

DBS Good Practice Approaches to give people with criminal records “a fair say” in the process

Introduction

In 2023, people with experiences of the criminal justice system shared their stories as part of the Changing Futures multiple disadvantage programme. They talked about how DBS criminal records checks hadn't just blocked their ability to give back through roles in public services, but had retraumatised and stigmatised them.

Watch the videos produced on the back of a few of these experiences online at:

<https://www.youtube.com/watch?v=4zoYvmeGTWE>

This resource sits alongside the infographic summarising the journey and slide deck outlining key points of the process. The aim is to offer inspiration and examples that other public service employers can use to improve their practice and unlock the untapped workforce of people with lived experience. Doing so would help deliver greater social justice in Greater Manchester, which supporting our public services' goal of being more inclusive, fair employers with a more diverse workforce better able to meet the needs of people in our city.

These materials have been brought together as a part of the Good Lives GM System Shifting Experiment. The project group involved individuals working for the GM Combined Authority, NHS, Local Authority, Voluntary Sector and drawing on their professional and lived experience. Multiple other individuals, employers and collaborations contributed to the points highlighted and examples shared, those included being only a sample of the good practice going on in the city region.

Why recruit someone with a criminal conviction?

1. We have a workforce shortage within public services that is developing into a crisis

[Nesta's UK 2040 Options](#) report estimates **125k NHS** vacancies nationwide, and **150k in social care**.

Covering vacancies with agency staff cost GM Localities **£123m** between 2020 and 2023, according to freedom of information requests by the [Local Democracy Reporting Service](#).

2. There is a pool of 'untapped workforce' who are too regularly excluded from opportunities, at negative impact to themselves and public services.

In the UK, there are **11 million people** with a criminal record – **27%** of working age adults.

MoJ data suggests that only **17%** of people get a job within a year of release from prison.

Many people with a criminal conviction have committed minor offences, such as low-level theft, or traffic violations. People with more serious offences may have committed the crime a very long time ago, whilst living a life they are no longer involved in. People make mistakes.

86% of employers of people with criminal convictions rate them as good at their job.

Giving people a fairer say in DBS criminal records checks so that more roles in public services are available to people with lived experience offers a route to address overcome both challenges.

Other advantages also include bringing in **new perspectives** and skills to your organisation, helping to **tackle skills and labour shortages**, and **improving diversity and inclusion** records.

Produced as part of a Good Lives GM System Experiment in Spring 2024. For more information, please contact goodlivesgm@innovationunit.org

During the application process

What can employers do to give people with criminal records a fairer say during the application process?	Why do people with lived experience of this say it matters?	Which local and national examples can we learn from?
Be transparent! What checks are needed for the role? What is the process?	It's important not create false expectations and risk letting people down and re-traumatising them. This can result in setting them back more than if they'd not tried at all, affecting their belief that their life can be different.	<p><u>Appendix 1:</u> GMCA Framework for Managing Criminal Record Checks, p5</p> <p><u>Appendix 2:</u> Back on Track Applicants with a criminal record Policy & Procedure, p6</p>
Use plain English and explain any terminology. What are the legal requirements, and what information/documentation will they need to have ready?	It can feel like you need a legal degree to apply for a job, so sharing quick links to clear information can speed up the process for everyone.	<p><u>Appendix 3a:</u> Bolton Foundation Trust Application Form, p7</p> <p><u>Appendix 4:</u> Northern Care Alliance DBS Guide, p9</p>
Update the applicant as much as possible, ideally so that they can track themselves, e.g., via an online portal.	It's not always possible to get things done immediately, but realistic expectations give people the opportunity to make adjustments in their lives; complications such as housing or benefits that they will need to factor in.	<p><u>Appendix 3b:</u> Bolton Foundation Trust Application Tracking, pp7-8</p>
If Early Disclosure is asked for on an Application Form, make it clear that people will have opportunity to explain what they declare.	People have an obligation to disclose certain convictions but may experience a lot of anxiety when doing so. The chance to put their past into context can be reassuring.	<p><u>Appendix 5a:</u> Persona Support Working For Us page, p10</p> <p><u>Appendix 6:</u> North West Ambulance Service early disclosure form, p12</p>

When something is flagged on a DBS check

<p>What can employers do to give people with criminal records a fairer say when something is flagged on a DBS check</p>	<p>Why do people with lived experience of this say it matters?</p>	<p>Which GM examples can we look at?</p>
<p>Provide a chance for the person to provide context, ideally face to face.</p>	<p>Give people chance to showcase who they are - not who they used to be. A good candidate will have done lots of work to change their behaviours and attitudes but might still be nervous about how their story may be interpreted by a potential employer.</p>	<p><u>Appendix 3c:</u> Bolton Foundation Trust DBS policy, p8</p>
<p>Use strengths-based questions to explore how they have changed, and the journey they have been on.</p>	<p>Meeting face to face to have a fair say might be the most effective way to do this.</p> <p>The situations which led to an individual's criminal records – and experiences since – likely come with significant trauma and low self-esteem.</p>	<p><u>Appendix 7a:</u> Oldham Metropolitan Borough Council Positive Disclosure Assessment Checklist, p13</p>
<p>Approach with an attitude of empathy as to why people may commit crime, and why talking about it is hard</p>	<p>They may still be in pressured situations without sufficient support, which could lead to them excluding something relevant or being defensive. Recognise that putting up walls are an important part of protecting against trauma, and employer's need to demonstrate they can be trusted as well as the other way round.</p>	<p><u>Appendix 4b:</u> Persona Support Risk Assessment Template, p10-11</p>

Following a decision taken following a DBS check which flags a conviction

What can employers do to give people with criminal records a fairer say once the decision has been taken?	Why do people with lived experience of this say it matters?	Which GM examples can we look at?
During onboarding, explore any access arrangements that people will need to succeed. (e.g., managing mental health or recovery)	Just as with health conditions, disabilities, or caring responsibilities, there may be adjustments people with criminal records need e.g. to attend appointments or managing co-occurring conditions.	<u>Appendix 4c</u> : Persona Support Wellness Action Plan, p11
Highlight any support offers as part of the employee package.	Individuals will likely be doing a lot to manage their lives and have personal plans in place. Help people to take responsibility, self-regulate and adapt their role to their lives and past experiences by making clear what additional support they might be able to access as an employee.	<u>Appendix 6b</u> : Oldham Metropolitan Borough Council, IPS & Turning Point Case Study, p14
If they are not successful due to a DBS return, or regardless of outcome if there are issues about disclosure, call the person and offer a time to talk through why this is.	Hearing this news is likely to be difficult, so they deserve to hear it person to person. It also gives them the chance to have a fair say and gain constructive feedback for other roles.	<u>Appendix 6c</u> : Oldham Metropolitan Borough Council Letter to inform of outcome of meeting, p14

Appendix 1: GMCA Framework for Managing Criminal Record Checks

The GMCA Framework is a comprehensive document that covers all roles which might require DBS checks in the Combined Authority and Fire & Rescue Service.

The Contents page summarises the key information people might need to know, with the aim of providing sufficient detail that people can understand what might be required of them but not so much they can't identify the elements that matter.

The policy is published on the GMCA's website, and now linked within every Role Profile or Job Description as part of the section which indicates why and whether a DBS will be required.

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Appendix 2: Back on Track applicants with a Criminal Record Policy & Procedure

Manchester charity Back on Track include a link to their Criminal Record Policy on the webpage which advertises their vacancies, alongside the Application Pack and Application Form. See this link for more info: <https://www.backontrackmanchester.org.uk/work-for-us/>

Documents for download

GMIRS team leaders: application pack
GMIRS team leaders: application form
Applicants with a criminal record policy

The Policy sets out clearly when and why people will be asked to provide information on criminal records, and how this will be managed.



Back on Track Policies

Applicants with a criminal record - policy and procedure

Current version	14/12/2020
Last reviewed and updated	12/11/2021
Signed by	S.Pollitt

Summary: Back on Track is committed to best practice when recruiting people with a criminal record. It is essential that people do not face unfair discrimination in any role within the charity, whether paid or voluntary.

As an organisation that recruits volunteers, staff and trustees that have convictions, we have measures in place to consider the criminal record that applicants have so that we can identify what, if any, concerns they raise. This policy explains how we use criminal records as part of our recruitment process.

Eligibility: For each vacancy at Back on Track, we will make it clear in the application whether the position is covered by the Rehabilitation of Offenders Act 1974 (you would only disclose unspent offences) or whether it is exempt (you would need to disclose all convictions and cautions, even if they are spent, unless they are filtered).

Application form: To ensure that we encourage applications from people with criminal records and shortlist applications purely on merit, we don't ask about anyone's criminal record details at the application stage. This is part of our commitment to the 'Ban the Box' campaign, which we encourage other employers to support.

Interview: We will not ask directly about someone's criminal record as part of the interview process. This is to ensure that you are able to put yourself across in the best possible light.

Confidential self-disclosure: After the interviews, we will decide on our preferred applicant. At this stage, we will ask the preferred applicant if they have convictions to disclose and provide a self-disclosure form (which asks for criminal record details appropriate to the level of disclosure involved for the role) along with a copy of this policy. This should be returned within the time stated.

Information provided on this form will be treated as confidential and be used for recruitment purposes only. If the person is not appointed we will not keep the information they would need to complete a new self-disclosure form if they apply for another opportunity with Back on Track.

Consideration of disclosure: The information provided on the self-disclosure form will be considered by a panel of Back on Track managers (including a senior manager). When considering criminal records, we will look at various factors, including whether the record is relevant to the role and how recent and serious the offence was. Where there are no major concerns, a decision to appoint may be made at this stage.

If we can't make a decision straightaway based on the information disclosed in relation to the job, we will invite the applicant to a meeting to talk to them. We will ask questions and they will have an opportunity to tell us anything that they feel is relevant. If they are still on probation, we may also

Appendix 3a: Bolton Foundation Trust Application Form

The application form for any position requiring a DBS check at Bolton NHS Foundation Trust includes the following sections on the reasons why this is required. This aims to take the burden off the applicant to navigate the complexity of the DBS process, and spell out clearly for them what information they need to provide. Links to relevant national guides and documents are included to help those understand the bigger picture to or what particular terms mean.

Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020

The position you have applied for is an 'exempt position' therefore, it is not covered by the provisions in the Rehabilitation of Offenders Act 1974. This means that the employer can obtain a standard or enhanced disclosure through the Disclosure and Barring Service (DBS) under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 and, in certain circumstances, the Police Act 1997. This is in recognition that **there are certain activities for which fuller disclosure of a person's criminal record history is relevant**, for example, where there is a real risk to children, other people in vulnerable circumstances or some other particularly sensitive area of work.

If the position is eligible for an enhanced disclosure, any follow up DBS check may also include other relevant information held at the discretion of the Chief Constable of the relevant police force. If the position is a regulated activity as outlined in the Safeguarding Vulnerable Groups Act 2006 (amended in 2012), any enhanced disclosure may also include information that is held about you on the children's and/or adults barred list(s).

In these circumstances you are required to list **all** of your cautions and/or convictions including those that are spent, unless for the purposes of the job or activity they are considered to be 'protected'. The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

Fair recruitment process

Bolton NHS Foundation Trust aims to promote equality of opportunity and is committed to treating all applicants equally and fairly based on their skills, experience and ability to fulfil the duties of the role being applied for. Suitable **applicants will not be refused positions because of criminal record information** of other information declared, where it has no bearing on the role (for which you are applying) and no risks have been identified against the duties you would be expected to perform as part of that role. This part of your application will **only be viewed by those who need to see it as part of the recruitment process**. Your information will be treated confidentially and will not be shared.

What information should I disclose?

Understanding what offences might need to be declared to a prospective employer will be critical to ensure you do not disclose information you are not legally bound to declare or omit relevant information that must be declared. **If you are unsure about whether you need to disclose certain criminal record information, free confidential advice may be**

sought from one of the charity bodies listed below. These bodies can advise you on what you are legally required to declare and may also be able to advise you on how you can disclose criminal record information to a prospective employer and your legal rights when doing so.

- [Gov.uk - Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975](#)
- [Nacro](#)
 - Tel: 0300 123 1999, or email: helpline@nacro.org.uk
 - [Practical guidance on the DBS filtering rules](#)
- [Unlock](#)
 - Tel: 01634 247350, email: advice@unlock.org.uk or complete the online form on the [Unlock website](#)
 - [A simple guide to filtering](#)

Do you have any criminal convictions and/or cautions that are not protected (i.e. eligible for filtering) under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020?

This is regardless of whether the caution has been issued in the UK or, in any other country where it would be considered an equivalent (or similar) offence in England and Wales and it is not protected. It also includes cautions that have been issued under military law while serving in the Armed Forces, either in the UK or any other country, where it would be considered an equivalent offence in England and Wales and is not protected.

When do you want to tell us about your convictions and/or cautions which are not protected?

If you decide to provide information about your convictions and/or cautions later, a member of the recruitment team will be in touch to advise what steps you need to take to submit these details separately.

Please provide details of criminal convictions, military convictions or relevant service discipline convictions and/or cautions including the date and reason administered.

You can access those external links from national charities Nacro and Unlock at:

Nacro = [Practical guidance on the DBS filtering rules](#)

Unlock = [A simple guide to filtering](#)

Appendix 3b: Bolton Foundation Trust Tracking System

Bolton NHS Foundation Trust use Trac as their online recruitment system, once a DBS is countersigned it provides the candidate with the reference number and also a link to track where there DBS is up to on the DBS website.

Appendix 3c: Bolton Foundation Trust DBS Policy

Specified within this policy is to respond contextually when a DBS check returns an unspent criminal conviction. This approach and expectation to convene a Panel to review is intended to ensure the context of past convictions is always considered and people are not automatically barred from taking up posts. This last element is emphasised within the Policy to encourage adoption by Recruiting Managers and reassure applicants.

Defective DBS Disclosures:

The Trust will ensure that all information declared through a DBS disclosure, or by an applicant, is explored before making a decision whether to proceed with the offer of employment.

All declared disclosures will be discussed by a panel consisting of the Head of Resourcing, nominated HR Business Manager and Recruiting Manager(s). The panel will also have the power to involve other Trust staff, such as the Trusts Safeguarding Lead, as required.

The benefit of a DBS panel is that it provides the Trust with a consistent approach to dealing with defective DBS checks and self-disclosures, and prevents discrimination. **A criminal conviction will not automatically bar an applicant from an appointment, but may raise serious questions about a persons suitability.** In general, the panel will view convictions in the context of all relevant circumstances including:-

- The nature of the offence
- The age at which it was committed.
- It's relevance to the post in question
- Whether the applicant has a pattern of offending behaviour
- Whether the applicant circumstances have changed since the offence
- Whether the applicant had fully disclosed the offence at application and interview stage, and had explained the circumstances surrounding the offence.

The DBS panel in some cases will ask to meet in person with the candidate so they can explain the circumstances around the offence, this then give them the ability to have a voice and not be turned away without being given the opportunity to discuss.

This platform includes a comprehensive ‘walk through’ to accompany people on their journey through completing their DBS. This is particularly useful for speeding up people’s submission of relevant forms, by making it easy for them to know what is required when. This includes which documents individuals would need, what it means if these are not accessible, and an additional resource providing ideas on work-arounds if people don’t have documentation e.g. due to being a refugee, migrant or asylum seeker, or living complex lives with gaps in accommodation etc.

View the platform in more detail at: <https://apps.trac.jobs/candidate/iddocs>

Select your documents

All documents must be 'valid'. For instance: they must show the name you currently use, addresses you currently live at and, if they contain an expiry date, must not be expired.

i You have specified you **are** a **UK** national.

[Switch to non UK national](#)

i A **DBS standard/enhanced check** is required. If this is not correct then please switch to a basic check.

[Switch to basic check](#)

[Have you recently changed your name?](#) ▾

Not started Please select a document from the list below

Group 1: Photographic ID

Please indicate which of the following documents you can provide, or select *None of the above* if you have none of them.

Passport DBS Group 1	Select
Irish passport DBS Group 1	Select
Non UK passport with Indefinite Leave to Remain DBS Group 1	Select

In progress [Hide requirements](#) ^

<p>× NHS requirements</p> <p>NHS Employers ID check still requires one of the following:</p> <ul style="list-style-type: none">2 more documents from Group 2 showing your current address & 2 more documents from Group 3	<p>× DBS requirements</p> <p>DBS ID Check still requires one of the following:</p> <ul style="list-style-type: none">for Route One: at least one document from Group 1, 2 more documents from any group.for Route Two: at least one document from Group 2a, 2 more documents from Group 2a or Group 2b, and the organisation conducting the ID Check will use an external ID validation service to double-check your identity.for Route Three: Birth certificate (UK/CI only) Copy issued within 12mths, or Birth certificate (UK/CI only) Copy issued AFTER 12mths, at least 2 documents from Group 2a, 3 more documents from Group 2a or Group 2b, and you must provide a certified copy of your birth certificate (photocopies are not acceptable).at least one DBS ID document containing your current address
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The documents you have selected mean that we still need a document to prove that you have the right to work in the UK. Please indicate which one of the documents listed in the [Right to Work section](#).

If you have no photographic ID, you will need to [provide a passport-sized photograph](#) of yourself instead.

Appendix 5a: Persona Support Working For Us page

Persona Support in Bury have adapted their jobs page to provide a specific paragraph about people with criminal records. This is intended to reassure individuals who might otherwise think these kind of careers aren't for them.

You can access the website at: <https://www.personasupport.org/working-for-us-new/>

Working in Care if you have had a criminal conviction

It can often be assumed that if you have a criminal conviction, something that would show up on your DBS check, then you are not able to work in social care. This might mean some people don't consider applying to work with us because they assume we would reject their application. Please be assured that **we take a much more person centred approach than that**. We do need to undertake DBS checks on the majority of the roles we employ so it's important that you declare any convictions.

However, not every conviction would result in your application being rejected. We understand that things go wrong at points in people's lives and mistakes get made. There are some convictions that would make someone unsuitable to work in care, but there are also many which are not relevant to the role or where the situation can be managed. The safety of the people we support is our primary concern, but where we can safely do so, **we are still keen to provide opportunities to allow someone with a conviction to move forward with their life**.

Where someone does declare a conviction our approach is to **talk through the situation so that we can fully understand the context**. We then risk assess the situation in relation to the role the person has applied for in order to make a decision on whether we can offer employment. If you are unsure whether we would consider your application on the basis of a conviction you may have, please contact us for advice.

One of our values is Honest so we always **encourage you to be open with us** and then we are able to handle your enquiry/application appropriately.

Appendix 5b: Persona Support Risk Assessment Template

Persona Support are informed in their DBS approach by the corporate value to be 'Honest', of which one behaviour they encourage is *resolving tension or conflict through listening and talking through*.

To assist Recruiting Managers to achieve this value, they use a 'Risk Assessment' template with set of questions to explore between the manager and individual the context of any convictions which might come up, their feelings about it now, and why things might or might not have been declared.

The questions ask give managers and employees alike the opportunity to think about the role, the individual, their past and their present. It invites both to think about mitigation they have already made or could make to reduce mitigation, and offers the individual the opportunity to make any further comments and feel they have had a fair say.

DBS Risk Assessment Template

This document should be used to determine whether to confirm a conditional offer of employment or whether it is appropriate for an individual to continue working in their existing role where adverse disclosures have been identified on a DBS disclosure.

Name of interviewer:	
Name of candidate / staff:	
Positions applied for / held:	
Service:	
Date of Risk Assessment:	

Questions	Comments
What are the details of the incident that happened?	
Does the individual accept that the information on the DBS certificate is correct? <i>(If the individual does not agree, the information must be checked with the DBS)</i>	
Did the individual disclose that they had a criminal record on their application form (if relevant)? <i>(If not why not?)</i>	
What is the offence and how serious is it? How long ago did it take place? What were the circumstances and what was the sentence passed? <i>(Please answer for all offences listed from the DBS)</i>	
<i>Please use additional sheets if applicable.</i>	

Do any bodies hold reports / information regarding the individuals rehabilitation e.g. prison / probation service	
How relevant is the offence(s) to the roles?	
Does the nature of the role present any opportunities for the individual to re-offend?	
What level of contact will the individual have with children/vulnerable adults/the public?	
How much supervision will the individual receive in the role?	
Will the individual have access to money (only consider this if it is relevant to the offences)?	
Was the offence a one-off? What is the likelihood that the individual may reoffend?	
Was the offence(s) committed whilst at work?	
Has the individual put forward any mitigation in relation to the offence(s) e.g. personal difficulties at the time?	
What, if anything, has changed to reduce the chances of the individual re-offending e.g. changes to personal circumstances? What actions has the individual taken to stop reoffending e.g. attending rehabilitation classes? Can the individual evidence this? Does the individual regret the offence(s)?	
Can the role be modified to reduce the risks identified? What are the changes needed and how easily can they be made?	
Are there any other measures that need to be put in place to reduce any risk of an offence taking place whilst employed by Persona?	
Has the individual any additional comments ?	

Declaration by interviewee

I confirm that the information I have provided has been accurately recorded.

I understand and accept that providing incorrect information or failing to provide information relevant to the above questions could result in the offer of employment being withdrawn or could lead to disciplinary action which could result in the termination of my employment.

In line with Personas DBS Policy, I understand and accept that:

This proforma will be destroyed within 6 months of the date of the risk assessment if, as a result of the risk assessment, I am not appointed to a role within Persona.

Appendix 5c: Persona Support Wellness Action Plan

Persona's Wellness Action Plan is adapted from the Mind guide for line managers. It is offered to all employees with a view to identify people's particular needs before they get unwell, make reasonable adjustments, and have a supportive relationship with their manager and other colleagues. It is an offer for everyone not just people who have criminal records or who experience multiple disadvantages. In emphasising the individuals experiences and coping mechanisms it is person centred and the organisation's support can mould around them, rather than requiring them to fit into the support offer which suits the organisation.

Wellness Action Plan **Persona**
We're all about you

A Wellness Action Plan (WAP) helps us remember what we need to stay well in work and helps our line manager to support us to do that.

Working through this WAP will help you think about how you work, what triggers any conditions you are living with as well as your stress levels.

It will then help you to share these with your manager so you both agree how you can best be supported, perhaps with **reasonable adjustments** which can be short or long term.

Everything in this plan will be confidential* and you and your manager will review it together regularly. You only need to share information you are comfortable with, and information that relates to your work.

This is not a legal document. It is the responsibility of the employer to ensure that data on this form will be kept confidential* and will not be shared with anyone without your permission.

***Confidentiality:** If your manager knows that you are at risk of crisis, of harming yourself or harming someone else, they may need to break confidentiality and call the emergency services.

Any reasonable adjustments on page 6 will be shared with HR so they can be reviewed.

Evidence suggests that there are five key ways in which you can improve your wellbeing.

Connect Be Active Take Notice Keep Learning Give to Others

You can find lots of ideas for ways to do these things, and lots of new things to try, on the staff intranet Persona Wellbeing Hub. You can also ask for help with finding things there.

To think of more things you enjoy that can help you to feel better, have a look at pages 7 & 8 and try **trying** in your own ideas before you start on your WAP.

1 - What helps you to stay healthy at work?
e.g. getting some exercise or having a stretch before or after work or during your break, chances to connect with colleagues, not lone working, limiting manual handling, breaks from standing.

Taken from the Mind guide for line managers

8 - How can you manage your own health? Is there anything we need to do to help?
e.g. access to a hot water bottle/ice pack/drinking more water, keeping your phone close for medication alarms, support to attend weekly wellbeing sessions, ask your manager, colleague or Wellbeing Champion for support, use sunglasses/headphones/earplugs for some tasks, step outside the room to take a moment or outside for some fresh air if you can.

Persona
We're all about you

9 - Is there anything else you'd like to share?

Taken from the Mind guide for line managers

Appendix 6: North West Ambulance Service Criminal Records Checks Procedure

To avoid people worrying that early disclosure will affect their chances of being shortlisted for a role, North West Ambulance Service encourage applicants to send their disclosure under separate, confidential cover, to a designated person. They give a guarantee that this information will only be seen by those who need to see it.

RECRUITMENT OF EX-OFFENDERS POLICY STATEMENT

1. As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), NWAS complies fully with the code of practice and undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.
2. NWAS is committed to the fair treatment of its staff, potential employees or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
3. This statement of intent is made available to all Disclosure applicants at the outset of the recruitment process.
4. 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.
5. A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
6. **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 within NWAS and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.**
7. NWAS will only ask an individual to provide details of convictions and cautions that we are legally entitled to know about and where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended)
8. NWAS can only ask an individual about convictions and cautions that are not protected.
9. We ensure that all those in NWAS 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 Rehabilitation of Offenders Act 1974.

Appendix 7a: Oldham Metropolitan Borough Council [OMBC] Positive Disclosure Assessment Check List

Oldham Council have a positive disclosure assessment checklist, to ensure things such as age at the time of offence, and how long ago it was are taken into consideration.

Positive Disclosure Assessment Checklist

- ✓ **Relevance** – whether a conviction or other matter is relevant to the position in question. Violent and sexual offences will normally be relevant, as may offences involving drugs, fraud, and dishonesty. Driving or offences involving alcohol may also be relevant, along with crimes that are hate based, or involve predatory behaviour.
- ✓ **Seriousness** – the seriousness of the conviction is important in determining suitability. Examining the detail of the offence, and the level and type of sentence will assess this. It is acknowledged that the label given to an offence, e.g. violence may cover a range of offences from relatively minor dispute and fights, to extremely serious violent offences. The type of sentence may be considered as indication of the seriousness of the offence e.g. a conditional discharge/absolute discharge, bind over or caution usually indicates that the offences are minor.
- ✓ The **applicant's age** at the time of the offence
- ✓ **Length of time** since offence was committed – it is recognised that in most cases, behaviour changes as a person gets older so the age of the offence will be relevant when assessing suitability.
- ✓ **Pattern of offending** – pattern of offending behaviour is relevant in determining whether an applicant/employee is suitable. A pattern of offending behaviour may indicate unsuitability particularly if there has been no gap since the last offence. Patterns of offences, including gambling, drinking and/or drugs related convictions, might indicate that a person remains at risk unless there is clear evidence of a break in the pattern of their behaviour.
- ✓ **Concealment** of offences at application stage. Whether or not some of the offences were declared, this will warrant either a letter to or an interview with the applicant.
- ✓ **Offence circumstances** – a conversation with the applicant/employee and their explanation of the situation may resolve any concerns about suitability.
- ✓ **Personal qualities** of the applicant/employee – a number of factors will be taken into account in reviewing suitability based on the personal qualities of the applicant. Key issues include:
 - Whether the applicant/employee demonstrates an appropriate level of remorse in relation to the offending behaviour.
 - Whether there is evidence that the applicant/employee has learnt from their behaviour and made changes to their lifestyle
 - Whether the applicant/employee is honest and open in any discussions about their offending behaviour.

Appendix 7b: OMBC, IPS and Turning Point Case Study

Oldham Council work with the Intensive Probation Supervision service supporting their customers with National Careers Service appointments and Get Oldham Working.

An individual applied through this service to a vacancy with the Council. They were successful at interview and during the onboarding checks DBS issues came to light. The Council followed their process of meeting with individual, recruiting manager and HR to ensure they had the full facts, after which it was deemed low risk so the individual was set to start their new role.

Through the DBS conversation, the individual shared support they were already receiving and how they accessed it. The Council met with the individual and their IPS worker, to talk about the employment support package they offered, maintaining time for meetings between all partners, and helping the individual to continue attending online support sessions. It was also agreed to refer the individual to Turning Point as the local drug & alcohol service provider so they could get a medical referral and more intensive support in case of a setback.

The support offers from all partners was vital to keeping the individual on track. Without the further meeting after the DBS check returned historic offences, Oldham Council may not have identified the individual's needs, connected with the support they were accessing, and put in place additional offers so they could flourish in the role.

Appendix 7c: OMBC Letter to inform of outcome

Oldham Council provide a template letter for managers to use when following up with individuals after a meeting regarding DBS' checks. The template emphasises an understanding of the context without absolving the individual of their responsibility to declare and be open about past convictions. Even though not every outcome will be positive, the example given is one demonstrating that something being returned on a DBS doesn't have to be a barrier to an offer of employment.

Letter to Inform of outcome of meeting re failure to disclose convictions

Dear <>

DBS Enhanced Disclosure

I refer to our meeting on<> at which <> was also present.

We discussed your Disclosure Form and the fact that this had revealed that you had a criminal record, which you had not disclosed.

I **noted your explanation**, which was that you had not felt that the conviction <> was relevant to the job, which you were doing at <place/service/school> and that there was therefore no need to disclose it. You said that you had misunderstood what the Disclosure Application Form was asking for and had not associated <a driving ban> with a criminal conviction and that you would have had no reason to lie about your record.

Whilst I **accepted your explanation I must remind you** that it is important that you disclose all convictions, whether or not you consider them to be relevant. <I understand that the School were very concerned about this situation and no doubt the Head Teacher will have told you this>. I have therefore decided that you are suitable to work with children/vulnerable adults in the post of <> and that your appointment may proceed.

Yours sincerely