



**SOLIHULL METROPOLITAN BOROUGH COUNCIL**

# **Disclosure Policy**

**This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework.**

## Disclosures Policy

### What does this procedure cover?

	<u>Page</u>
1. Policy Statement	3
2. Introduction	3
3. Principles	3
4. DBS Checks	4
5. Responsibilities	5
6. Recruitment Process	6
7. Evaluation and management of Disclosure Information	7
8. Retention of Disclosure information	9
9. Update Service and Portability	9
10. Contractors	10
11. Monitoring and Audit	11
12. Safeguarding Children and Adults	11

### APPENDICES

<b>Appendix 1</b>	<b>Policy on the Recruitment of Ex-Offenders</b>	<b>12</b>
<b>Appendix 2</b>	<b>Positive Disclosure Risk Assessment Form (New Starter)</b>	<b>13</b>
<b>Appendix 3</b>	<b>DBS Update Service – Applicant Permission Form</b>	<b>15</b>
<b>Appendix 4</b>	<b>Positive Disclosure Risk Assessment Form (Current Employee)</b>	<b>17</b>
<b>Appendix 5</b>	<b>DBS New Starter Exceptional Circumstances Form</b>	<b>19</b>

## 1. Policy Statement

- 1.1 Solihull Metropolitan Borough Council/ X School has a responsibility for, and is committed to, safeguarding and promoting the welfare of children, young people and vulnerable adults, and requires all staff and volunteers to share this commitment.
- 1.2 The purpose of this policy is to ensure that all employees involved in the recruitment and/or management of Council/School employees, volunteers or contractors have an understanding of the Disclosure process and their responsibilities within the process. The policy aims to ensure that all reasonable steps are taken to guarantee the safeguarding of children and other vulnerable groups by minimising the risk of unsuitable people working in roles where they have access to vulnerable groups.
- 1.3 This policy applies to all staff, volunteers and contractors working within or on behalf of Solihull Metropolitan Borough Council or a Solihull School or Academy buying the HR services of SMBC.

## 2. Introduction

- 2.1 A key part of safeguarding is the criminal record check, completed via the Disclosure and Barring Service (DBS). The DBS is also responsible for placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland
- 2.2 The Council is a registered body and as such is responsible for undertaking disclosure checks via the DBS for Council employees, Members and volunteers.
- 2.3 A DBS check contains details of all convictions, cautions, reprimands and police warnings both 'spent' and 'unspent'. In order to carry out a DBS check on an individual, therefore, he/she must be in a position, profession or employment listed in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 and, in certain circumstances, the Police Act 1997 (Criminal Records) Regulations 2002.

## 3. Principles

- 3.1 Before asking an individual to apply for a DBS check, the Council/School will ensure that the position he/she occupies (or will occupy) is eligible for a DBS check under the current legal provisions.
- 3.2 The Council/School will ensure that appropriate checks (i.e. an enhanced DBS check with a Barred List check) are undertaken for all positions which fall within the definition of Regulated Activity.
- 3.3 The Council/School will not use information provided to unfairly discriminate against people with a 'criminal record' (see Appendix 1 for the policy on the Recruitment of Ex-Offenders).
- 3.4 Where the DBS check is 'positive', a risk assessment will be undertaken to determine if it is appropriate for the individual to be appointed or continue in employment.
- 3.5 Where appropriate, recruitment information including the advertisement and the job description will clearly state the requirement for a DBS check.
- 3.6 The Council/School will adhere to the Disclosure and Barring Service's Code of Practice

## 4. DBS checks

### 4.1 Types of Check

4.1.1 There are three levels of checks that can be carried out via the DBS:

#### Standard

This level of check can be undertaken for posts which are listed in the ROA Exceptions Order 1974. This includes people entering professions such as law and accountancy. The standard check contains details of all convictions, cautions, reprimands or final warnings held on the Police National Computer (PNC) including 'unspent' and 'spent' convictions.

#### Enhanced

This level of check can be undertaken for posts which are listed in the ROA Exceptions Order 1974 and in the Police Act 1997 (Criminal Records) regulations. This includes work that would have been defined as regulated activity (Adults or Children's) under the Safeguarding Vulnerable Groups Act 2006 prior to the introduction of the Protection of Freedoms Act 2012. This may include supervised work with children.

#### Enhanced Check for Regulated Activity (Children's or Adults)

To be eligible for this level of check the work must meet the definition of regulated activity within the Protection of Freedoms Act 2012. This check includes a check of the Children's or Adults' Barred list. This will include work in 'specified places' such as schools and also providing personal care.

It is an offence for someone who is barred from working with a particular group (i.e. children or adults) to either apply for or to be employed in work which is defined as regulated activity for that group

#### DBS Guide to Eligibility

#### Definition of Regulated Activity (Children's)

#### Definition of Regulated Activity (Adults)

4.1.2 For applicants who have lived or worked outside of the UK for six months or more in the last 5 years, in addition to a DBS check, a criminal record check or 'Certificate of Good Conduct' should be sought from the country/countries resided in. Further details of the process for obtaining Overseas Criminal Record Checks

4.1.3 Basic checks, which only disclose 'unspent' convictions, are available via Disclosure Scotland. These are undertaken for the limited number of posts in the Council that are required to adhere to the Baseline Personnel Security Standard (BPSS) e.g. posts that have access to central government IT Systems. Part of the BPSS requirement is a criminal record check, those employees that do not have a DBS will be required to have a Basic Disclosure check.

## 4.2 Filtering

4.2.1 Since May 2013 criminal records have been ‘filtered’ to remove certain minor and old convictions and as a result of the change, people no longer have to declare filtered convictions. Filtering is applied as follows:

For those 18 or over at the time of the offence:

An adult conviction will be removed from a DBS criminal record certificate if:

11 years have elapsed since the date of conviction; and it is the person’s only offence, and it did not result in a custodial sentence.

Even then, it will only be removed if it does not appear on the list of offences relevant to safeguarding. If a person has more than one offence, then details of all their convictions will always be included.

An adult caution will be removed after 6 years have elapsed since the date of the caution – and if it does not appear on the list of offences relevant to safeguarding.

For those under 18 at the time of the offence:

The same rules apply as for adult convictions, except that the elapsed time period is 5.5 years

The same rules apply as for adult cautions, except that the elapsed time period is 2 years.

## 5. Responsibilities

### 5.1 Managers/Head Teachers

- to ensure that job descriptions are reviewed regularly and accurately describe the job role particularly in relation to contact with vulnerable groups
- to identify those posts which require a DBS check
- to notify HR Team of any changes to the role/responsibilities of posts within their individual sections (including the roles/responsibilities of volunteers), which may have a direct impact on the need for a disclosure check.
- to ensure that people with criminal convictions are not unfairly discriminated against.
- to ensure that where there is a ‘positive’ DBS check, either for an existing employee or a new employee, that HR are notified and the appropriate risk assessment process followed (Appendices 2 and 4).
- where appropriate, to ensure that all recruitment information clearly states the requirement for a DBS check.
- to ensure that the identity of individuals completing DBS checks is verified, as per the DBS guidance, and the appropriate level of check for the post is requested.
- to ensure that new starters do not commence employment until their DBS certificate has been received and checked and, if positive, a satisfactory and robust risk assessment undertaken in line with Council procedure (see Appendix 2). In a very limited number of exceptional cases, agreement to start an employee before a DBS check is processed may be sought via the Head of HR or, in the case of schools, the Head Teacher or Governing Body 7.1.9 following completion of the risk assessment in Appendix 5. See 7.1.9
- to ensure that any agency workers/volunteers in exempted posts have a DBS check and to ensure that a copy of the certificate is seen.

- to engender a culture of on-going vigilance within their team and report any concerns raised within their team to HR.

## 5.2 Countersignatories (HR)

- to ensure that all requested DBS checks comply with the legislative requirements as set out in the Rehabilitation of Offenders Act 1974 and, where appropriate, the Police Act 1997 and the Protection of Freedoms Act 2012 before countersigning.
- to advise managers/Head Teachers, where necessary, on DBS checks.
- to provide guidance and support to managers in relation to the risk assessment process

## 5.3 Lead Countersignatory (Head of HR)

- Where necessary, in consultation with relevant parties, make the final decision as to whether to appoint someone with a positive disclosure.
- to ensure that the Disclosure policy is kept updated.

## 5.4 Resourcing and Development Team

- to manage the on-line system (e-bulk ) for DBS checks
- to undertake external verification checks, where the identification of the individual cannot be confirmed via documentation.
- to notify managers and the appropriate HR adviser where 'positive' DBS checks have been received.

## 5.5 Employees

- to disclose any convictions, warnings etc. to their line manager as soon as possible as detailed in the Council's Code of Employee Conduct.
- to co-operate with any DBS risk assessment process.
- to report any concerns regarding the inappropriate behaviour to their line manager.

## **6. Recruitment Process**

- 6.1 The Council's/School's application process (for paid or voluntary work) will inform candidates whether they must disclose 'spent' convictions as appropriate. If a check is required it will be clearly stated in the recruitment information (advert and job description) in relation to a particular vacancy. A copy of the Summary Statement on the Recruitment of Ex- Offenders will be available with recruitment material.
- 6.2 Applicants for posts requiring a disclosure check will be required to provide proof of identity, ideally photographic (e.g. passport or driving licence), on the day of interview.
- 6.3 Applicants will be informed that failing to disclose a 'spent' conviction for an 'exempt' post/profession under the Rehabilitation of Offenders Act (ROA) 1974 will be considered an act of potential Gross Misconduct under the Council's disciplinary procedure if they are subsequently appointed to a post. In some cases failure to disclose a 'spent' conviction may be a criminal offence.
- 6.4 DBS checks, however, are only one of a range of measures for assessing the suitability of preferred prospective employees and when recruiting the Council's or School's Recruitment and Selection Policy must be adhered to. Further checks which must be undertaken include verifying an individual's identity including address, checking gaps in employment history,

references, work health checks (where appropriate), eligibility to work in the UK and professional registration and qualification checks.

## 7. Evaluation and Management of Disclosure Information

### 7.1 New starters

- 7.1.1 Employers no longer receive a paper copy of the DBS certificate. When a check has been completed, however, the on-line DBS system (e-bulk) notifies the employer that the check is complete and one of two messages is shown, either 'Certificate contains no information' or 'Please wait to view applicant certificate'. If the latter message is shown this means that the certificate has content. The manager and the appropriate HR Adviser will then be notified and will need to contact the individual to ask them to bring in their certificate to enable a risk assessment to be carried out as to the suitability of the individual for the role.
- 7.1.2 In the first instance, the manager, in consultation with their HR Adviser, will undertake an initial evaluation of the information received via the DBS against agreed criteria of suitability and unsuitability for the role. The initial evaluation will consider the relevance of the information to the role applied for following the risk assessment template (Appendix 1). An initial evaluation has two possible outcomes, i.e., that:
- the individual is suitable for the role;
  - the individual may not be suitable for the role and further information is required.
- 7.1.3 In the instance of the second outcome, the matter will be referred to the Head of HR/Head Teacher/Governing Body who, will consider all the relevant information and in consultation with appropriate parties, make the final decision.
- 7.1.4 A written record of the decision will be made and a copy sent to the applicant who will be asked to verify its accuracy or completeness in writing within a specified timescale.
- 7.1.5 In assessing DBS Information, the following should be considered. (The list is not intended to be comprehensive and other matters may be taken into consideration).

#### Concerning the Post:

- i. Does the post involve one to one contact with children or other vulnerable persons?
- ii. What level of supervision will be available?
- iii. Does the post involve any direct responsibility for finance or items of value?
- iv. Will the nature of the post present any opportunities for the post holder to re-offend?

#### Concerning the Record:

- i. How serious is the offence?
- ii. How old was the person?

- iii. How relevant is the offence to the post/safety of children and/or vulnerable adults?
- iii. What is known about the circumstances of the offence, mitigating circumstances?
- iv. What length of time has passed since the offence was committed (some activities are offences in Scotland and not England or Wales, and vice versa)?
- v. Has the offence been decriminalised by Parliament?

Concerning the History:

- i. Was the offence a one-off, or part of an on-going history of offending?
- ii. Have the applicants circumstances changed, making re-offending less likely?
- iii. What has been expressed by the applicant about the offence, are they remorseful, do they blame others for what happened, etc.?

7.1.6 Anyone who is barred from working with children or adults commits an offence if they apply for, offer to do, accept or do any work in a regulated position. It is also an offence for an employer knowingly to offer work in a regulated position to an individual who is barred from working with the client group, or to fail to remove such an individual from such work. The DBS inform the police if a barred person attempts to obtain work in a regulated position.

7.1.7 Upon request the objective assessment will be shared with an applicant.

7.1.8 Applicants can dispute the information provided on Disclosures, which they claim to be incorrect, by contacting the DBS direct. In such cases the Council/School will defer a final decision about appointment until the applicant has had the opportunity to challenge the Disclosure information.

7.1.9 The Council/School may make conditional offers of appointment subject to satisfactory disclosure check. However, where this occurs, the individual may not commence work until a satisfactory Disclosure check has been received. In a very limited number of exceptional cases, agreement to start an employee before a disclosure check is processed may be sought via the Head of HR or, in the case of schools, the Head Teacher or Governing Body,. In all such circumstances a risk assessment (see Appendix -5) will be undertaken and measures put in place to minimize risk e.g. no unsupervised contact. Where appropriate (i.e. for posts in Regulated Activity) this must include a check of the relevant Barred List. This must be kept under review until the DBS check is received. Managers who allow employees to start work before the Disclosure check process is complete (and who have not been granted exceptional permission to do so) may be subject to disciplinary action.

## 7.2. Existing Employees

- 7.2.1 It is the Council's policy to only undertake DBS re-checks on existing employees where there is a statutory requirement to do so. Under the Council's Code of Employee Conduct, however, employees must immediately advise their line manager/head teacher if they are arrested and bailed, charged with, cautioned or convicted of any criminal offence whilst an employee of the Council. Failure to notify the Council could result in disciplinary action being taken which could lead to dismissal.
- 7.2.2 Employees who started with the Council prior to the introduction of DBS checks in 2002 will not be routinely checked unless they apply for another job within the Council, where there is a requirement for a DBS check
- 7.2.2 The Council/School reserves the right to carry out re-checks on employees in relevant positions. For example, if their actions or activities give 'cause for concern' including allegations of suspicious or inappropriate behaviour. The decision to undertake a re-check will be made in conjunction with HR.
- 7.2.3 If an employee has a break of service with the Council/School of more than three months they are required to apply for a new disclosure. In the case of supply teachers and exam invigilators, as the nature of their work would mean that they have a break in service of more than three months, they would be required to apply for a new disclosure after a break of six months.

## 8. Retention of Disclosure Information

- 8.1 Information on DBS disclosures will be held on the Council's HR System, Oracle. This will include the date and type of disclosure and certificate number.

## 9. Update Service and the Portability of Disclosures

- 9.1 The Disclosure and Barring Service does not support the practice of portability of disclosure checks, i.e. the re-use of information issued by the DBS, unless the individual is registered with the [DBS Update Service](#). For an annual subscription (for volunteers there is no charge), individuals can register with the service within 19 days of the issue of their DBS certificate. Registering with the service allows employers, subject to the individual's permission, to check on-line if there have been any changes to the original certificate (Please see Appendix 3 for the DBS Update Service – Applicant's Permission).

The manager will need to see the original DBS certificate to ensure that it is the right type and level of disclosure and also, if there is any content, what that content is. If the information on the certificate has changed, a new DBS check will need to be carried out.

In order to carry out a check using the Update Service managers will need to be able to answer 'yes' to the following questions:

- Do you have the applicant's express permission to check the update service?
- Are you legally entitled to the same level of DBS Certificate - Standard or Enhanced?
- If you are legally entitled to a Barred List check does the DBS Certificate contain the one you require i.e. Children's list, Adults' list, both or none?
- Does the DBS Certificate contain information which you are legally entitled to see, such as Barred List checks?

- Is the DBS Certificate for the right workforce – Child, Adult, Both or Other? This will be indicated in the ‘Position Applied For’ section and will show which workforce has been used to determine the relevancy of any locally held police information.
  - Child Workforce: any position that involves working/volunteering with children.
  - Adults Workforce: any position that involves working/volunteering with adults.
  - Child and Adults Workforce: any position that involves working/volunteering with children and adults.

Other Workforce: any position that does not involve working/volunteering with adults/children.

## **10. Contractors**

### **10.1 Schools**

The Council expects HR/Personnel providers to SMBC schools to carry out disclosure checks in line with the Disclosures Policy.

### **10.2 Supply/Temporary Agency Workers/Contractors**

10.2.1 The Council/School expects Supply/Temporary Worker Agencies/Contractors that are used by the Council and/or its schools to ensure that they undertake DBS checks for any workers in roles that meet the provisions in the ROA Exemptions List and the Police Act.

10.2.2 The Council has a mandatory contract (non-schools) in place with Pertemps for agency workers. All workers supplied via the contract will have a completed ‘Certificate of Completion’ which details the checks undertaken. This is held on Pertemps system, PAWS, and should be checked by managers before an agency worker commences. For posts in regulated activity, the manager should also check the DBS certificate for the individual.

10.2.3 Other Supply/Temporary Worker Agencies/Contractors will be required to supply details of their policies and processes, including risk assessment procedures, which must be agreed with the Council before any services can be commissioned.

10.2.4 The Council/School will need to satisfy itself that any contractor coming into contact with a child or vulnerable adult has had the appropriate level of check and that the DBS certificate is checked.

### **10.3 Schools Transport**

10.3.1 All contractors and agencies supplying workers to the Council for school transport must use the Council as a Registered Body for the purposes of undertaking DBS checks on prospective workers.

### **10.4 Where a Disclosure Check is ‘Positive’ for a Contractor**

10.4.1 An objective assessment must be undertaken, giving details of any investigation or background information contained in the disclosure certificate. The investigation will need to be in accordance with Section 7 above. This will indicate whether the employee/worker is considered suitable to work on the Council’s/School’s contracts. This decision will be final and there is no right of appeal. The Council/School accepts no

responsibility for any resulting changes to the employment relationship between the Supply/Temporary Worker Agencies/Contractors and their employees.

## **11. Monitoring & Audit**

11.1 The Council will:

- undertake its own internal audit of the disclosure process on a regular basis;
- co-operate with compliance checks/audits from the Local Children's Safeguarding Board and the Solihull Safeguarding Adults Board
- report any suspected malpractice to the relevant bodies (employers are liable for misuse of disclosure information not the DBS);
- report any loss of disclosure information to the relevant bodies (may be seen as breach of the Code); and
- use disclosure information for employment (paid or unpaid) purposes only.

## **12. Safeguarding Children and Vulnerable Adults**

12.1 The Council/School is committed to safeguarding children and vulnerable adults. All Council/School employees have a shared responsibility for providing a safe environment for children and vulnerable adults. The disclosure check system is an important part of ensuring that we do not employ people who are unsuitable to work with children and vulnerable adults. However, it is important that we all pay constant attention to the behaviour of ourselves and others to ensure that vulnerable groups are not placed at risk.

12.2 The Council/School will seek to publicise its role as an employer committed to safe employment practices through recruitment advertising and job information packs. Through the Local Children's and Adults Safeguarding Boards the Council has adopted fully the provisions of the Best Practice Employment Standards and, through this policy and other actions, is seeking to ensure that these are fully embedded across the direct workforce and contractors/suppliers engaged to work on behalf of the Council.



## Policy on the Recruitment of Ex-Offenders

Solihull MBC is an Equal Opportunities employer. The Council is committed to ensuring that it selects the most suitable person for the job based on merit, regardless of gender, ethnicity, sexuality, nationality, disability, age, religious belief or offending background.

Every effort will be made to ensure that applicants and potential applicants are treated fairly and that all decisions made within the process are fair, objective and based on the requirements for the job.

The Rehabilitation of Offenders Act 1974 exists to allow people with convictions to be reintegrated back into society. The Act allows convictions, cautions, reprimands and final warnings in respect of a certain offences to be considered 'spent' after a specified period of time known as the 'rehabilitation period'. For further guidance on the Act please [click here](#).

Once 'spent', the person is considered rehabilitated and the Act treats the person as if they had never committed an offence. As a result, the conviction or caution in question does not need to be disclosed by the person when applying for most jobs unless the role applied for is 'exempt' from the Act.

Some positions within Solihull MBC are exempt from the Act and as such are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order. These positions are therefore subject to criminal record checks processed through the Disclosure and Barring Service (DBS). Please [click here](#) for the list of eligible posts. For those where a criminal record check is identified as necessary, job adverts and job descriptions will clearly state that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

In these circumstances, the Council will ask an individual to provide details of convictions and cautions on their application form. Failure to reveal information could lead to withdrawal of an offer of employment. Please note, since May 2013, certain minor and old convictions/cautions are 'filtered' and as such no longer need to be disclosed. For further information about the filtering of convictions/cautions please [click here](#)

Solihull MBC undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed. Those involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. The Council also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, Solihull MBC ensures that an open and measured discussion will take place on the subject of any offences or other matter that might be relevant to the position. Solihull MBC undertakes to fully discuss any matter revealed on a DBS certificate with the individual seeking the position before a decision is made as to whether to withdraw a conditional offer of employment.



## Manager Guidance – Positive DBS Disclosure – Potential Employee

### How does a Manager decide whether a person's criminal record is relevant?

An applicant's suitability must be judged in the light of the results of all the relevant pre-appointment checks carried out on him/her. The fact that a person has a criminal record will not automatically make him/her unsuitable. Managers must make a judgement about suitability, taking into account only those offences which may be relevant to the particular job or situation in question.

In deciding the relevance of convictions a number of points should be considered, after providing the individual the opportunity to discuss the details of the disclosure to understand the context of the offences:

- 1) Honesty:** did the applicant self disclose prior to completion of the DBS application? Failure to disclose could be considered a breach of trust and confidence and could be significant cause for concern. Please note - due to the filtering of convictions by the DBS , applicants are now only asked to disclose unspent convictions and therefore the information on the application form may not be a complete record.
- 2) Context:** was there a geographic, social, financial or relationship issue which contributed to the offence; is it likely to be repeated – if circumstances have changed does that reduce the risk of re-offending?
- 3) The nature of the offence:** In general, convictions for sexual, violent or drug offences will be particularly strong contra-indications for work with vulnerable groups; however, remember that offences vary within the UK (different laws in England, Scotland & Wales) and also that offences can become decriminalised. Finally, offences abroad will require further investigation due to significant cultural differences regarding criminal convictions.
- 4) The nature of the appointment:** Often the nature of the appointment will help to assess the relevance of the conviction. For example, serious sexual, violent, drug or drink offences would give rise to particular concern where a position was one of providing care. Driving or drink offences would be relevant in situations involving provision of transport;
- 5) The age of the offence:** Offences which took place many years in the past may often have less relevance than recent offences. However, convictions for serious violent or sexual offences or serious offences involving substance abuse are more likely to give cause for continuing concern than, for instance, an isolated case of dishonesty committed when the person was young. The potential for rehabilitation must be weighed against the need to protect the vulnerable;
- 6) The frequency of the offence/s:** a series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.
- 7) The degree of remorse;** or otherwise, expressed by the applicant and their motivation to change.

Anyone who is barred from working with children or adults commits an offence if they apply for, offer to do, accept or do any work in a regulated position. It is also an offence for an employer knowingly to offer work in a regulated position to an individual who is barred from working with the client group, or to fail to remove such an individual from such work. The DBS inform the police if a barred person attempts to obtain work in a regulated position.

Following the review of the content of a DBS certificate, if you have any concerns about the suitability of the applicant or require further advice please contact your HR Adviser. In these instances you may need to ask

the applicant to retain his/her copy of the certificate whilst a decision is made. If this is necessary, it is important that the certificate is kept securely at all times as the information contained on it is of a highly sensitive nature.

### Positive DBS Disclosure Risk Assessment Form

This form must be completed in consultation with your HR Adviser.

<b>CONFIDENTIAL – POSITIVE DISCLOSURE ASSESSMENT RECORD</b>	
<b>Manager's Interview/ risk assessment form</b>	
Name of applicant:	
Directorate/School:	Division:
Position Applied for:	
Disclosure No:	Disclosure Date:
Is there a pattern to the offences: (if YES give details)?	<input type="checkbox"/> Y <input type="checkbox"/> N
Is the nature of the offences similar? (if YES give details)	<input type="checkbox"/> Y <input type="checkbox"/> N
Length of time since last offence?	
What is the person's explanation of the circumstances relating to the offences?	
Is the behaviour which constituted the offence, a cause for concern; If so why?	
Are the offences related to the type of work which will be undertaken? (consider job description)	<input type="checkbox"/> Y <input type="checkbox"/> N
Will the applicant pose a potential risk to service users/colleagues? (if YES give details)	<input type="checkbox"/> Y <input type="checkbox"/> N
Will the applicant be offered employment?	<input type="checkbox"/> Y <input type="checkbox"/> N
<b>Please note before making a decision as to the suitability of the applicant you must contact your HR Adviser.</b>	
Signed:	Print Name:
Date:	

Please return the completed form the HR Shared Services team.



### DBS Update Service - Applicant's Permission to Undertake a Check

The Disclosure and Barring Service does not support the practice of portability of disclosure checks, i.e. the re-use of information issued by the DBS, unless the individual is registered with the DBS Update Service. Registering with the Update Service allows employers, subject to the individual's permission, to check on-line if there have been any changes to the original certificate.

**Please note** - Legally, you are only entitled to see DBS information if it is appropriate for the level of check required for the post. Information regarding the check in Box A and Box B should therefore always be the same.

Before undertaking a check of the Update Service this form should be completed with the applicant and permission sought from the applicant.

#### Post Details

Post Title:

Directorate/School

#### A. Level of check required for the above post

Level of Check required for post : Please Select

Barred List Check Required : Please Select

Workforce : Please Select

#### B. Level of check undertaken on Applicant's DBS certificate

Level of Check required for post : Please Select

Barred List Check Required : Please Select

Workforce\* : Please Select

\*This will be indicated in the 'Position Applied For' section on the certificate and will show which workforce has been used to determine the relevancy of any locally held police information

#### Applicant Details

Name:

I agree to a check of the DBS Update Service being undertaken by Solihull MBC.

Signed

Date

**DBS Certificate Seen and Checked by:**

Name :

Date

**Update Service Check Carried Out by:**

Name :

Date

**Result :        Please Select**

**Result Definitions**

- 1 This DBS certificate did not reveal any information and remains current as no further information has been identified since its issue. This means:**
  - the DBS certificate when issued was blank i.e. it did not reveal any information about the person; and
  - no new information has been found since its issue and can therefore be accepted as being still current and valid.
- 2 This DBS certificate remains current as no further information has been identified since its issue. This means:**
  - the DBS certificate revealed information about the person; and
  - no new information has been found since its issue and can therefore be accepted as being still current and valid.
- 3 This DBS certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information. This means:**
  - new information has come to light since the DBS certificate was issued and you will need to apply for a new DBS check to see this new information.
- 4 The details entered do not match those held on our system. Please check and try again This means either:**
  - the individual has not subscribed to the update service; or
  - the DBS certificate has been removed from the update service; or
  - you have not entered the correct information.

**Please Note - If the outcome is '3' or '4' a new DBS check will need to be completed.**

***Please return the completed form to HR Shared Services Team.***


**Positive DBS Disclosure Risk Assessment Form (Current Employees)**
**This form must be completed in consultation with your HR Adviser.**

<b>CONFIDENTIAL – POSITIVE DISCLOSURE ASSESSMENT RECORD</b> <b>Manager's Interview/ risk assessment form</b>	
Name of Employee	
Directorate/School:	Division:
Current Position:	
Does this post require a DBS check?	<input type="checkbox"/> Y <input type="checkbox"/> N
If 'yes' what level of check?	
Date Offence Occurred	Date Offence Disclosed
Details of Offence and outcome (or likely outcome if not known)	
Is this a first offence?	<input type="checkbox"/> Y <input type="checkbox"/> N
If 'No' is the nature of the offences similar? (if YES give details)	<input type="checkbox"/> Y <input type="checkbox"/> N
What is the person's explanation of the circumstances relating to the offences?	
Is the behaviour which constituted the offence, a cause for concern; If so why?	
Are the offences related to the type of work which will be undertaken? (consider job description)	<input type="checkbox"/> Y <input type="checkbox"/> N

Will the applicant pose a potential risk to service users/colleagues? (if YES give details)		<input type="checkbox"/> Y	<input type="checkbox"/> N
<b>Decision/Action to be taken:</b>			
Signed:		Print Name:	
Date:			

**Please return the completed form the HR Shared Services team.**



### New Starter DBS Exceptional Circumstances Request

<b>CONFIDENTIAL – New Starter Exceptional Circumstances</b> To be completed by the manager and sent to the Head of HR for decision									
Name of Prospective Employee									
Directorate/School:	Division:								
Position:									
Level of DBS Check Required:									
Date the DBS requested:									
If the Position is defined as ‘Regulated Activity’* has a check of the relevant ‘Barred List’ been undertaken? <input style="margin-left: 20px;" type="checkbox"/> Y <input style="margin-left: 20px;" type="checkbox"/> N									
* Please note – it is illegal to employ some who is on the relevant ‘Barred List’ in a Regulated Activity.									
Have all other appropriate checks been completed as below:									
<ul style="list-style-type: none"> <li>• Two references received and checked/verified</li> <li>• Eligibility to work in the UK confirmed</li> <li>• Qualifications verified</li> <li>• Previous DBS Certificate checked (if available)</li> </ul>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; text-align: center; width: 30px;">Y</td> <td style="border: 1px solid black; text-align: center; width: 30px;">N</td> </tr> <tr> <td style="border: 1px solid black; text-align: center;">Y</td> <td style="border: 1px solid black; text-align: center;">N</td> </tr> <tr> <td style="border: 1px solid black; text-align: center;">Y</td> <td style="border: 1px solid black; text-align: center;">N</td> </tr> <tr> <td style="border: 1px solid black; text-align: center;">Y</td> <td style="border: 1px solid black; text-align: center;">N</td> </tr> </table>	Y	N	Y	N	Y	N	Y	N
Y	N								
Y	N								
Y	N								
Y	N								
Have any offences been declared on the prospective employee’s application form? <input style="margin-left: 20px;" type="checkbox"/> Y <input style="margin-left: 20px;" type="checkbox"/> N									
If ‘Yes’ please give details below:									

Please state below the business case for starting employee before the DBS result is confirmed including his/her access to vulnerable groups, the level of supervision and any special arrangements that will be put in place to mitigate the risk.

Completed By (name and post title)

Signed:

Date:

**To be completed by the Head of HR/Head Teacher or Chair of Governors**

**I agree/do not agree to the above prospective employee starting prior to their DBS clearance being received subject to the conditions listed above.**

Signed:

Date:

**Please return the completed form the HR Shared Services team.**