitation of Offenders Act 1974, and The Safeguarding Vulnerable Groups Act 2006. The DBS was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). Following the inclusion of fire and rescue authority employees in the Rehabilitation of Offenders Act (Exceptions) Order 1975; eligibility for a Standard level of DBS check became available in 2023 for all who work or volunteer for fire and rescue authorities.
- 1.3 To comply with our responsibility under the Rehabilitation of Offenders Act 1974 and to ensure that the organisation does not unfairly discriminate against an individual based on historical criminal offences, this procedure sets out how any information of this nature will be considered as part of the recruitment process and for those currently employed by the service where a positive disclosure is made.
- 1.4 This policy and its associated procedure (Appendix 1) is intended to ensure safe and fair recruitment practices so that the Authority can be assured that there is adequate protection in place for the organisation, staff, and the local community.

2. Policy Aim

- 2.1 The Authority aims to:
 - ensure it meets its duty to protect the public.
 - underpin the Recruitment and Selection Policy & Procedure so that all necessary pre-employment checks are undertaken.
 - comply fully with the DBS Code of practice, particularly using all reasonable endeavours to ensure that the Brigade only submit disclosure applications in accordance with the disclosure eligibility criteria for relevant positions or employment.
 - ensure that the results of the DBS checks on staff and volunteers are seen prior to any appointments and are appropriately retained.

- refer information to the DBS if the Authority dismiss or remove a member of staff/volunteer from working with children and/or adults in what is legally defined as 'regulated activity' because they meet the referral criteria.
- ensure that no individual will be unfairly discriminated against as a consequence of the execution of this policy and procedure.
- comply with the General Data Protection Regulations (Data Protection Act 2018) and all other relevant legislation in respect of the safe handling, use, storage, retention, and disposal of disclosure information.

3 Scope

- 3.1 The policy and its associated procedure will apply to all employees of the Authority and where appropriate, any volunteers or contract staff. This Procedure applies to all prospective and existing employees employed on a substantive, fixed term, temporary or secondment basis.
- 3.2 The Brigade will require those staff whose roles are deemed to be in accordance with the disclosure eligibility criteria to undertake a DBS check.
- 3.3 This policy and its associated procedure are one of several policies and procedures relating to the management of employee concerns within Cleveland Fire Brigade, as detailed below:
- Recruitment & Selection Policy No P25
 - Procedure Note 5 Vetting & Security Clearance
 - Managing Safeguarding Allegations No (TBC)
 - Sickness Absence Management (Modified Duties) No P 2.1

4. Definition and General Principles

- 4.1 There are 4 levels of disclosure, Basic, Standard, Enhanced and Enhanced with Children and/or Adults Barring List.

The levels of DBS disclosure are as follows:

Basic Disclosure - Can be used for any position or purpose. A basic certificate will contain details of convictions and cautions from the Police National Computer (PNC) that are unspent under the terms of the Rehabilitation of Offenders Act (POA) 1974.

Standard Disclosure - Is available for certain specified occupations, licences, and entry into certain specified professions. These are listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. It contains details of all spent and unspent convictions, cautions, reprimands, and final warnings from the Police National Computer (PNC).

Enhanced Disclosure without barred list information - Is available for those positions described as working with adults in the Statutory Instrument – The Police Act 1997 (Criminal Records) (Amendment) Regulations 2013. These are listed in Part V of the Police Act 1997. The disclosure contains the same PNC information as the standard disclosure, but also includes a check of police records held locally and could contain non-conviction information if deemed relevant.

Enhanced Disclosure with barred list information – Is the highest level only available for those individuals who are employed in regulated activity and a small number of positions listed in Police Act regulations. The disclosure contains the same PNC information and check of police records held locally as an enhanced disclosure but in addition will check against the children's and/or adults barring lists.

- 4.2 The level of disclosure required for each role aligned to our organisational structure available from the Human Resources Department and has been determined by the role descriptions, guidance available from the NFCC, NOG and DBS. This list is not exhaustive and the roles and associated requirements for the level of DBS will be reviewed regularly. The level of disclosure required is regularly reviewed and approved by ELT.
- 4.3 Before a role is advertised Human Resources in conjunction with the Recruiting Manager will again confirm the level of disclosure that is legally required. The DBS procedure eligibility guidance lists all of the roles that are eligible for a DBS check. Checks should only be carried out for specific positions, professions, employment, offices, works, and licences included in the Rehabilitation of Offenders Act (ROA) Exceptions Order 1974, as amended.
- 4.4 Where required the Human Resources Department can contact DBS on behalf of the Brigade to obtain clarification on the role and eligibility of level of DBS check.
- 4.5 The Brigade is legally responsible for ensuring that it is entitled to receive a standard or enhanced disclosure certificate before submitting applications to the DBS as it is a criminal offence to ask for a check for any other roles.

5. Policy Category

- 5.1 This policy is categorised as '**Corporate Authority**' within the Key Document Framework.

6. Organising

- 6.1 **Cleveland Fire Authority** is responsible for:
- approving the Authority's Disclosure and Barring Service Checking Policy

- 6.2 **Chief Fire Officer** is responsible for:
- confirming the arrangements for ensuring that Disclosure and Barring Checks are appropriately undertaken so to safeguard its communities.
- 6.3 **Assistant Chief Fire Officer Strategic Planning and Resources** is responsible for:
- maintaining and developing the framework for the practical application of this Policy and Procedure in line with the Authority's Scheme of Delegation
 - overseeing all aspects of the policy and procedure
 - maintaining an overview of any relevant information that is referred to the DBS
- 6.4 **Senior Head of People** is responsible for:
- reviewing monitoring reports related to Disclosure and Barring Service Checking
- 6.5 **Head of Human Resources** is responsible for:
- implementing this policy and procedure
 - monitoring the application of the Policy and Procedure
 - ensuring a risk assessment is undertaken with reference to any positive disclosure and relevant action is taken
 - ensuring that where appropriate any concerns are reported into the Disclosure and Barring Service
- 6.6 **Heads of Department/ Line Managers** are responsible for:
- liaising with HR so that appropriate decisions can be made about posts within the Brigade and whether they meet the definition for DBS checks.
 - making all staff aware of arrangements in relation to the Disclosure and Barring Scheme
 - ensuring that all new staff are recruited appropriately for their service in line with this policy.
 - making Human Resources aware of any issues of concern that may arise from the application of this policy and procedure.
- 6.7 **Individuals** are responsible for:
- adhering to the requirements of this policy and procedure
 - ensuring that they comply with requirements of this policy and associated procedure
 - taking due consideration of this policy when they apply for a new role within the Brigade
 - making their line manager aware in the event they are subject to a conviction or relevant caution whilst in employment (as per the Disciplinary Policy and Procedure and Code of Conduct) in order for the Brigade to consider the implications, if any, of this conviction in relation to the DBS
- 6.8 **Trade Unions and Representative Bodies** are responsible for:
- supporting the implementation of, and adherence to, this policy and procedure
 - encouraging their members to comply with the requirements of this policy and procedure and other related procedures such as the Disciplinary procedure.

7. Planning and Implementing

- 7.1 This policy is underpinned and implemented through a procedure for Disclosure and Barring Checks (Appendix A). Both parts of this document should be read in conjunction with each other.
- 7.2 All new staff will be made aware of this policy and its associated procedure as part of their selection process.
- 7.3 Existing staff will be informed of this policy and procedure as per the accepted corporate document framework procedure and it will be made available through the Brigade's intranet.
- 7.4 Any advice, guidance or training for managers will be provided through the HR Department.
- 7.5 The policy for Disclosure and Barring Checks and its associated procedure will be reviewed and implemented together to ensure that developments in the Brigade's management arrangements are comprehensively communicated to staff, managers, and Elected Members.

8. Resource Implications

- 8.1 There are financial resources associated with the application of this policy and associated procedure with reference to the costs of the relevant checks to fund DBS checks. People resources are also required to coordinate the procedure, however most of this work is regarded as core work of the Human Resources Department.

9. Equality Impact Assessment

- 9.1 This policy has been assessed in accordance with the Brigade's Equality Impact Assessment Procedure (Attached as Appendix 3)
- 9.2 The findings of the Equality Impact Assessment conclude that the DBS Checking Policy and Procedure does not have a detrimental impact on any group of staff, including those with one or more protected characteristics.

10. Monitoring

- 10.1 The Senior Head of People will monitor activities under this policy and procedure.

11. Audit

- 11.1 This policy will be audited in accordance with the procedure detailed within the Authority's Policy Framework. An annual audit will be undertaken with reference to DBS checks.

12. Review

- 12.1 The ACFO SPR will undertake a review of this policy in 2027 to ensure it is taking account of any new or emerging political, social, technological, legislative, environmental, competitive, citizen or reputational factors.

Procedure

1. Introduction

- 1.1 This is the procedure that underpins and implements Cleveland Fire Authority's Disclosure and Barring Service Policy.

2. Background

2.1 Employment Law and Best Practice

Consideration will be given to all aspects of employment law to ensure that the Authority is compliant throughout any element of the application of this policy and procedure.

2.2 Employment Rights Act 1996 (section 80F – 80I) and Employment Act 2002

The above regulations relate to the general principles afforded to individuals with employed status in an organisation.

2.3 Data Protection Act 1998/ General Data Protection Regulation (GDPR)

The Authority's records relating to an employee's DBS check will be kept confidential and in accordance with the Data Protection Act/ GDPR.

2.4 Disclosure and Barring Service

Their primary role is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups (adults and children).

Following the inclusion of fire and rescue authority employees in the Rehabilitation of Offenders Act (Exceptions) Order 1975; eligibility for a Standard level of DBS check became available in 2023 for all who work or volunteer for fire and rescue authorities.

3. Procedure for Request of DBS Disclosure

- 3.1 DBS and Basic Criminal Disclosure checks are presently undertaken through an external agency on behalf of the Brigade. At the time of making a provisional offer of employment Human Resources will send the individual an email confirming how to access the online DBS application system, administered by a third party, so that they can commence their application for a DBS check.
- 3.2 The online DBS application form includes information explaining how to complete it. The individual must then provide Human Resources with the supporting documentation in person to ensure that the documents are checked with the individual present to verify identity.

- 3.3 Human Resources will check documentation against a list of DBS requirements. A list of approved forms of ID is available from the Human Resources Team. Photocopies of the documents are retained on a personal file. No photocopies of the DBS application form will be retained.
- 3.4 The application form is re-checked by a counter-signatory within the external agency for approval and confirmation of which level check required – standard or enhanced – and where enhanced which list(s) to be checked, the form is then sent electronically onto the DBS. (The counter signatory is someone who has gone through a more enhanced DBS check and is given authority to countersign DBS form).

4. Posts which require DBS Disclosure (New Employees)

- 4.1 All applicants to the Brigade will be subject to a standard DBS check as part of the pre employment procedure to comply with Baseline Protective Security Standard checking procedures with reference to the role they are applying for. All applicants (including volunteers) to roles which potentially have unsupervised access to young people or vulnerable adults will also be subject to an enhanced DBS check with associated barred list check as applicable to the requirements of the role.
- 4.2 The level of check is based on a risk assessment against the roles and duties of the position being offered and the type of contact the individual will have with vulnerable groups. This will be in accordance with the definitions and information provided in this procedure. The Human Resources Department maintain a list of roles and required levels of checks.
- 4.3 Eligibility for the appropriate level of DBS check is based on the requirements of the post as outlined within the job description and mandated guidance available from the DBS available from their website: www.gov.uk/dbs
- 4.4 Human Resources will maintain a list of all roles within the Brigade and what level of DBS check is required. It will be used to ensure that all employees who require DBS check are completed and up to date.
- 4.5 Existing employees moving into a different post within the organisation (including organisational change) will be required to complete a new disclosure if the duties of the position are different to those relating to the position for which their DBS disclosure was originally issued. If there is a requirement for a new disclosure, then the employee should not commence in the new role until a satisfactory disclosure has been received.
- 4.6 Where a vacancy meets the criteria for a check, the advert will clearly state that any offer of employment will be subject to a DBS check being carried out. A disclosure will only be applied for once a decision to offer the post has been taken and a conditional offer made, offers of employment may be withdrawn if they knowingly withhold or unreasonably delay the provision of information or otherwise provide a false or misleading information.

- 4.7 Once clearance has been received, Human Resources will notify the appointee's Line Manager that a satisfactory DBS has been received. No member of staff will commence in post until completion of the full DBS process, where applicable, except in exceptional circumstances and by agreement with the relevant Director. In such an exceptional situation a risk assessment will be undertaken to determine what tasks the individual can perform during this period and the individual's employment will be considered conditional until the DBS process is completed.
- 4.8 If the applicant has satisfied all other pre-employment checks, and no criminal record or other relevant information is revealed on a disclosure, the Brigade should confirm the offer of employment.
- 4.9 It is also Brigade requirement that a declaration of unspent criminal convictions, cautions, reprimands, and warnings will be requested from all applicants on the Brigade's application form. It is important to point out that possession of a criminal conviction does not automatically make an applicant unsuitable for employment in the Brigade. However, the DBS holds the power to bar people who have committed indictable offences from working or engaging in regulated activity with children and/or vulnerable adults.
- 4.10 All employees (and those engaged in a voluntary capacity) are required to report any police allegations, convictions, cautions, reprimands, or warnings that occur during the course of their employment as detailed in the Brigade's Disciplinary procedure and Code of Conduct.
- 4.11 The Recruiting Manager with Human Resources support will be responsible for discussing with applicants any criminal convictions, cautions, reprimands, and warnings prior to any conditional offer of employment being made and advising them of the DBS process as applicable to the role. They are also responsible for recording any information given on the interview documentation; this will then be used in the risk assessment process to support the Brigade's decision making. Please refer to appendix 2 for a copy of the risk assessment document. The relevant Director of Service must be consulted before any offer proceeds or is withdrawn where there is positive disclosure.
- 4.12 Failure by an employee to provide accurate and truthful information at the time of applying for the position will be considered as a disciplinary matter, which could result in dismissal or withdrawal of an offer of employment.
- 4.13 In some circumstances where the Brigade provides services to a partner agency the Brigade may undertake DBS checks on behalf of that agency. Personal information will be retained by the Brigade in accordance with General Data Protection Regulations (Data Protection Act 2018) and will not be disclosed to the agency. An exception to this may apply where information forms part of a statutory requirement i.e. for security clearance. Where another agency undertake their own DBS check on an employee of the Brigade, the results of the check will be shared with the Brigade and be dealt with in accordance with this policy.

5. Positive Disclosures - New Employees

- 5.1 The DBS certificate will reveal if the individual has a criminal record, including details of convictions, cautions, reprimands, or final warnings. The DBS certificate will only provide the basic facts such as the name and date of offence(s) and, if applicable, details of any sentence(s). It will not put them into context.
- 5.2 Information obtained through DBS checks can help the Brigade make an informed decision on whether or not to appoint a prospective employee utilising a risk assessment as per Appendix 2. The decision rests with the Brigade as to whether to employ a person whose DBS check reveals a conviction or other relevant recorded information. The information provided should be carefully considered in the light of all the relevant circumstances and judged on a case-by-case basis. The outcomes of DBS checks will only be discussed on a 'need to know' basis and confidentiality will be respected by parties at all times.
- 5.3 An enhanced disclosure with barred list check will reveal whether the person is barred from working in regulated activity with children or adults. If the person is barred, the Brigade should contact the police who will take appropriate action, as it is an offence for a person barred from working in a regulated activity with children or adults to apply for such work. It is also an offence for an employer to knowingly employ a barred person in such a capacity.
- 5.4 If a disclosure confirms only criminal record information which has already been disclosed by the applicant and taken into account by the Brigade, the offer of employment can be confirmed.
- 5.5 If the issues on the disclosure certificate have not been previously declared, the recruiting manager will be informed confidentially by Human Resources. Human Resources will contact the candidate to ascertain why they failed to disclose this information, as this will normally result in the offer of employment being withdrawn.
- 5.6 Human Resources will discuss with the candidate their explanation for failing to make the declaration and following this discussion and based on all available evidence, a decision may be taken by the Director of Service, to accept the candidate's explanation for failure to disclose. Any concerns that have arisen should be discussed with the applicant. The DBS Code of Practice (Home Office) states that an employer should discuss any new matters (including other relevant information) revealed in the applicant's disclosure with the applicant in the form of a meeting, before making a final recruitment decision in order to give the applicant the opportunity to address the employer's concerns.
- 5.7 Where an individual identifies on the application form any sanctions relating to fraud (cautions or convictions etc.) or any other dishonest acts as identified in the Brigade's Anti-Fraud and Corruption Policy, and or where there are also other convictions, cautions etc. such as assault; these should also be discussed with the relevant recruiting officer and the Director of the Service.

- 5.8 The Brigade reserves the right to refuse employment, or withdraw transfers into designated roles within the Brigade, where information comes to light regarding criminal conviction or caution which, in the view of the Brigade, is relevant to the nature of the role being undertaken.

6. DBS Re-Checks for Existing Employees

- 6.1 DBS re-disclosures will be carried out routinely (every 3 years) by the Human Resources Department. The level of check will be dependent upon the role an individual is undertaking. The Human Resources Department maintain a list of roles and the required level of DBS.
- 6.2 Where an employee change's role in the Service and the DBS required for this role is at a higher level a disclosure should be undertaken before the individual commences in role. Consideration should also be given where an individual is undertaking an alternative role for a period time (such as modified duties) and whether their current level of DBS is acceptable.
- 6.3 Where a re-check is required and a previous disclosure was deemed acceptable and risk assessed, this should be reviewed for the new role. If the new role requires a higher-level disclosure, a new DBS must be completed prior to the individual commencing in role.
- 6.4 Due to changes in legislation, regulations and working practices, existing employees who may or may not have previously been subject to a disclosure, will be required to undertake a disclosure during their employment with the Brigade.
- 6.5 Any employee refusing to comply with a DBS disclosure will be subject to disciplinary action.
- 6.6 A failure by an existing employee to disclose criminal convictions to the Brigade will be subject to disciplinary investigation under the Brigade's Disciplinary Policy.

7. Positive Disclosures - Existing Employees

- 7.1 If a DBS disclosure for an existing employee returns with a positive disclosure, the Human Resources Department will request a copy of the certificate to check and establish if the information has already been recorded and the Brigade was previously aware. A recorded discussion with the employee will take place to confirm that the disclosure is correct.
- 7.2 Where the employee believes there has been a mistake on the DBS disclosure, they should appeal to the DBS Service directly, inform the Brigade of their intentions and provide evidence of their progress. Where this is the case, the Brigade may pause any potential investigation until such time the employee can provide evidence of the mistake. In the meantime, the role the employee undertakes should be risk assessed and appropriate measures taken in the interim. Please see section 10 for further information on Disclosure Disputes.

- 7.3 Where a positive DBS disclosure is received and the employee has made a disclosure, they will be offered the opportunity of discussing the information with their line manager (minimum of Station Manager level or equivalent) who will be supported in the conversation by a Human Resources Representative (and where applicable advice sought from the Brigade's Safeguarding Lead). Any discussion relating to information contained on the DBS disclosure will be handled sensitively and in the strictest confidence.
- 7.4 The DBS outcome discussion will follow a risk assessment process. The discussion with the employee should support the gathering of information to assist with decision making. The meeting will include:
- a) Explaining the focus of the discussion is to allow for the Brigade to gain further information to identify whether there may be risks that need to be given further consideration
 - b) Reassure the employee of the Brigade's values around promoting equal and fair opportunities for all
 - c) Asking the employee about positive changes since the offending behaviour.
 - d) Explaining the next steps, so the employee is clear on what happens next and who will be contacting them once a decision is made.
- 7.5 The line manager must document the risk assessment (Appendix 2).
- 7.6 The final decision will be made by the Director of the relevant Service who will decide the outcome based on the information supplied and suitability for the role. The risk assessment will be held on the individuals PRF.

8. Disclosure Disputes

- 8.1 Individuals will have the right of appeal against any information disclosed about them if they dispute its accuracy. An appeal must be lodged directly with the DBS within 3 months of the date of issue of the certificate.

There are two types of disputes:

- Data entry dispute i.e. name, gender, place of birth etc.
 - Data source dispute i.e. where either conviction details not relating to the applicant have been disclosed on the certificate or where conviction details relating to the applicant have been disclosed but some elements of the conviction are incorrect or where the approved information is considered to be inaccurate or irrelevant
- 8.2 In the event of a disclosure dispute, the Brigade will be required to hold the post of the appointee until the matter is resolved, if the disputed information could result in the offer of employment being withdrawn. Where disclosure has been disputed, Human Resources will store this information for a six-month period from the date the dispute was resolved.

- 8.3 There is an obligation on the individual to inform the Brigade of their intentions to dispute a disclosure and provide evidence of their progress.

9. Frequency and Portability of Recruitment Checks

- 9.1 Portability refers to the re-use of a DBS check obtained for a position in one organisation and later used for another position in another organisation. In 2013 DBS introduced the DBS Update Service. This is a voluntary applicant-led system where an individual can subscribe themselves when their new certificate arrives and pay an annual subscription fee directly to DBS.
- 9.2 The service lets applicants keep their DBS certificates up-to-date online and allows employers to check a certificate online and allows an individual to take their certificate from one job to the next.
- 9.3 If applicant is registered with the update service an online update check can be made by the Brigade which will negate the requirement for a new check. The applicant still has to provide the Brigade with the original certificate for copying. (There is no official expiry date for a criminal record check issued by the DBS. Any information revealed on a DBS certificate will be accurate at the time the certificate was issued).
- 9.4 If the applicant has not registered with the update service and it has been identified that a post requires a DBS check, a new disclosure must be applied for. A disclosure must be received before the candidate is able to commence employment in a regulated activity. The Brigade requires a new DBS check to be completed every three years.
- 9.5 However, a new DBS check is not always required where an existing member of staff moves job within the Brigade and their roles and responsibilities and level of contact with that vulnerable group has not significantly changed. If a DBS check has been made by the Brigade within the last 3 years, and the level of the check and vulnerable group has not changed, then a new DBS check will not be required. If there has been a break of service for more than three months between leaving the old position and taking up the new position, then a new DBS check will be required.

10. The Fair Use of Disclosure Information

- 10.1 The Brigade is referred to as a recipient, as such Recipients of the 'disclosure' information shall observe guidance issued or supported by the DBS on the use of disclosure information. In particular, the Brigade shall not unfairly discriminate against the subject of disclosure information on the basis of the conviction or other details revealed.

11. Disclosure Reports – Use, Storage & Destruction

- 11.1 The procedure followed must ensure confidentiality and compliance with the Data Protection Act 2018 and GDPR regulations.

- 11.2 Only one DBS certificate is issued by the DBS to the applicant, even if it contains any criminal record information. If the DBS is clear the Human Resources Department will be informed by the third-party external agency. If the DBS has a positive disclosure the third-party external agency will update the Human Resources Department and the applicant will be requested to contact Human Resources to present the original certificate for checking.
- 11.3 Where a disclosure indicates no criminal history, this will be recorded together with the date received and the date of the disclosure report. Human Resources will inform the line manager who is making the appointment that the applicant/employee has been cleared to commence in post (subject to all other pre-employment checks).
- 11.4 A record of the following will be kept by Human Resources:
- The issue date of the DBS certificate
 - The level of check requested, including checks against one or both of the barred lists
 - The unique reference number of the certificate
 - The DBS check outcome, e.g. post to be offered, offer withdrawn etc.
 - Any declaration of convictions on the employee's application form will be retained for the lifetime of the individual's employment

12. Referrals of Individuals

- 12.1 The Safeguarding Vulnerable Groups Act 2006 (SVGA) places powers and duties on employers and personal suppliers in connection with the referral of a person who has:
- Harmed or poses a risk of harm to a child or vulnerable adult
 - Satisfied the harm test
 - Received a caution or conviction for a relevant offence
- 12.2 The decision to refer information to the DBS check in order for them to make a barring decision, will be taken following an assessment of the available information and would usually take place if the Brigade have dismissed or removed a person from regulated activity (or may have done so had they not left) because they have harmed or posed a risk of harm to a child or vulnerable adult.
- 12.3 The role of DBS is to make barring decisions about people who are referred to it (usually following an employer's disciplinary process), with the possible consequences of the person being barred from working or volunteering with the children and/or vulnerable adults. The DBS uses a fair, thorough and consistent process that ensures that the decision it reaches is both proportionate and appropriate to the risk the person poses to children or vulnerable adults.
- 12.4 When making a referral the organisation must clearly state under which legal basis, they are referring the individual. The Head of Human Resources or HR Manager will make the referral following discussion and agreement with the relevant Director of Service and legal advice will be sought as appropriate.

Appendix 2

Positive Disclosure (DBS) Risk Assessment

Name of Individual:		Date of Birth:	
Address:			
Post Held or Post Applied for:		Station/Department:	
HR Representative contact name:			
Safeguarding Professional contact name (if relevant):			

Assessment of risk

The Disclosure and Barring Service (DBS) barred lists are designed to prevent unsuitable people from entering the workforce – it is an offence to employ a person to do work with children or vulnerable adults if they have been barred from doing so.

Does this person appear on the DBS barred list, yes or no? If the answer is **yes**, then the appointment is automatically unlawful, and the person **must not** be appointed to the post.

You may wish to continue for internal applicants to support decision making about suitability for different or adapted roles to demonstrate our commitment in relation to the Rehabilitation of Offenders.

This risk assessment is based on the principles of OASys but adapted for our audience. OASys is an actuarial risk and needs assessment tool used by the prison and probation services in England and Wales. Fire and Rescue Services are committed to the rehabilitation of offenders, as such, the OASys was considered to support this approach.

The scoring for this risk matrix gives a re-offending score based on risk factors.

Risk Factors	Score 0 for Green	Score 1 for Amber	Score 2 for Red	Total Score
A. Criminal History: An individual's criminal history is extremely important. <ul style="list-style-type: none"> • Offence(s) have been carried out in the last two years (Score 2) • Previous convictions unspent (Score 1) • 1-2 Previous convictions (score 1) • 3 + Previous convictions (score 2) 	No	Yes	Yes	
B. Were the offence(s) first disclosed by the individual? Failure to disclose a relevant offence without a satisfactory reason, may be a breach of contract and render any employment offer void. If the individual is an employee, consider the potential for disciplinary action.	Yes	N/A	No	
C. Burglary: Individuals with burglary offences are more likely to re-offend than other types of offences. Does the offence(s) – caution or conviction include burglary? Including 'Aggravated Burglary' and 'Attempted Burglary'.	No	N/A	Yes	
D. Sexual Offences: Does the offence (conviction or caution) involve a sexual or sexually motivated offence?	No	N/A	Yes	

Risk Factors	Score 0 for Green	Score 1 for Amber	Score 2 for Red	Total Score
E. Age of first offence (conviction or caution)? The risk of reoffending is higher for those aged 10-17 years of age at their first offence, this is evidenced by ‘The Start of a Criminal Career’ .	24+ years	18-23 years	10-17 years	
F. Has the individual previously breached a court order? Breach of previous Court Orders increase the risk. Such as, breaches of: <ul style="list-style-type: none"> • Conditional discharge • Bail • Licence • Failure to comply with any Order 	No	N/A	Yes	
G. Criminal Versatility: OASys research evidence suggests that generic offenders are more prolific and more likely to re-offend than offenders who specialise in one type of offences. Use the categories below to differentiate groups of offences: <ul style="list-style-type: none"> • Violence against the person • Sexual offences • Burglary • Robbery • Theft and handling • Fraud and forgery • Criminal damage • Drug offences • Other indictable offences (serious enough to be dealt with at Crown Court – excluding motor) 	0 offences	1-4 offences	5+ offences	

Risk Factors	Score 0 for Green	Score 1 for Amber	Score 2 for Red	Total Score
<ul style="list-style-type: none"> Indictable Motoring Offences Other summary offences (can only be dealt with at Magistrates Court) – excluding motor. This includes public order offences (threatening behaviour), harassment, drunk and disorderly. Summary motoring offences 				
H. Is the role holder public facing or a person in a position of trust?	No	N/A	Yes	
I. Did the offence include any of the following? When certain factors are present, it increases the likelihood of further incidents of serious harm: <ul style="list-style-type: none"> Carrying or using an offensive weapon Any violence, threat of violence or coercion Excessive use of violence or sadistic violence Arson Physical damage to property (but not caused when committing another offence, for example burglary or theft) Sexual element to offending (such as disclosing private sexual images without consent) 	No	N/A	Yes	

Risk Factors	Score 0 for Green	Score 1 for Amber	Score 2 for Red	Total Score
J. Do offences form part of an established pattern? These might not be the same category of offence, but could stem from same motivation, such as: <ul style="list-style-type: none"> • Burglary or break ins. • Theft • Fraud (financial) • Drug or Alcohol related (drug or drink driving, drunk and disorderly or assault under the influence of drugs or alcohol) 	No (No pattern evident)	N/A	Yes (A pattern is demonstrated)	
K. Are there any concerns regarding the individual's motivations for working with children or vulnerable adults? In accordance with local authority safer recruitment practice and guidance.	No	N/A	Yes	
L. Is there any evidence regarding any inability to manage conflict, cope with challenging behaviour?	No	N/A	Yes	
Risk Factors - Total Category Scores: Grand Total (0-24 from all categories in blue box):				

Assessment Results

Using the Total Score, identify the scale of risk and consider the following:

0 - 4 Low Risk

1. If **low risk** and nothing highlighted in question (I - Factors which indicate increase in likelihood of further incidents of serious harm) – Okay to employ or continue in post. Exclude, suspend, or redeploy (pending internal investigation) if the individual has committed sexual offence(s) or offence(s) against a child or vulnerable adult.
2. If **low risk** but offence(s) have been highlighted in question (I - Factors which indicate increase in likelihood of further incidents of serious harm), consider the factors highlighted in (A - Criminal History) and the nature of employment or role. Exclude suspend or redeploy (pending internal investigation) if the individual has committed sexual offence(s) or offence(s) against a child or vulnerable adult.

5 - 9 Medium Risk

3. If **medium risk** action is required. For an existing employee, consider actions to mitigate any potential risks to members of the public, the employee or applicant, and the organisation. These actions should follow your disciplinary processes or withdrawal of offer of employment for new applicants. Consider whether there has been a breakdown of trust for non-disclosure. Exclude or suspend (pending internal investigation) if the individual has committed sexual offence(s) or offence(s) against a child or vulnerable adult.

10 - 24 High Risk

4. If **high risk** action is required immediately. For an existing employee consider actions to mitigate any potential risks to members of the public, the employee or applicant, and the organisation. These actions should follow your disciplinary processes or withdrawal of offer of employment for new applicants. Consider whether there has been a breakdown of trust for non-disclosure. Exclude or suspend (pending internal investigation) if the individual has committed sexual offence(s) or offence(s) against a child or vulnerable adult.

'Soft Information' Disclosed

If 'soft information' is disclosed on an Enhanced DBS Form, or a statutory agency (for example the Police or Local Authority Designated Officer (LADO)) note the following actions:

- For an individual who has no other offending history, and this does not include factors listed in question (I - Factors which indicate increase in likelihood of further incidents of serious harm) – **treat as low risk as per assessment result 1.**
- For an individual who has identified other offending history but does not include factors listed in question (I - Factors which indicate increase in likelihood of further incidents of serious harm) consider the factors highlighted in (A - Criminal History) and the nature of employment or role, which would increase risk action accordingly.
- If this information does include factors listed in question (I - Factors which indicate increase in likelihood of further incidents of serious harm), but no other offending history treat as per **assessment result 2.**
- If this information does include factors listed in question (I - Factors which indicate increase in likelihood of further incidents of serious harm) and other offending history treat as per **assessment result 4.**

NB: 'Soft Information' is defined as a disclosure of non-conviction information if the police believe it's relevant to the role and that it should to be disclosed. This could be, for example:

- an incident that didn't go to court
- information about an ongoing police investigation

EQUALITY IMPACT ASSESSMENT – INITIAL SCREENING

EQIAs enable us to consider all the information about a service, policy, practice, or activity from an equalities perspective and then put an action plan in place to achieve the best outcome for our employees and service users. EQIAs analyse how the work that we undertake can impact different groups. This will help us to make better decisions and evidence how we have reached these decisions.

SECTION 1 – INITIAL SCREENING

Directorate:	Strategic Planning & Resources
Department/Section:	Human Resources
Title of EQIA – Name of Service or Policy Conducted on:	DBS
Date Of Assessment:	02/1/24
Assessment carried out by:	Emma Doubooni

Is this Policy/Service/Project:

Existing ☒ New/Proposed ☐ Changing ☒ Other ☐
 Applicable to: Our staff ☒ Our Communities ☐ Other ☐

PURPOSE AND OBJECTIVES

What are the aims of the service / policy?	The policy and its associated procedure is intended to ensure safe and fair recruitment practices so that the Authority can be assured that there is adequate protection in place for the organisation, staff, and the local community.
Who is responsible for the service / policy? Who is responsible for the assessment?	Policy – ACO SPR Implementation – HR
Who implements the policy? Are external contractors involved?	Head of Human Resources
Are there any related policies or processes that will need to be changed associated to this one?	Yes – <ul style="list-style-type: none">• Recruitment & Selection Policy No P25• Procedure Note 5 Vetting & Security Clearance• Managing Safeguarding Allegations No (TBC)
To what extent does the service / policy have an impact on people? Who is affected by it and how?	This policy and procedure applies to all employees and as appropriate volunteers and contractors
What analysis has been done to identify if the service / policy is meeting the needs of all of these groups of people?	Utilised NFCC, NOG guidance, DBS guidance, legislation, and benchmarking against other FRS's

ESTABLISHING RELEVANCE

In this section you should review the data and evidence above and consider the actual and potential impact of the policy, service, activity or practice on employees, residents, groups, and other service users. Findings should be noted in the table below. You should also consider whether the decision will, or is likely to, influence CFB's ability to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act and other relevant legislation.
- Advance equality of opportunity between different groups of people
- Foster good relations between people who share a protected characteristic and those who do not.

Using the information available, identify the impact of this service / policy in relation to people across the Protected Characteristics:

Protected characteristics groups from the Equality Act 2010	Negative Impact	Neutral Impact	Positive Impact	Explain your answer
Age		X		This policy is applied equally to all staff regardless of age.
Disability		X		This policy is applied equally to all staff regardless of disability
Gender Reassignment		X		The policy is applied equally to all staff regardless of gender reassignment.
Pregnancy and Maternity		X		The policy is applied equally to all staff regardless of pregnancy and maternity.
Race		X		The policy is applied equally to all staff regardless of race.
Religion and Belief		X		The policy is applied equally to all staff regardless of religion or belief.
Gender		X		The policy is applied equally to all staff regardless of gender.
Sexual Orientation		X		The policy is applied equally to all staff regardless of sexual orientation.
Marriage and civil Partnerships		X		The policy is applied equally to all staff regardless of marriage and civil partnership.

Is a full People Impact Assessment required? Yes or No If not, why?	No negative impacts identified.			

MONITORING AND REVIEW

What procedures are in place to monitor the impacts outlined in the analysis?	Human Resources will monitor the application of this policy; however it will apply consistency regardless of any protected characteristic
How often will this take place?	Annually
Date of next planned review?	January 2027

Proceed to Full PIA

Yes ☐

No ☒

SIGNATURE OF PERSON COMPLETING THIS SCREENING

Name:	Emma Doubooni
Job Title:	Head of HR
Date:	02/1/24

SIGNATURE OF LINE MANAGER – MINIMUM HEAD OF DEPARTMENT

Name:	Chris Chisholm
Job Title:	Senior Head of People
Date:	02/1/24

SIGNATURE OF EQUALITY AND DIVERSITY OFFICER – HR DEPARTMENT

Name:	Ruth Anderson
Date published to internet	
Date published to The Bridge	