

# Policies and Procedures DBS and criminal convictions



*Calon Lan Community Care*

*Prior to use, ensure this document is the most recent version by checking the Master Document List. To request a change, submit a Document Change Request form.*

<b>Document name:</b> DBS and criminal convictions - June 2013	<b>Version number:</b> 1.2	<b>Review date:</b> June 2013
<b>Author:</b> Calon Lan Community Care Ltd	<b>Controlled copy</b> <input checked="" type="checkbox"/>	<b>Uncontrolled copy</b> <input type="checkbox"/>
<b>Reviewed by:</b> Noel Williams		



## POLICIES AND PROCEDURES DBS AND CRIMINAL CONVICTIONS

**National Minimum Standard 17.1** states, “There is a rigorous recruitment and selection procedure which meets the requirements of legislation... and ensures the protection of the service user and their relatives or representatives.”

17.4 states “New Staff... are confirmed in post only following completion of satisfactory checks”

1. The application form requires completion by the applicant, and they must sign the declaration giving their consent to undergo a Disclosure Check. There is a booklet titled **An Applicant’s Guide to Completing the DBS Application Form**, which can be given to the applicant while they are completing the form.
2. The form should then be given to you, together with any original identity documents for verification.
3. All identity documents must be photocopied along with the application form and kept on file.
4. Ensure that any additional information, relevant to any section, must be detailed on a separate A4 continuation sheet.
5. Each form sent must be accompanied with a completed **Criminal Record Certificate Application** (see forms) and also a cheque for the appropriate amount. (see table below)
6. It is essential that Application forms are completed accurately and in full. Forms received with errors will be returned and an additional administration fee will be charged.
7. If during the process you need any further information you can contact the Director, refer to the UKHCA Disclosure Service Guidelines document and look online at [www.ukhca.co.uk](http://www.ukhca.co.uk) , [www.disclosure.gov.uk](http://www.disclosure.gov.uk)
8. The application must be posted on the day all information is complete, this will allow us to receive the POVA first check by email within 3 working days.

	With ISA adult first
DBS Enhanced Disclosure fee (VAT exempt)	
Administration fee	
<b>Total amount including VAT</b>	<b>ASK FOR CURRENT PRICE</b>

**NO MEMBER OF STAFF MAY WORK ALONE WITH ANY CLIENT UNTIL ALL OUR RECRUITMENT PROCEDURES HAVE BEEN COMPLETED.**

## CRIMINAL CONVICTIONS

There is a tariff (under the Rehabilitation of Offenders Act 1974) showing the period of time after which a conviction may be regarded as “spent” and so not disclosed (see table below).

Cautions, reprimands and final warnings are not convictions, but they must be declared for domiciliary care.

The tariff for the main categories is:

SENTENCE	Age 18+ when convicted	Under 18 when convicted
Prison sentence 6 months or less	7 years	3 years
6 months – 2 ½ years	10 years	5 years
Fines, probation, community service etc.	5 years	2 years

***Regardless of the above information (which is useful to know) the Care industry is exempt from the Rehabilitation of Offenders Act and any criminal record must be treated seriously and if employment is offered a full risk assessment must be performed.***

In cases where someone has been employed, and it is then discovered that they have failed to disclose any unspent conviction, they should not necessarily be dismissed. Only after a full appraisal of the situation, including the risks involved, should dismissal be considered.

We will first establish whether the conviction is relevant to the post. Evidence of previous convictions should not be used as an excuse to dismiss a person for poor job performance. The record of the individual should be carefully assessed. The suitability for employment of a person with a criminal record will vary, depending on the nature of the job and the details and circumstance of any convictions.

Calon Lan's policy is that all cases where a carer is found to have withheld conviction information on their application should be referred to the Director for a decision on what action to take. In cases where any conviction is declared, but which would not be spent according to the Tariff, a Director's authority is required before offering employment.

## DBS POLICY ON THE RECRUITMENT OF EX OFFENDERS

- As an organisation using the Disclosure and Barring Service (DBS) Disclosure service (via atlantic data as an umbrella body) to assess applicants' suitability for positions of trust, Calon Lan complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.
- Calon Lan is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- We ensure that all those in Calon Lan who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the care industry's exemption from the Rehabilitation of Offenders Act 1974.
- At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

***Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.***