



PROCEDURE FOR HANDLING A POSITIVE DBS DISCLOSURE

- 1.1 The term "positive disclosure" refers to a disclosure containing information relating to convictions, cautions, reprimands etc., together with any "soft" information relating to non-convictions that the police deem relevant
- 1.2 Only those authorised to receive Disclosure information under section 124 of the Rehabilitation of Offenders Act (1974) will be permitted access to it. Specifically, Disclosure information will only be made available to those who are directly involved in the appointment process and those who require such information for safeguarding purposes.
- 1.3 All disclosure information will always be held securely by the relevant parties.
- 1.4 Where a "positive" disclosure has been received the following key stages must be followed by the relevant parties:
 - HR will notify the relevant Manager of receipt of the "positive" disclosure and that the staff member brings in their certificate to discuss with HR.
- 1.5 Once the Manager has been advised that a positive disclosure has been received irrespective of the level of seriousness, a meeting must be arranged with the employee to explore the issues and circumstances. This interview must take place within 5 working days of notification.

The meeting is an essential part of the process, as it is necessary to verify that the information contained on the disclosure does indeed relate to the individual concerned. This verification must be sought prior to any judgements being made. There have been occasions where DBS system errors have occurred and information supplied has been wrongly attributed to individuals.

The disclosure should be discussed with the employee. The discussion will aid the decision-making process, and should again broadly focus around the following:

- The seriousness and nature of the offence(s)
- The nature of the appointment
- Length of time since the offence(s) occurred
- Number and pattern of offences
- The applicant's age at the time, circumstances/explanation
- Concealment of offences at application stage



Based upon the findings of the interview (with advice sought from HR where necessary) the Manager will undertake a risk assessment with regard to the suitability of the employee. Judgements regarding suitability are not wholly confined to the disclosure revealing offences against children or vulnerable adults. Other types of offences may render a prospective employee unsuitable. In addition to convictions or cautions, this may also include having harmed or placed children or vulnerable adults at risk of harm; or having exhibited behaviour, which leads to the belief that there may be a child or vulnerable adult at risk of harm in the future.

The Manager should not take the decision in isolation, but will be accountable for it.

Managers must ensure the Director is aware of all positive disclosures. Once the risk assessment has been carried out and a decision made, the form must be agreed and signed off by the Director and Safeguarding Lead. Any disclosures which raise child protection issues must also be discussed with the LADO (Local Authority Designated Officer) before any approval. This may necessitate the holding of a strategy meeting, if recommended by the LADO.

1.6 Additional Guidance on making a decision to confirm employment:

It is not possible to provide a 'tariff' of offences since decisions are made taking all of the above factors into account. In making any decision it is vital that all other pre-employment checks are considered satisfactory. References must have been verified with the previous employer by telephone.

In addition the Manager should be aware that statutory guidance makes it clear that serious sexual, violent, drug or drink offences would give rise to a particular concern where a position was one of providing care. It is important to note that driving or drink offences would be relevant in situations involving transportation of children or vulnerable adults.

Whilst offences which took place many years in the past may often have less relevance than recent offences. Convictions for serious violent or sexual offences or serious offences involving substance abuse are more likely to give cause for 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 children and vulnerable adults.

1.7 Once all relevant parties have agreed to the decision, HR must be notified of the outcome by the Manager. The notification will be the original signed Positive Disclosure Risk Assessment which HR will scan to the HR System then shred. The Risk Assessment will be kept



throughout the individuals' employment and for 6 years' post-employment, unless they are subject to Safeguarding investigation, in which case the Safeguarding Retention schedule will apply.