

Safer recruitment

At Islington Play Association (IPA) we aim to provide a safe environment by following safer recruitment practices (including following a structured recruitment process, seeking references and using formal probation, supervision and appraisal processes), making sure all the staff and volunteers who work with children or have access to children's records have a Disclosure and Barring Service (DBS) Enhanced Disclosure and maintaining a password-protected Single Central Record of recruitment and vetting checks for all staff and volunteers.

Disclosure and Barring Service checks:

As an organisation using the Disclosure and Barring Service to help assess the suitability of applicants for positions of trust, we comply fully with the Disclosure and Barring Service Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosure information. We also comply fully with our obligations under the Data Protection Act.

Storage, access and handling:

Disclosure information, other than the certificate's unique reference number, date of issue and the date it was signed off by us, is never kept in an applicant's personnel file. It is always kept separately and securely in lockable, non-portable storage containers with access strictly controlled and limited to those who are authorised to see it as part of their duties in accordance with Section 124 of the Police Act 1997. We maintain a record of all those to whom disclosure information has been revealed and we recognise that it is a criminal offence to pass the information to anyone who is not entitled to receive it.

Usage:

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Decision:

Once a recruitment (or other relevant) decision has been made in line with our guidance on offences that automatically exclude an offer of employment or are at management discretion (see appendix 1 and 2), we do not keep disclosure information for any longer than is absolutely necessary in order to allow for the consideration and resolution of any disputes or complaints. Where appropriate, the Disclosure and Barring Service will be consulted and full consideration will be given to the data protection and human rights of the individual.

We will not keep any photocopy or other image of the disclosure. However, we will keep a record of the date of issue of the disclosure, the name of the subject, the type of disclosure, the

post for which the disclosure was requested, the unique reference number of the disclosure and the details of the recruitment (or other relevant) decision taken.

We will carry out a risk assessment on any staff or volunteer whose Disclosure and Barring Service certificate contains information (see appendix 3). We will ensure that risk assessments are always kept separately and securely in lockable, non-portable storage containers with access strictly controlled and limited to the Chief Executive, Director of Operations and the IPA Board member with lead responsibility for safeguarding.

We recognise the contribution that former or ex-offenders can make as employees and volunteers and welcome applications from them. A person's criminal record will not, in itself, debar that person from being appointed to this post unless it is listed in the appendices of this policy. Any information given will be treated in strictest confidence. Suitable applicants will not be refused posts because of offences which are not relevant to the role and which do not make them a risk in the role for which they are applying

All cases will be examined on an individual basis, taking the following into consideration:

- Whether the conviction is relevant to the position applied for.
- The seriousness of any offence revealed.
- The age of the applicant at the time of the offence(s).
- The length of time since the offence(s) occurred.
- Whether the applicant has a pattern of offending behaviour.
- The circumstances surrounding the offence(s), and the explanation(s) offered by the person concerned.
- Whether the applicant's circumstances have changed since the offending behaviour.

Disposal:

Where disclosure information is no longer required, we will ensure that any disclosure information held is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, disclosure information will not be kept in any insecure receptacle (e.g. a waste bin or confidential waste sack).

Starting before the DBS result is received:

In urgent situations, with authorisation from the Chief Executive, we may decide to start staff prior to receiving a disclosure result after conducting a full risk assessment, including confirmation that a Disclosure and Barring Service application has been submitted and that the new staff member will not be allowed to have unsupervised access to children until all checks are complete.

Repeating DBS checks:

Disclosure and Barring Service certificates do not run out but they provide information about a person's criminal records history at one point in time and are used alongside other methods to

check suitability. Disclosure and Barring Service checks are repeated every 3 years to confirm continued suitability. We do, however, reserve the right to repeat any check – including Disclosure and Barring Service checks – if we get information that suggests a person may no longer be suitable.

If you sign up to the Disclosure and Barring Service Update Service you can apply to the Organisation to be reimbursed for the payment of the fee whilst you work with us.

Your reporting obligations:

You must report any conviction, caution or bindovers incurred during your course of employment, and our annual check during appraisals involves staff being questioned if they continue to be suitable to work with children.

You must inform us if a person either living or working in your home is disqualified from working with children.

DBS disclosures for agency staff:

We ensure that employment agencies and businesses show that the person they put forward for work at the organisation has been checked using safer recruitment processes and provide us with written confirmation that the person is suitable/fit.

Overseas:

A certificate of good conduct will be required of any new staff member or volunteer who has lived and/or worked outside of the UK in the previous 5 years, unless they have arrived in the UK as a refugee or they have been out of the country on a “gap year” type experience.

Barring:

We will not employ any barred individuals. Where a member of staff or a volunteer is dismissed because of misconduct relating to a child, we will notify the relevant national body in charge of barring.

Appendix 1

CONVICTIONS WHICH WOULD AUTOMATICALLY EXCLUDE AN OFFER OF APPOINTMENT

A conviction for any of the following offences makes a person unsuitable for work involving access to children/young persons and vulnerable adults;

Offences where death results, violence is used or threatened or life recklessly endangered by a person actions

- Murder (Common Law)
- Manslaughter (Common Law)
- Wounding or Causing Grievous Bodily Harm with Intent. Otherwise known as Malicious Wounding. (Section 18 - Offences Against the Person Act 1861)
- Grievous Bodily Harm or unlawful wounding (Section 20 – Offences Against the Person Act 1861)
- Robbery (Section 8 – Theft Act 1968)
- Aggravated Burglary (Section 10 – Theft Act 1968)
- Injury or Assault (Section 1 Children and Young Persons Act 1933 amended 1989)
- Rioting (Section 1 – Public Order Act 1986)
- Violent Disorder (Section 2 - Public Order Act 1986)
- Infanticide (Section 1 (1) – Infanticide Act 1938)
- Child Destruction (Section 1 – Infant Life Preservation Act 1929)
- Causing fear of violence (Section 4 – Protection from Harassment Act 1997)
- Arson (Section 1 – Criminal Damage Act 1971)
- Offences included in the Prevention of Terrorism (Temporary Provisions) Act 1989
- Firearms offences – Possession of Firearms with Intent, Use of Firearms to Resist Arrest and Possession in Relation to Certain Offences (Section 16, 17(i), 17(ii) & 20 – Firearms Act 1968)
- Threats to kill (Section 16 – Offences Against the Person Act 1861)
- Destroying or Damaging Property with Intent to Endanger Life (Section 1 (1) – Criminal Damage Act 1971)
- Incitement of Racial Hatred (Section 31 – Race Relations Act 1976)
- Aggravated Vehicle Taking (Section 12 (a) Theft Act 1992)

Sexual offences

- Rape and Attempted Rape (Section 1(i)) – Sexual Offences Act 1956)
- Abduction (Sections – 17-21 – Sexual Offences Act 1956)
- Incest (Section 10 – Sexual Offences Act 1956)
- Buggery (Section 12(i)) – Sexual Offences Act 1956, for the purposes of these guidelines this applies only when the offence was committed with a child under 16 or any person without consent)
- Gross Indecency (Section 13 – Sexual Offences Act 1956)
- Indecent Assault (Section 14 & 15 – Sexual Offences Act 1956)

- Causing or Encouraging to Become Prostitutes (Section 22(l), 23, 28, & 29 – Sexual Offences Act 1956)
- Procurement (Section 2, 3, 9 and 23 – Sexual Offences Act 1956)
- Intercourse with a Girl Under 16 or Mentally Retarded Person. Known as Defilement. (Section 5, 6 & 7 – Sexual Offences Act 1956)
- Indecent Contact with Children – (Indecency with Children Act 1960)
- Indecent Exposure (Section 4 – Vagrancy Act 1824, specifically applies to indecency by males against females)

Drug offences

- Importation and Exportation, Production, Supply and Possession with Intent to Supply (sections 3, 4(2) 4(3), 5(3) Misuse Of Drugs Act 1971)

Appendix 2

OFFENCES DISCLOSED WHERE MANAGEMENT DISCRETION MAY BE EXERCISED

It is recognised that there are a variety of “other” offences where convictions may or may not indicate that the person is unsuitable for work providing substantial access to children and vulnerable adults. The reason for having such a category is that circumstances surrounding some offences vary widely. It is not possible to establish the precise circumstances of the arrest or details of the offence merely from the information provided by the DBS. A person charged with “assault” may have been acting in self-defence or the offence of threatening behaviour, could arise from a picket as part of an industrial dispute.

Offences in this category include:

- **Any Bound Over Orders or Cautions**
- **Breaches of the Peace**
- **Offences committed when the candidate was under 17 years of age therefore legally considered a juvenile, unless those detailed above**
- **Assaults or threats of violence**
 - Actual Bodily Harm (Section 47 – Offences Against the Person Act 1861)
 - Common Assault (Section 39 – Criminal Justice Act 1988)
 - Carrying an Offensive Weapon – (Prevention of Crime Act 1963)
 - Affray (Section 3 – Public Order Act 1986)
 - Intentional Harassment, Alarm or Distress (Section 4(a) Public Order Act 1986)
 - Assault on Police (Section 81(1) Police Act 1996 or Section 51 Police Act 1964)
- **Criminal Damage**
 - Destroying or Damaging Property (Section 1 (2) – Criminal Damage Act 1971)
- **Thefts**
 - Theft (Section 1 – Theft Act 1968)
 - Making off without payment (Section 3 – Theft Act 1968)
 - Burglary (Section 9 – Theft Act 1968)
 - Taking a Conveyance (Section 12 (1) – Theft Act 1968)
 - Abstracting Electricity (Section 13 – Theft Act 1968)
 - Obtaining property by Deception (Section 15 – Theft Act 1968)
 - Obtaining a Pecuniary Advantage (Section 16 – Theft Act 1968)
 - Handling Stolen Goods (Section 22 – Theft Act 1968)
 - Blackmail (Section 21 – Theft Act 1968)
 - Going Equipped (Section 25 – Theft Act 1968)

- **Sexual Offences**

- Loitering and Soliciting (Sexual Offences Act 1956) or S16 Criminal Law Amendment Act 1935
- Kerb Crawling (Section 1 – Sexual Offences Act 1985)

Depending on the circumstances some offences concerning indecency may afford discretion. The circumstances will need to be clearly established.

- **Drug offences**

- Possession of Class A, B & C Drugs (Section 5(2) Misuse of Drugs Act 1971 (verify how long ago the offence occurred, and whether there is any medical history of drug taking)

- **Other offences**

- Obscene Publications Offences (Section 1 (13) – Obscene Publications Act 1964)
- Cruelty to Animals (Section 1 - Protection of Animals Act 1911)

These guidelines do not provide an exhaustive list of all criminal offences, but cover those most likely to be recorded.

Internal Risk Assessment – Positive DBS Check

Purpose: Some individuals who have a history of offending may not pose a current risk to children and their personal experience may provide them with unique skills and experience that can be used as a rich opportunity to divert others from taking similar paths. All positive DBS checks must be risk assessed to explore whether the individual poses a current risk to children.

Section 1 – Risk Assessment Chart

Section 2 – Guidance on completing the Risk Assessment

Name of Applicant:

Position Applied For:

Applicant Start date:

DBS Disclosure Number: **Issue Date:**

Type of Disclosure: Enhanced

Risk Assessment undertaken by:

Date of Risk Assessment:

Nature of Risk	Current Risk Grading	Action Taken to Minimise Risk	Revised Risk Grading
Assessed by: Senior Manager	Date:	Signature	
Approved by: Chief Executive	Date:	Signature	

Guidance on completing the risk assessment for a positive CRB check

The matrix shows the pattern of scores if you give the risk a score between 1 and 5 and multiply the two scores together.

Chance of happening						
Very High	5	10	15	20	25	
High	4	8	12	16	20	
Medium	3	6	9	12	15	
Low	2	4	6	8	10	
Very Low	1	2	3	4	5	
	<i>Very Low</i>	<i>Low</i>	<i>Medium</i>	<i>High</i>	<i>Very High</i>	<i>Impact if it does happen</i>

Those that appear in the bottom left corner of the risk matrix are clearly much less of a concern than those in the top right corner. The matrix can incorporate a risk tolerance line which will depend on your organisation and the risks you feel you can or can't live with. It may be an approximate diagonal which includes things that are unlikely to happen but would be catastrophic if they did and things that will almost certainly happen but will have only a minor impact.

The actual suitability for employment of a person with an identified criminal record will vary, depending on the nature of the job, the level of access they will have with specific client groups and the details and circumstances of the previous conviction(s). Deciding on the relevance of convictions to specific posts is not an exact science and must be reliant on a degree of 'common sense' unless the applicant has been placed on one of the Governments 'barred' lists where they would be committing a criminal offence by applying to work with children or vulnerable adults.

An assessment of an applicant's skills, experience and the actual circumstances around the conviction should be weighed up against the risk assessment criteria for the job.

An applicant's criminal record should be assessed in relation to the tasks they will be required to perform and the circumstances and environment in which the posts duties are to be carried out.

Please consider the following points when deciding on the relevance of the offences to particular posts:

- Does the post involve one-to-one contact with children or vulnerable adults as colleagues, customers or clients?
- What level of direct supervision will the post holder receive. Will they be expected to have regular unsupervised contact with children or vulnerable adults?
- Will the nature of the job present any opportunities for the post holder to re-offend in the course of their work?

In some cases, the relationship between the offence and the post will be clear enough for the organisation to decide easily on the suitability of the applicant for the job. Please also consider:

- The severity of the caution, conviction or bindover
- The circumstances and reasons around its occurrence. Was it a 'one off' or part of a pattern of similar offences
- The applicants age at the time of its occurrence
- The period of time that has since passed
- Whether the offence may have since been decriminalised by Parliament
- The country in which the offence was committed. Some activities are offences in Scotland and not in England and Wales, and vice versa
- The vulnerability of the specific client group they will be working with
- Their attitudes, performance, employment history and proven remorse since the offence
- Their proven contribution to their previous /current employers **and** society since the offence (please also include voluntary work)

Examples (shaded) of a Risk Assessment Form (1-10=low, 12-25=medium to high)

Nature of Risk	Current risk grading	Action taken to minimise risk	Revised risk grading (if any)
<p>i.e. positive (but spent) conviction is identified for Possession of Class B drug 14 years ago.</p> <p>No additional convictions.</p> <p>Applicant was age 16 at the time and received a £30 fine.</p> <p>Applicant has excellent references and declared the conviction on the application.</p>	<p>Applicant will not be working within an environment with ready access to drugs or drug users.</p> <p>Score 2 x 2 = 4 (LOW)</p>	<p>Ensure regular supervisions and timely completion of probation period</p> <p>Remember the conviction is 'spent' and the applicant was a teenager at the time of the occurrence.</p>	<p>Score 2 x 2 = 4 (LOW)</p>
<p>i.e. positive conviction is identified for Possession of Class A drugs 6 years ago.</p> <p>No additional convictions.</p> <p>Applicant was age 30 at the time of the conviction.</p> <p>Applicant received a 6 year custodial sentence. (3 years spent in prison).</p> <p>Applicant has 2 satisfactory references covering previous 18 months work history and declared the conviction on their application form.</p>	<p>Applicant will be working unsupervised with vulnerable adults with learning difficulties.</p> <p>Working environment may possibly have drug users as service users / clients.</p> <p>Applicant will be in a 'position of trust' with service users.</p> <p>Conviction will never be 'spent'.</p> <p>Score 3 x 5 = 15 (HIGH)</p>	<p>Ensure a full & comprehensive induction occurs highlighting the severity of the impact of service users having ready access to drugs.</p> <p>Ensure applicant is supervised throughout induction period and has regular supervisions and probation reports are completed within correct timespans.</p> <p>Verify full employment history since release from prison and seek additional referees (where possible) including probation officer.</p>	<p>Score 3 x 3 = 9 (LOW)</p>
<p>Assessed by</p>	<p>Date</p>	<p>Signature</p>	
<p>Assessed by</p>	<p>Date</p>	<p>Signature</p>	
<p>Approved by</p>	<p>Date</p>	<p>Signature</p>	