

# Criminal Records Procedure

<b>This document is relevant to:</b>	
Staff	✓

## Purpose

To explain procedures related to the Criminal Records Policy.

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## Procedure

### Requirement for DBS Checks

Whenever a new post is being created, or a recruitment exercise is being conducted, the manager responsible for the post will liaise with the Chief Executive who will perform a role risk assessment and determine whether or not a DBS check is required.

### Recruitment Process for Posts that Require DBS Checks

Where the post is subject to a DBS check the Chief Executive will be responsible for ensuring that the application pack includes the required information for potential applicants and for collecting and processing the information in accordance with the Dorset Mind Criminal Records policy.

Dorset Mind will request information from applicants regarding unprotected convictions, abuse against children or vulnerable adults and whether any charges of any sort are currently pending.

Offers of appointment should be made subject to a satisfactory DBS check.

Prospective Trustees will be asked to sign a S.72 statement which will include a declaration that they must tell their employer if at any time they are arrested, charged, cautioned or convicted for

any criminal offence or arrested, interviewed or investigated in connection with allegations of abuse or neglect against children or vulnerable adults

## Carrying out a DBS Check

1. Applicants will be provided with a copy of the Dorset Mind Criminal Records Policy and a Disclosure and Barring Service application form during the recruitment process. After an offer of appointment is made, and accepted, the individual will be asked to attend the Dorset Mind office with the completed DBS application form and the required identification documents (as determined by the DBS).
2. A member of Dorset Mind staff, or a Trustee, will:
  - a) photocopy the documentation provided
  - b) add "original seen" and their name and date to each photocopy
  - c) complete questions 63, 64, 65 and 66
  - d) send the form plus photocopies to the agreed DBS umbrella body
  - e) request the applicant to provide the original result to Dorset Mind once received.

If an applicant advises that they have lived outside England and Wales for more than 6 months since the age of 18, Dorset Mind will take all reasonable steps to determine whether that person has a criminal record in other countries. Where this is not possible, each situation will be considered individually and a decision taken by the Chief Executive. A comprehensive file note will be made.

## Disclosure of Information on DBS Checks

1. Where a DBS check has been received which indicates offences the applicant will be asked to meet with the Chief Executive to discuss the disclosure. Following the meeting a risk assessment will be performed by the Chief Executive and the Chair of Trustees using the Risk Assessment – Disclosure of Criminal Convictions form. Any risk management actions which are necessary will be put in place, including the possibility of termination of employment/volunteer work/trusteeship.
  - a) The risk assessment and risk management actions will be informed by the:
    - i) terms and conditions of any insurance Dorset Mind holds. Anonymised information should be discussed with the insurance brokers (who may refer this information to the underwriters) as required under the duty of *uberimmae fidei*
    - ii) nature of the offence
    - iii) time elapsed since the offence
    - iv) role to be carried out in Dorset Mind
    - v) need to treat people with a criminal record fairly
    - vi) need to protect children and vulnerable adults from unacceptable risk.
2. Where a DBS check has been received which indicates offences which are significantly different to those disclosed, or have not been disclosed, the Chief Executive together with the Chair of Trustees will decide whether disciplinary action is appropriate.
3. All documentation regarding the disclosure should be clearly marked with a "destroy date" and filed securely and confidentially in accordance with the archive and data retention policy.

## Ongoing Duty to Disclose

Any individual who suspects that an employee, Trustee or volunteer has caused harm or poses a risk of harm to another person will inform the Chief Executive as soon as practicable. The Chief Executive will be responsible for deciding whether or not the matter is required to be referred to the ISA and for taking any other action necessary.

## Procedure Ownership

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January 2016	January 2018

## Approval and review status

Approved by	Signature	Date
Chris Price	<i>Chris M Price</i>	1 <sup>st</sup> January 2016

*Consult the Chief Executive for the latest version of this procedure.*

## Document Control

### Reviewers

Name	Position
Chris Price	Chair of Trustees
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## Change History

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