SCHEDULE 8

DBS RISK ASSESSMENT FORM

Essex County Council

THE PROVISION OF HOME TO ASSESS SERVICE

FOR ESSEX COUNTY COUNCIL

SCHEDULE 8

DISCLOSURE and BARRING SERVICES (DBS) RISK ASSESSMENT FORM

Pursuant to Condition 7.8.3 of this Agreement the Provider will complete a risk assessment form similar to the one provided in this Schedule. If the Provider uses their own form, then it must reflect the same standards as this form.

Under Condition 7.8.11 of this Agreement, the Provider may choose one of three different methods for the advice, processing and storage of DBS checks. The required process for completing the risk assessment will vary dependent on which method the Provider chooses as follows:

1. If the Provider uses the Council's DBS Umbrella Body, the Provider shall enter into a separate contract with the Council to provide this service and under this Contract the form below shall be used and the risk assessments shall be carried out in accordance with the Council's risk assessment process.

2. If the Provider is DBS registered and carries these out directly, or uses an external umbrella body, then the Provider shall use either the form below or a similar form which reflects the same standards. The risk assessments shall be carried out in accordance with the Provider's internal risk assessment process or the relevant external umbrella body's risk assessment process, as appropriate.

The Council's Authorised Officer will be monitoring the Provider's compliance with this during the Agreement monitoring process as specified within this Agreement.

In relation to Condition 7.8.5, the Council's Authorised Officer will also be seeking evidence that the process stated is being complied with.

There are legal requirements on Providers so please ensure that you are aware of your responsibilities. For example:

- It will be a criminal offence to knowingly employ anyone in regulated activity who is barred by the Disclosure and Barring Service (DBS). Some DBS Disclosures will show whether or not a person is barred.
- A mandatory 'duty to refer' will apply - you must tell the DBS if you have concerns about an individual who may pose a risk to vulnerable people. Full details are available on the DBS website (below).

Where to go for further help and guidance

Please see Appendix 1 of this Schedule.

Risk Assessment Form

To be used to assess the suitability of the applicant for their proposed position, in light of matter(s) disclosed on their DBS Certificate.

Name of Applicant: .....

Position Applied For: .....….....

Date of Birth: …….

Type of Disclosure: Enhanced OR Standard *(Delete as appropriate*)

Disclosure Issue Date: ……..

Disclosure Ref. No: …….

School/Department/Service: .....…….....

Tel. No: …….

Date of Risk Assessment:.....

Risk Assessment undertaken by Manager .....

Prior to completing this form, please refer to the additional guidance accessed the Council website http://www.essex.gov.uk/health-social-care/safeguarding or can be emailed upon request.

Please ensure that the Risk Assessment process form is completed in full and that a full account is given of any matters which have been disclosed.

Any queries with regards to the DBS process should be in the first instance directed to one of the DBS Counter signatories on 01245 436033. **Once the form is completed please return it in a private and confidential envelope to Disclosure Unit, County Hall, Chelmsford, Essex, CM1 1QH**

(Section A* Context for Fostering/Adoption/Kinship etc cases)

Section A – Offences declared by Applicant

Section B – Discussion between Applicant and Head teacher/Appointing Officer

Section C – Head teacher/Appointing Officer Assessment

Section D – CRB/Authorised Departmental Lead Signatory/Assistant Director Sign Off

SECTION A*

Context for Fostering/Adoption/Kinship etc cases

(INFORMATION ONLY FOR CASES AS DETAILED ABOVE()

Please describe the 'cared for' situation and give all relevant information to be taken into consideration.

Eg: Age of children; special needs; relationship and level of contact with person being risk assessed; amount and period of care; etc…….

SECTION A - Offence(s) Declared by Applicant

	Offence	Brief circumstances behind Offence (for instance for possession of drug offence what was applicant doing to bring themselves to the attention of police)
1.		
2.		
3.		
4.		

SECTION B - Discussion between Manager & Applicant		
Question	**Applicable (Please delete as appropriate)**	**Applicant Explanation/Comments**
Did the applicant declare the matters on the DBS Disclosure Application form and/or the Council declaration form and/or at interview? If not why not?	Yes / No (if not why not)	
Does the individual agree that the information detailed on the DBS Certificate is correct?	Yes / No (if not why not)	
How does the individual regard the matter(s) or what is their attitude towards the matters now?	Please explain	
What would they have done/do differently now?	Please explain	
Have the individual's circumstances changed since the offence? E.g. location, friends, partner, education?	Yes / No Please explain	
Are there any mitigating circumstances? (E.g. peer pressure, financial need or lack of judgment)	Yes / No Please explain	

Declaration by Applicant and any additional comments in support of their employment

I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required, could make an offer of employment invalid or lead to termination of employment.

Signature: ……. Date: …….

SECTION C - Appointing Manager Assessment		
Question	**Applicable** **(Please delete as appropriate)**	**Explanation/Comments**
Do the matters disclosed form any pattern? E.g. is there a cycle or history, reoccurrence, repeat offences	Yes / No / Not applicable Please explain	
Can the applicant demonstrate any efforts not to re-offend? E.g. Rehabilitation Course	Yes / No / Not applicable Please explain	
What is the nature of the contact the individual has with children / vulnerable adults?	Yes / No / Not applicable Please explain	
Can any safeguards be implemented to reduce/remove any risk? E.g. no unsupervised contact	Yes / No / Not applicable Please explain	

Will the nature of the post present any realistic opportunities for re-offending?	Yes / No / Not applicable Please explain	
Does the post have any direct contact with the public and how vulnerable are they?	Yes / No / Not applicable Please explain	
What supervision is available and how readily?	Please explain	

Additional Comments from the Manager.

Do you wish to proceed with employment? Yes/No

Signature: …….. Date: ……..

SECTION D – Sign off (if using Council's DBS Umbrella body) pass to DBS Trace Team

Please delete outcome as appropriate

DBS Team

Outcome

Withdraw Offer of Employment/Care/ Continue with Offer of Employment/Care. Please state (if applicable) whether approval is dependent upon conditions being met, such as recommendations, restrictions, safeguards to be implemented by the employing service/school

Date Risk Assessment seen:…….

Name of DBS Authorising Officer:……..

Signature of DBS Authorising Officer:……..

Authorised Departmental Lead Signatory

(Not applicable for schools)

Outcome

Withdraw Offer of Employment / Continue with Offer of Employment* Please state (if applicable) whether approval is dependent upon conditions being met, such as recommendations, restrictions, safeguards to be implemented by the employing service.

Date Risk Assessment authorised:…….

Assistant Director

Outcome

Withdraw Offer of Employment / Continue with Offer of Employment* Please state (if applicable) whether approval is dependent upon conditions being met, such as recommendations, restrictions, safeguards to be implemented by the employing service/school

Date Risk Assessment Authorised:…….

Name of Assistant Director……..

Signature of Assistant Director:…….

Guidance Notes – Recruitment of Ex-Offenders

These guidance notes are provided as a reminder of the types of offences that the Council considers high risk when employing an individual to work with either children or vulnerable adults.

Work with Children

Under the Protection of Children Act 1999 and the Criminal Justice and Courts Services Act 2000, it is unlawful for the Council to employ persons, **regardless of any mitigating circumstances**, who may have regular contact with children who are either:

- included on the list maintained by the Secretary of State for Health of people judged to be unsuitable to work with children. Unsuitability includes but is not limited to previous convictions. Referral to the list must be made by a "childcare organisation" if the person concerned was employed in a post involving the care of children and commits misconduct (whether or not within the course of his/her employment) which has harmed a child or put a child at risk of harm;

OR

- subject to a disqualifying order made on being convicted or charged with the following offences against children:
  - murder;
  - manslaughter;
  - rape;
  - other serious sexual offences;
  - grievous bodily harm; and/or
  - other serious acts of violence.

Therefore, the Council **will not** employ persons to work with children who are banned from working with children for the reasons detailed above.

It is the Council's normal policy to consider it a **high risk** to employ persons, who may have regular contact with children if they have been convicted or charged <u>at any time</u> of the following offences against adults:

- murder;
- manslaughter;
- rape;
- other serious sexual offences;
- Grievous bodily harm; and/or other serious acts of violence.

It is the Council's normal policy to consider it a **high risk** to employ persons, who may have regular contact with children if they have been convicted or charged <u>at any time</u> of the following offences against children or adults:

- serious class A drug related offences;
- robbery/burglary/theft; and/or
- deception/fraud.

Work with Adults

It is the Council's normal policy to consider it a **high risk** to employ persons, who may have regular contact with adults if they have been convicted or charged <u>at any time</u> of the following offences against children or adults:

- murder;
- manslaughter;
- rape;
- other serious sexual offences;
- serious class A drug related offences;
- other serious acts of violence;
- robbery/burglary/theft; and/or
- deception/fraud.

SCHEDULE 8 - APPENDIX 1

EMPLOYER'S GUIDE TO THE DBS DUTY TO REFER

The Protection of Freedoms Act (May 2012) has introduced changes to the Safeguarding Vulnerable Groups Act 2006. This replaces many of the original requirements of the national Vetting and Barring Scheme subsequently halted in June 2010

Barred Lists and the Duty to Refer

Certain aspects of the Vetting and Barring Scheme which were introduced will remain in place;

- Since January 2009, the Independent Safeguarding Authority (ISA) have made independent barring decisions. It will continue to maintain two constantly updated lists, one for those barred from working with children, the other for those barred from working with vulnerable adults;
- existing requirements concerning Criminal Records Bureau (CRB) under the definition of regulated activity and Access Northern Ireland checks will remain in place, and those entitled to such checks can continue to apply for them; and
- Employers remain legally obliged to refer information to the ISA if they have moved or removed an individual because they have harmed or there is a risk of harm to a member of a vulnerable group.

Next Steps

This information is correct at January 2013.

Further information and updates are available through the Home Office website
http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/

and for information about the changes introduced as a result of the Protection of Freedoms Act

http://www.homeoffice.gov.uk/publications/agencies-public-bodies/dbs/corporate-publications/disclosure-and-barring-changes/leaflet-england-wales?view=Binary

Please ensure that you regularly review updates to the DBS.