

**working together for health & well-being**

**POSITIVE DBS DISCLOSURE DECISION FORM (Risk Assessment)**

The employer must use this form to carry out a full risk assessment where a Positive Disclosure has been received. The assessment is designed to support the employer in making an informed and balanced decision about whether to employ/continue to employ an individual. Before any decision is reached the individual must be offered the opportunity to discuss the contents of the disclosure.

**Employers:** Once the risk assessment has been carried out and a decision made, the form must be forwarded to the **Contract Manager**, which will then be reviewed and signed off by the Divisional Director, Health Commissioning and Strategic Planning within Bath and North East Somerset Council. Any disclosures which raise child protection issues will also be referred to the LADO (Local Authority Designated Officer) for review and oversight. This may necessitate the holding of a strategy meeting, if recommended by the LADO.

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| **Name of individual:** | | | |  | **Date of Birth:** | |  | | **Address:** |  | | |
| **Post Applied for:** | | | |  | | **Organisation:** | |  | | | | |
| **Recruiting Manager:** | | | |  | | | **Signed** |  | | | Date |  |
| **Divisional Director, Commissioning B&NES:** | | | |  | | | **Signed** |  | | | Date |  |
| **Local Authority Designated Officer:** | | | |  | | | **Signed** |  | | | Date |  |
| **Decision (please tick as applicable)** | | | | \*Employ with adjustments to role (give details e.g. supervision, monitoring arrangements etc.) | | | | | | | | |
| **Employ** |  | **Do not employ** |  |
| **Suspend** |  | **Allocate to other work** |  |
| **Discussed with**  **individual (insert date)** | | | |
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| **QUESTIONS TO CONSIDER** | **Possible Responses** | **Answer** | **Comments please complete as fully as possible to inform risk assessment** |
| **Do the DBS relevant offences bar the appointment?** If the answer is yes then the appointment is automatically unlawful and the person must not be appointed to the post. Do not continue with this decision sheet. | **Yes\* refer to LADO immediately**  **No** |  |  |
| **Are you satisfied with the candidate’s/employee’s/volunteer’s explanation of the circumstances of the offence?**  All positive disclosures should be discussed with the candidate. Note down their explanation of the circumstances. | **Yes**  **Unsure**  **No** |  |  |
| **How serious do you consider the offence to be?** | **Major**  **Moderate**  **Minor** |  |  |
| **Did the offence occur recently?**  For example, minor offences that occurred a long time ago may be less relevant than ones that are very recent. | **Within last;**  **Year**  **3 years**  **10 years**  **Older** |  |  |
| **At what age were the offences committed?**  Was the offence committed as an adult, or as a child or adolescent? Offences that took place years ago may have less relevance now with the exception of serious violent or sexual offences. | **State age** |  |  |
| **What age is the applicant now?** | **State age** |  |  |
| **Does the disclosure show a pattern of behaviour, or was the offence a one-off?**  Repeated offences may indicate that the individual has not been able to change his/her offending behaviour, and may be more likely to re-offend. | **One-off**  **Repeat – frequent**  **Repeat - infrequent** |  |  |

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| **QUESTIONS TO CONSIDER** | **Possible Responses** | **Answer** | **Comments** |
| **Have the circumstances that led the applicant to commit the offence or behave in such a manner changed for the better?** Look at all the circumstances, including the employment pattern and the individual’s own explanation. | **Yes**  **No**  **Maybe** |  |  |
| **Did the applicant disclose the conviction(s)/ cautions, warnings or reprimands as part of the application process/at interview/or during their employment?**  Note that a failure to disclose an offence, without a satisfactory reason, will be a breach of contract and render any employment offer void or where the individual is an employee lead to disciplinary action which could lead to their dismissal. | **Yes**  **No – no valid reason**  **No – but has valid reason** |  |  |
| **Are there any concerns in regard to the employee’s motivations for working with children/vulnerable adults?** | **Yes**  **No** |  |  |
| **Is there any evidence in regard to any inability to manage conflict, cope with challenging behaviour?** | **Yes**  **No** |  |  |
| **Were any gaps in employment identified and were these cause for concern?** | **Yes**  **No** |  |  |
| **Were both employer references satisfactory and at least one reference verified by telephone?** | **Yes**  **No** |  |  |
| **Does the post involve responsibility for finance, items of value or other high risk areas?**  This is particularly relevant where the disclosed offences are related to robbery, burglary or fraud. | **High**  **Moderate**  **Low** |  |  |
| **Does the role allow the opportunity to re-offend?**  Consider the nature of the post in relation to the disclosed offence(s). | **Yes**  **No** |  |  |
| **What level of management supervision will the person receive?**  What opportunity would there be to re-offend? Will supervision reduce the risk? How much responsibility does the post carry? | **High**  **Moderate**  **Low** |  |  |

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| **FURTHER COMMENTS/OVERALL SUMMARY** |
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**PLEASE ENSURE YOUR FINAL DECISION IS RECORDED ON THE FRONT PAGE OF THIS DOCUMENT AND SIGNED BY THE RELEVANT PARTIES.**

**THIS RISK ASSESSMENT SHOULD BE RETAINED CONFIDENTIALLY IN A SEALED ENVELOPE ON THE EMPLOYEE’S PERSONAL FILE -**