



Our Decision

A guide to using Disclosure and Barring Service checks as part of managing safeguarding risk for the voluntary and community sector



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Related publications

Children England (2013) *Everyone's Business: Safeguarding for Trustees*.

Safe Network Standards (2013/14)
Core safeguarding standards and guidance for the children, young people and families' voluntary and community sector.

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Introduction

Following the introduction of the Disclosure and Barring Service in December 2012, there have been a number of changes to barring and criminal record checks. This guide has been developed to provide voluntary and community sector organisations working with children, young people and families with a resource to support them with the Disclosure and Barring Service application process and effective decision-making related to the level of supervision and checking required for different roles.

It reflects a wider cultural change, with reduced statutory guidance and prescription from central government and increased responsibility for local organisations to use their own judgement.

In responding to this cultural change, voluntary and community sector organisations must effectively assess and manage risk in order to keep children and young people safe, whilst at the same time balance this with the need to offer opportunities for them to have fun, thrive and develop.

Whilst many groups and organisations will welcome the opportunity to make their own decisions on safeguarding matters, it may feel like rather a daunting process for others. Remember that you are not alone in having concerns about these changes and how they may impact on your organisation's practice. You may feel that you are struggling to adapt at the moment, but as you get used to the changes you will develop more confidence in making decisions about how to keep children and young people safer, and the fact that you are reading this guide is a positive first step! We have included some case examples to help you think things through on a practical level and identify any changes your organisation could make to improve safeguarding practice related to checking and supervision.

The guide includes sections on the background and policy context of changes in relevant legislation and guidance, assessing and managing risk and processes and tools to help organisations adapt to these changes. It also provides links to further resources and is part of a wider range of support for safeguarding and governance provided by the Disclosure and Barring Service, Children England, Safe Network and the National Council for Voluntary Youth Services (NCVYS).



Background and context

This section summarises the background to changes to barring and criminal record checks and emphasises the cultural change for voluntary and community sector (VCS) organisations to be confident in their ability to use their own judgement when making decisions related to checking and supervision.

The Disclosure and Barring Service

What has changed

The Coalition government commissioned reviews of the Vetting and Barring Scheme and Criminal Records Regime with the aim of scaling them back to more proportionate, 'common sense levels'. It made clear its intention to share the responsibility for safeguarding children and young people between the state and organisations.

Their belief is that previous arrangements over-emphasised protection by the state and did not sufficiently emphasise the vital role which the VCS plays.

The government has maintained its responsibility to bar unsuitable people from working with children and to ensure that organisations have access to criminal record information when the role justifies this. However, it believes that organisations are best placed to make recruitment decisions about whether someone is suitable for a particular role and the level of ongoing management and supervision required.

The reviews resulted in a number of changes, underpinned by legislation in the Protection of Freedoms Act 2012. The Independent Safeguarding Authority and Criminal Records Bureau merged to form the *Disclosure and Barring Service* (DBS) in December 2012. Its primary role is to help employers make safer recruitment decisions and to prevent unsuitable people from working with vulnerable groups, including children. Some of the key changes are:

- A new definition of Regulated Activity to focus on work involving close and unsupervised work with children



- Entitlement to a barred list check is now restricted to those working under the new definition of Regulated Activity and a small number of other defined roles
- The introduction of an Update Service to allow portability of DBS checks
- A minimum age (16) at which someone can apply for a DBS check
- A single disclosure certificate issued to individual applicants and no longer copied to registered bodies
- Police forces can no longer provide 'additional information' or 'brown envelope information' about applicants to organisations under the Police Act 1997, although they may use common law powers to do so
- Removal or 'filtering' of certain old and minor convictions and cautions, reprimands and warnings from DBS certificates

What has not changed

The Duty to Refer remains, so organisations must still make referrals to the DBS if they permanently remove someone from Regulated Activity or believe someone has either engaged in 'relevant conduct', satisfied the 'harm test' or received a caution for, or been convicted of, a relevant offence. The DBS has developed a *Referral Guide for Employers and Volunteer Managers* that explains these terms and offers further guidance on referring someone to the DBS.

In addition, organisations must still not allow anyone whom they know is barred, to engage in Regulated Activity with the group they are barred from working with.

Regulated Activity

Regulated Activity still excludes family arrangements, and personal, non-commercial arrangements. Of the five categories of Regulated Activity, the two that are likely to be most relevant to the majority of VCS organisations are the first two, namely:

1. **Unsupervised** activities: teaching, training, instructing, caring for or supervising children. Providing advice / guidance on well-being, or driving a vehicle only for children
2. Work for a limited range of establishments ('specified places'), with opportunity for contact with children and young people, for example schools, children's homes, childcare premises (**but not work by supervised volunteers**)

Work under categories 1 and 2 is Regulated Activity only if carried out regularly. In this context, 'regular' means carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period (or in some cases, overnight).

3. Relevant personal care, for example physical assistance with washing, dressing or eating
4. Health care by or supervised by a registered healthcare professional
5. Registered childminding; and foster-carers

Supervision in this context refers to the level of direct observation of the contact that takes place between staff or volunteers and the children they work with. This definition of 'supervision' is not to be confused with management or casework supervision, which is the term generally used for the regular support and guidance provided to an employee or volunteer by the person who is responsible for their work and development. This management supervision generally takes place away from the employee's or volunteer's day to day work involving children. There is further clarification about supervision in the next section on Assessing and Managing Risk.

Working Together 2013

This statutory guidance on inter-agency working and child protection was revised and published in March 2013. In line with the Government's drive to reduce state prescription and empower organisations to take more responsibility for safeguarding children, *Working Together 2013* focuses on the legislation and no longer includes non-statutory guidance. It also integrates guidance on Section 11 of The Children Act 2004, which places a duty on a range of organisations, including the VCS, to ensure that their functions and any services they contract out are discharged having regard to the need to safeguard and promote the welfare of children. The list of organisations that are required to comply with Section 11 does not include VCS organisations *unless* that organisation is contracted by one of the listed organisations to provide a service. However, VCS groups who are not contracted to provide a service by a public sector organisation should continue to take note of the Section 11 guidance and adhere to it as far as is possible for them, but they are not *required* to comply with it.

Assessing and Managing Risk

This section considers organisational responsibility for managing risk related to safeguarding children and sets DBS checks in the context of a wider 'jigsaw' approach, fundamental to which is ongoing management or casework supervision. It includes case examples to help organisations work through the implications.

Trustees have primary responsibility for safeguarding in their charity and the Charity Commission makes it clear that trustees need to take steps to safeguard and take responsibility for the children with whom the charity works. This means:

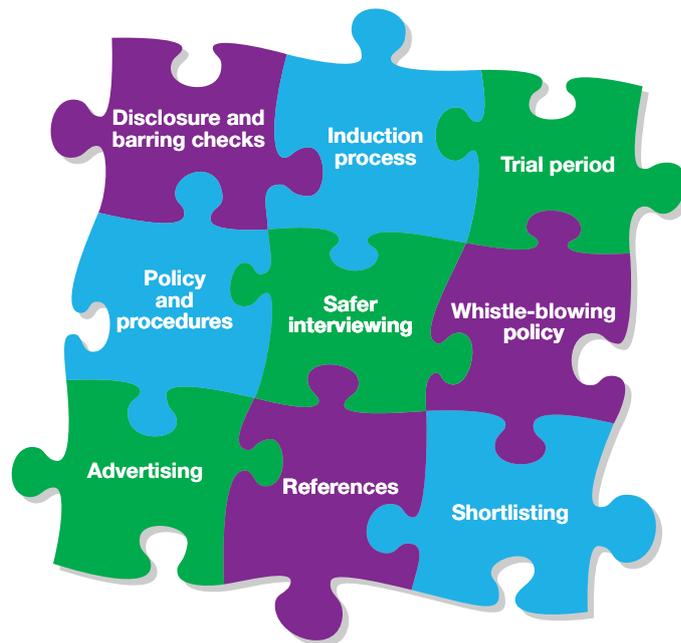
- acting in their best interests
- taking all reasonable steps to prevent any harm to them
- assessing and managing risk
- putting safeguarding policies and procedures in place
- undertaking ongoing monitoring and reviewing to ensure that safeguards are being implemented and are effective
- responding appropriately to allegations of abuse

Children England has developed a resource to support trustees in their vital role to keep children and young people safe. *Everyone's Business: Safeguarding for Trustees* sets out trustees' responsibilities for safeguarding and protecting children, and helps link their strategic responsibilities with operational delivery.

Safer recruitment and effective, ongoing management and supervision of staff and volunteers are fundamental to managing risk related to safeguarding children.

VCS organisations must use their own judgement to make decisions about who is suitable to work with the children and young people accessing their services and the level of checking and supervision required for each role.

A DBS check is only one (important) piece of a jigsaw that organisations can use to build up a picture of the person they are going to recruit and manage. The size of that piece may differ depending on the circumstances of each role and should be used alongside other measures such as checking references and qualifications, safer interviewing and having clear and strong policies and procedures.



Deciding on the level of DBS check and supervision required

Not all roles within an organisation, whether undertaken by a paid member of staff or a volunteer, will be subject to a DBS check and organisations must decide whether they are eligible to apply for the different levels of DBS check available.

The DBS has *guidance on eligibility* for criminal record checks on its website. The checks available are:

- Standard
- Enhanced
- Enhanced with a check of one or both barred lists (children and/or adults as appropriate)

Within VCS organisations, only roles involving Regulated Activity that are undertaken by a member of staff or volunteer can be subject to a barred list check. Those who were in Regulated Activity prior to the 2012 changes, but are no longer in Regulated Activity under the new definition, for example trustees, are still eligible for an enhanced DBS check without a check of the barred list(s).

Note that if the application is being made under the heading described as 'any position which otherwise involves regularly caring for, training, supervising or being solely in charge of children', then the definition of 'regularly' is less strict than the 'frequency and intensity test' applied to Regulated Activity. For Regulated Activity under the first two categories ('Unsupervised activities' or 'Specified places'), the

level of contact with children needs to be at least weekly, or overnight, or more than four days in a 30 day period. However, under the heading referred to above, the dictionary definition of 'regularly' is used, and there is a degree of latitude.

Whether a particular activity is classed as Regulated or not will often depend on the level of supervision provided to the person undertaking the work.

So the issue of supervision is key when making informed decisions about necessary checks. If the organisation decides that the supervision they can provide to the worker:

- is 'regular and day to day'
- **and** is undertaken by someone who is in Regulated Activity themselves
- **and** is 'reasonable in all the circumstances to ensure the protection of children',

then activity that would otherwise be Regulated will not be, and so the role will not be subject to a barred list check. However, if the activity takes place in a 'specified place', for example in a school, then supervision is only relevant for unpaid work by volunteers.

While the responsibility falls to organisations themselves to decide on whether the level and type of supervision they can provide is sufficient to take the work out of the scope of Regulated Activity, the Government has a legal duty to publish guidance to help organisations in this decision-making process. This guidance is published on the Department for Education's website, together with some example case studies: *Supervision: Regulated Activity Statutory Guidance*.

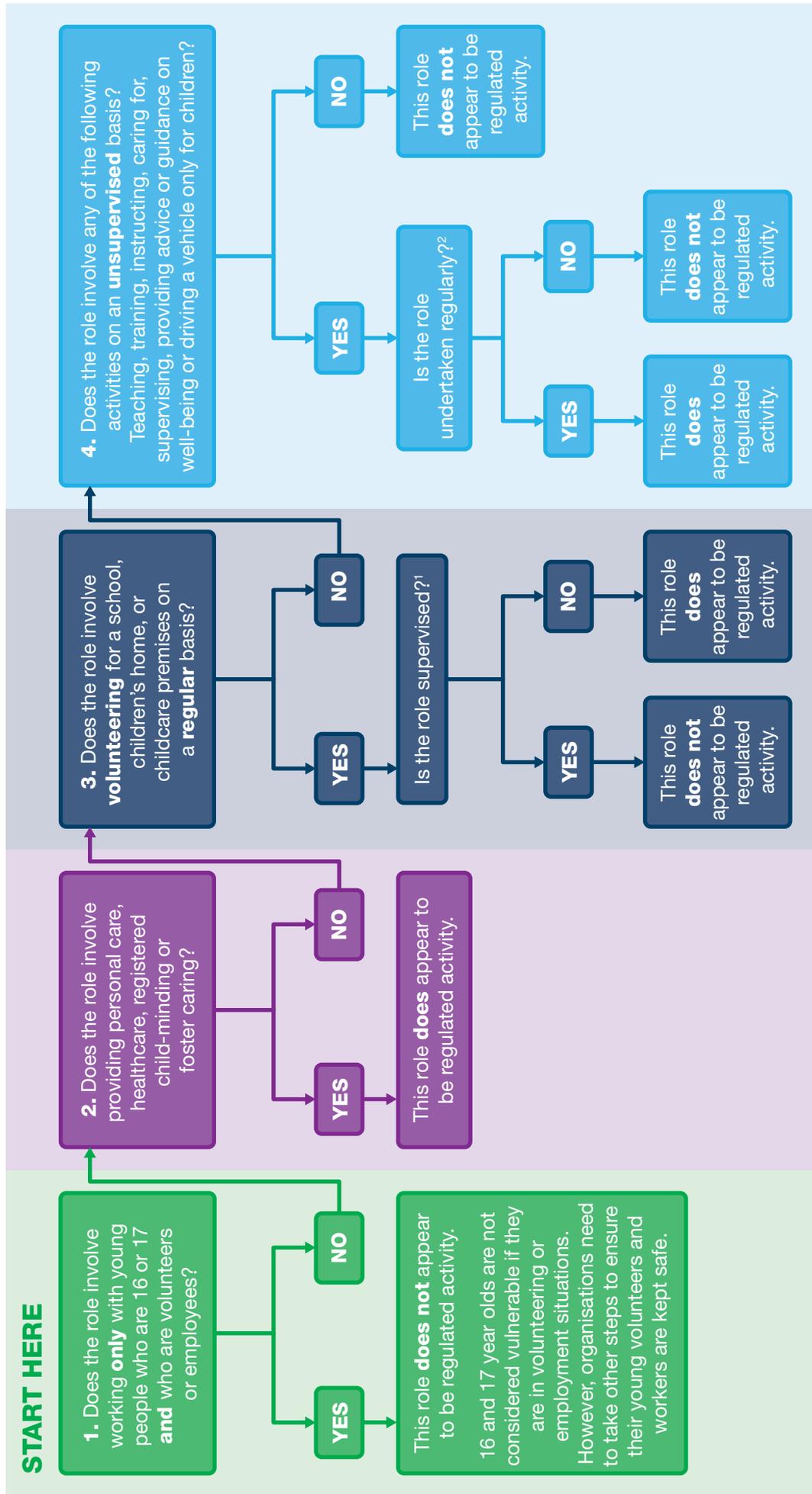
Our Decision Flow Chart

We have included a simple risk assessment flow chart on page 8 to help VCS organisations working with children and young people identify which roles involve Regulated Activity, and so are eligible for a barred list check.



Regulated Activity relating to children and young people

Important – this chart does not apply to family arrangements and personal non-commercial arrangements (these are not covered by the DBS system) and should be read in conjunction with the full guidance from the Department for Education, available via: www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring



¹ Supervised means regular supervision by someone who themselves is in Regulated Activity. See the Department for Education's guidance on supervision, available via: www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00209802/disclosure-barring

² Regular means carried out by the same person frequently (once a week or more) or on four or more days in a 30-day period (or in some cases overnight).

Supervision

Safe Network has developed a briefing on *Supervision and Regulated Activity* that takes organisations through a simple, six step decision-making process. When deciding on the appropriate level and type of supervision required for a particular role, organisations need to factor in some key considerations:

- Will the person undertaking the role be supervised by someone who is themselves in Regulated Activity?
- Will the supervisor be physically present when the worker is with the children?
- Can the supervisor actively witness the worker engaging with the children, so they are able to prevent abuse and also be aware of any inappropriate activity, such as grooming of children?
- Does the supervisor have the confidence, knowledge and authority to challenge inappropriate behaviour?
- What are the ages of the children?
- What is the mix of ability or behaviour in the group?
- How many children is the worker responsible for?
- Are other workers present?
- What is the nature of the work, eg; physical contact or the development of a close attachment with children?
- Are the children or young people particularly vulnerable as a result of disability, harmful life experiences, hectic or chaotic lives, domestic abuse etc?
- What is the ratio of workers to supervisors?

Your responses will help you to frame your own arrangements more clearly. It is a reflective process that supports sound decision-making in organisations.

It is important to remember that the government does not expect all VCS organisations to provide supervision that is 'reasonable to ensure the protection of children', but rather that if organisations are not confident about this, then the worker's activity is Regulated.

However, if the organisation believes it can provide regular, day to day supervision to the person undertaking the work so risk is managed in a reasonable way, then that work is not Regulated and the role is not eligible for an enhanced DBS check that includes a barred list check.

Case Examples

To help VCS organisations apply this guidance to their work, we have given some examples below and included the answers in **Appendix 1**.

By working through these examples with trustees, staff and volunteers within your organisation, you will be able to think through the changes you may need to make to improve your safeguarding practice for the children and young people that access your support and services.

1. Buddhist Meditation Centre

A Buddhist meditation centre runs weekly classes for adults. The teacher is the sole member of staff working with the class but the centre receptionist is present in the building and occasionally attends the class if she can get cover on the front desk. The class change at the centre into leisure wear. A 15 year old boy with mild learning difficulties has expressed an interest in attending the class.

Is the class teacher eligible for a DBS check; if so does this need to include barred list check?

Questions for consideration:

- Does the activity undertaken by the teacher fall within one of the Regulated Activity categories?
- If so, does the frequency of the class meet the frequency and intensity test for children? (This is required for the first two categories of Regulated Activity, and means that the activity must take place at least once a week, four or more days in every 30 days or overnight between 2.00am and 6.00am).
- If the answers to the first two questions are yes, then what is the level of supervision provided to the teacher?
- Is the supervision regular and day-to-day?
- Is the supervision reasonable in all the circumstances to ensure the protection of children?

You may want to consider

- Age of children
- Vulnerability of children
- Number of children
- Nature of the work and the teacher's opportunity for contact

2. Performing Arts Volunteer

A volunteer provides performing arts sessions for children for several different organisations on an ad-hoc basis; he is not 'managed' by any one of the organisations and none of them knows about the work he does for organisations other than their own.

In most instances he works alone, although sometimes parents might be in the next room, waiting for their children. In total the volunteer works unsupervised with different groups of children more than once a week, but his work for each individual organisation is less than weekly.

Is the volunteer eligible for a DBS check; if so does this need to include a barred list check?

Questions for consideration:

- Does the activity undertaken by the volunteer fall within one of the Regulated Activity categories?
- If so, does the frequency of his work meet the frequency and intensity test for children?
- Is the level of supervision provided to him regular, day to day, and reasonable in all the circumstances to ensure the protection of children?
- Can you see any potential problems with any of the organisations asking him to get a DBS check with a barred list check? How might they be overcome?
- If they cannot be overcome, would he be able to get a DBS check without a barred list check?

Other considerations

Whilst organisations can ensure that appropriate risk management strategies and robust policies and procedures are implemented, it has to be accepted that no organisation can remove all risk to children.

Indeed, providing a safe environment in which children can take risks during activities is an important part of their normal development and supports them to understand risk.

What is important is to minimise the risk from staff and volunteers through safer recruitment practice and effective, ongoing monitoring and supervision.

A clear DBS check is not a guarantee that your member of staff or volunteer is safe to work with children. For example, a DBS check will only include relevant information held on the Police National Computer, and for enhanced criminal record checks, local police intelligence. The DBS check will not routinely include foreign offences.

Involving children, young people and families in developing organisational practice related to safeguarding is also important in minimising risk.

Safe Network's safeguarding standards include suggestions on how organisations can achieve this. By creating an environment in which children are aware of the commitment to keep them safe, and actively involving them in developing good practice, the organisation demonstrates a culture of listening to children and acting on their concerns. In addition to being accountable to trustees, organisations are ultimately accountable to the children and young people accessing their services and supports, and to their families and the wider community.

NCVYS's Keeping it Safe Standards (2014) are a set of comprehensive standards developed by the voluntary and community youth sector that are young-people centred and support organisations working with young people to develop good practice. They contain a wealth of practical information and guidance in all areas of safeguarding but especially focus on the importance of involving and empowering young people to take ownership of their health and safety



Processes and Tools

This section provides support for the DBS application process itself together with a tool for managing a positive disclosure. It also includes safeguarding standards developed specifically for use by VCS organisations working with children and young people.

DBS Application Process

The DBS has a number of publications and guides on its website to support organisations with the application process:

- **Guide to eligibility for criminal record checks**
This guide will help VCS organisations decide whether they are legally entitled to ask an individual to apply for a check for a specific role. The DBS can only issue criminal record certificates for specific positions, professions, employment, offices, works and licences included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.
- **E-guide** Guidance to help you complete the DBS application form and reduce errors, delays and costs. The e-guide is presented as a slideshow and should take about 30 minutes to complete.
- **Child workforce guidance** As part of the application form, you need to identify the specific role within the children's workforce. This guide sets out the types of role that are eligible for those working with children.
- **Filtering guidance** New legislation was introduced in May 2013 that allows certain old and minor cautions and convictions to no longer be subject to disclosure. This guidance will help organisations ensure that job application forms reflect the filtering changes so that they ask the right questions and employees or volunteers give the right (legally accurate) answer.
- **Identification checking guidelines** Guidelines to help organisations make sure DBS check applicants are providing correct identity documents.
- **Update Service: Employer Guide** The Update Service enables organisations to carry out free, instant, online Status Checks on an individual's DBS Certificate, with their permission, if they have signed up for the service on application.

Risk assessment checklist for managing a positive DBS disclosure

We have included a checklist in **Appendix 2** for managing a positive disclosure, developed by Bath and North East Somerset Council and NHS Bath and North East Somerset. This can be used by VCS organisations to carry out a risk assessment to support them in making an informed and balanced

decision about whether to employ or to continue to employ an individual or engage with a volunteer.

Safe Network core safeguarding standards, self assessment tool and other resources

Safe Network is a partnership between Children England and NSPCC and was set up in 2009 to support VCS organisations by providing simple, practical advice and resources to meet the challenges of child protection and safeguarding children. Knowing what measures need to be put in place to safeguard children and meet legal responsibilities, as well as what constitutes good practice, can seem overwhelming, particularly for smaller volunteer-led groups. New and changing legislation or guidance can seem to complicate matters further so the resources are easy to use and accessible for the diversity of VCS groups and organisations, updated regularly on the website and supported by local, regional and national colleagues. Resources include:

- a set of **safeguarding standards** that includes four Core Standards that map against a Section 11 audit, and
- two optional Standards Xtra
- an online, interactive **self assessment tool** for the standards, linked to
- a **toolbox of resources** for each standard that includes policy templates, and
- automatically generated, tailored action plans
- **'Are they Safe?'** guide for groups starting to set up safeguarding practices
- **online safety** resources
- a wide variety of resources tailored for use by particular communities such as faith communities, BME communities and disabled children

NCVYS safeguarding resources

Keeping it Safe four core standards in safeguarding – a comprehensive set of standards that organisations can measure their practice against both informally as a tool OR as an accredited and nationally recognised kitemark.

Sound Systems Accreditation Kitemark offers both self and external peer assessment against the Keeping it Safe four core standards (2014). The supporting comprehensive guidance includes a wealth of practical advice in all areas of related policy and practice including updated sections on e-safety. The guidance also contains a comprehensive workbook that supports the first stage of self assessment against the Keeping it Safe standards.

Resources and further support

Throughout this guide we have signposted you to resources that might help you with some of the issues covered. In this section we will summarise some important sources of further support for your organisation together with useful publications.

Disclosure and Barring Service

- www.gov.uk/government/organisations/disclosure-and-barring-service
- Matters relating to Disclosure:
Tel: 0870 909 0811
customerservices@dbs.gsi.gov.uk
- Matters relating to Barring:
Tel: 01325 953795
dbsdispatches@dbs.gsi.gov.uk

Safe Network

- www.safenetwork.org.uk/Pages/default.aspx
- Help and advice
Tel: 0845 608 5404
enquiries@safenetwork.org.uk

Children England

- www.childrenengland.org.uk
- Publications:
Everyone's Business: Safeguarding for Trustees
www.childrenengland.org.uk/safeguarding-for-trustees
Simply the Best (QA framework incorporating the Safe Network standards)
www.childrenengland.org.uk/simply-the-best
Governing for Children (overview of good governance for VCS organisations working with children and young people)
www.childrenengland.org.uk/governing-for-children

NCVYS

- www.ncvys.org.uk



Appendix 1

Answers to Case Examples

1. Buddhist Meditation Centre

Step one: Under which category of Regulated Activity might the work fit?

It can be considered as 'teaching, training, instructing', which are activities within the first category. In addition, it is a weekly class and therefore passes the 'frequency and intensity' test

Step two: Will the person doing the work be supervised by someone who is themselves in Regulated Activity?

No. The teacher is the sole staff member present in the class. The receptionist is in the building and only attends occasionally. The receptionist is not in Regulated Activity and cannot be said to supervise the teacher.

Step three: Will the supervision be 'regular' and 'day to day'?

No. The receptionist is not actively able to witness what is going on and is not present on an ongoing basis.

Step four: Will the supervision be 'reasonable in all the circumstances to ensure the protection of children'?

It could be argued that as there is no real supervision, it cannot really be considered to be 'reasonable.' Looking at the factors for consideration, we know that the child is 15 years of age, so he is not a young child, but may be considered to be more vulnerable than an average 15 year old because he has a degree of learning disability. At the moment there is only one child interested in attending. It is difficult to comment on the exact nature of the work, but the way in which the teacher runs the class might be a consideration here, as it would inform a view on whether the teacher is in a position to develop a relationship of trust with the young person. It might be assumed that the class is conducted on a group basis with limited opportunity for one to one contact. The fact that members of the class change into leisure wear may add to the level of vulnerability. Even leaving aside the fact that the receptionist is not in Regulated Activity herself, the teacher is in no way accountable to her which means that any notional supervision that she could provide is vulnerable to becoming ineffective in terms of ensuring protection.

Step five: Considering the options – What really happened

The Centre took the view that if the young person joined the class, the teacher's work would come into the category of Regulated Activity. As such they would need to undertake a barred list check as part of a DBS check.

The centre also decided that it wanted to encourage more young people from the age of 14 to come to the class, and that if there was sufficient interest, it wanted to set up a young people's class. They began to put in place a safeguarding policy and some essential procedures in preparation for this.

2. Performing Arts Volunteer

Step one: Under which category of Regulated Activity might the work fit?

It can be considered as 'teaching, training, instructing', which are activities within the first category. However, there is a difficulty with the 'frequency and intensity' test, as the volunteer works for a number of different organisations without being managed overall by any of them. Nor does he do weekly sessions for any of them, even though in total he is running sessions more than once a week.

Step two: Will the person doing the work be supervised by someone who is themselves in Regulated Activity?

No. In general he is working alone.

Step three: Will the supervision be 'regular' and 'day to day'?

No. See above.

Step four: Will the supervision be 'reasonable in all the circumstances to ensure the protection of children'?

No. See above

Step five: Considering the options – What really happened

This is a tricky situation as it stands. The volunteer is in Regulated Activity but none of the organisations knows of the full extent of his work, so none of them is aware that the 'frequency and intensity test' is met and that they need to ask him to get a DBS check that includes a barred list check.

What actually happened was that one of the organisations increased the frequency of his sessions to weekly, which crossed the threshold for a DBS check with a barred list check. However, the other organisations that he worked for did not have access to this.

This is a case that clearly illustrates the need for DBS checks to be seen as only one 'piece of the jigsaw' in a safer recruitment and selection process. If each organisation had asked the volunteer to provide details of his other work interests on his application form, or had sought these details during his interview process or via references, then it would have become clear that his role with each individual organisation was Regulated Activity and required a barred list check.

Appendix 2

Managing a Positive DBS Disclosure: risk assessment checklist

This risk assessment form was developed by Bath and North East Somerset Council and NHS Bath and North East Somerset to manage a positive DBS disclosure, and we are grateful for their permission to include it in this resource. VCS organisations can use it to carry out a full risk assessment to support them in making an informed and balanced decision about whether to employ or to continue to employ an individual or engage with a volunteer.

Before any decision is reached the individual must be offered the opportunity to discuss the contents of the disclosure. Any disclosures which raise child protection issues should also be referred to the Local Authority Designated Officer (LADO) for review and oversight.

Name of individual:

Date of birth

Address:

Postcode:

Post applied for:

Organisation:

Recruiting Manager:

Signed

Date

CEO/Chair of Trustees:

Signed

Date

Local Authority Designated Officer:

Signed

Date

Decision (please tick as applicable)

- Employ Do not employ Suspend Allocate to other work
 Employ – with adjustments to role (give details e.g. supervision, monitoring arrangements etc.)

Discussed with individual

QUESTIONS TO CONSIDER

1. Do the DBS Listings (formerly POCA, POVA, List 99) 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 refer to LADO immediately No

Comments please complete as fully as possible to inform risk assessment

2. 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 Unsure No

Comments

3. How serious do you consider the offence to be?

Major Moderate Minor

Comments

4. 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

Comments

5. 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 with the exception of serious violent or sexual offences.

State age

Comments

6. What age is the applicant now?

State age

Comments

7. 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.

One-off Repeat – frequent Repeat – infrequent

Comments

8. 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.

Yes No Maybe

Comments

9. 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.

Yes No – no valid reason No – but has valid reason

Comments

10. Are there any concerns in regard to the employee's motivations for working with children?

Yes No

Comments

11. Is there any evidence in regard to any inability to manage conflict, cope with challenging behaviour?

Yes No

Comments

12. Were any gaps in employment identified and were these cause for concern?

Yes No

Comments

13. Were both employer references satisfactory and at least one reference verified by telephone?

Yes No

Comments

14. Does the post involve responsibility for finance, items of value or other high risk areas?

This is particularly relevant where the disclosed offences are related to robbery, burglary or fraud.

High Moderate Low

Comments

15. Does the role allow the opportunity to re-offend?

Consider the nature of the post in relation to the disclosed offence(s).

Yes No

Comments

16. 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

Comments

17. What mechanisms are in place to track the individual's progress?

A review requirement 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

Comments

18. Further comments/overall summary

PLEASE ENSURE YOUR FINAL DECISION IS RECORDED ON THE FRONT PAGE OF THIS DOCUMENT AND SIGNED BY THE RELEVANT PARTIES.

THIS RISK ASSESSMENT SHOULD BE RETAINED CONFIDENTIALLY IN A SEALED ENVELOPE ON THE EMPLOYEE'S PERSONAL FILE.



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