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DBS DISCLOSURE RISK ASSESSMENT FORM (Employment)

This Risk Assessment form is to be used to assess the suitability of the applicant where a Disclosure Certificate has revealed offences.

NOTE: You MUST disregard any offences declared by the applicant that do not appear on the certificate.

Please note: the information and evidence referred to in this form will be relied upon to make an employment decision in relation to staff working with vulnerable groups. It is therefore important that it is fully completed and includes evidence rather than a series of statements. Forms that are not fully evidenced will be returned. Please refer to HCC's Safe Staffing team if you require further assistance.

This form consists of three sections - please ensure that each section is completed in full, including a full account of offences disclosed.

Name of Applicant:	
Position Applied For:	
Disclosure Type:	
Disclosure Ref No:	
Disclosure Issue Date:	
Tel No:	
Organisation/Dept.	
Hiring Manager undertaking Risk Assessment:	

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SECTION A		
Document convictions/s declared by individual and ALL information discussed		
Document convictions as they appear on the DBS Certificate		Provide explanation of circumstances that led to the offence
Offence :		
Date:		
Sentence Received:		
Age at time of offence:		
Length Of Time since Conviction:		
Offence :		
Date:		
Sentence Received:		
Age at time of offence:		
Length Of Time since Conviction:		
Offence :		
Date:		
Sentence Received:		
Age at time of offence:		
Length Of Time since Conviction:		

Add sections in the table above, as required to document the details of additional convictions

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SECTION B		
To be completed during the discussion between hiring manager and applicant		
Question	Applicable (Please delete as appropriate)	Response provided by applicant
Did the applicant declare the offence(s)/trace(s) on a self-declaration form and at the interview?	Yes / No	If No – Please explain
Did the applicant agree that the information on the DBS Certificate was correct?	Yes / No (if no why not)	<i>NB. If the applicant is disputing the certificate contents, halt RA meeting and continue once dispute has been finalised.</i>
Have the applicant's circumstances changed since the offence? E.g. location, friends, partner, education?	Yes / No	Please explain
Is the applicant stating any mitigating circumstances? E.g. peer pressure, financial need or lack of judgement	Yes / No	Please explain
Did the offences/traces disclosed form any pattern? E.g. is there a cycle or history, reoccurrence, repeat offences	Yes/No	Please explain
Did the applicant demonstrate any efforts not to re-offend? E.g. rehabilitation course	Yes/No	Please explain
Will the nature of the post present any realistic opportunities for re-offending?	Yes/ No	Please explain
Does the post have any direct contact with the public and how vulnerable are they?	Yes/No	Please explain

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Does the applicant have any gaps in employment history?	Yes / No	If Yes - Please explain
Have two satisfactory references been received for the applicants? (With matching dates to application form, correct role, etc.)	Yes/No	If No – Please explain
What is the nature of the contact the individual has with children/vulnerable adults?	Please describe	
Can any safeguards be implemented to reduce/remove any risk?	Yes/No/Not applicable Please explain	If yes, is supervision available and how will it be used to mitigate risk?
How did the applicant regard the offence(s)/trace(s) with hindsight and what is their attitude towards the matters now?	Please explain	
What would they have done/do differently now?	Please explain	
<p>Declaration by applicant and any additional supporting comments:</p> <p>I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required, could result in a withdrawal of an offer of employment.</p>		
Print Name	Signature	Date

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SECTION C Hiring Manager Assessment		
Do you wish to proceed with employment?	Yes/No	Please provide explanation to support decision;
Any additional comments from the hiring manager:		
Hiring Manager Name:		
Hiring Manager Signature:		
Date signed:		

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Office Use Only Authorisation		
To be completed by Company Director		
Are there any conditions attached to this offer e.g. recommendations, restrictions, safeguards to be implemented by the employing service	Yes/No	Yes, please provide details of the conditions;
Outcome: <i>(please circle as appropriate)</i>	Continue with offer	Withdraw offer
Name of Company Director:		
Signature of Company Director:		
Date signed:		

Glossary of Legal Terms – including those likely to be used on a Disclosure Certificate

A	
Abscond	To secretly seek to evade legal proceedings or the jurisdiction of a court usually by leaving the country
Absolute Discharge	An absolute discharge (which is not to be confused with a finding of not guilty) is used where the court, having found the offender guilty of the offence charged, considers that no further action is required on its part beyond the finding of guilt. This may reflect the triviality of the offence, circumstances in which it came to be prosecuted, or factors relating to the offender.
Accused	The person charged. The person who has allegedly committed the offence.
Acquittal	Discharge of defendant following verdict or direction of not guilty
Adoption	An act by which the rights and duties of the natural parents of a child are extinguished and equivalent rights and duties become vested in the adopter or adopters, to whom the child then stands in all respects as if born to them in marriage
Adult	Someone who is treated by the law as no longer being a minor, having attained the age of 18 in England and Wales or 16 in Scotland
Appeal	Application to a higher Court or authority for review of a decision of a lower Court or authority
Appearance	The attendance by a party to legal proceedings in court either personally or by a legal representative
Arrestable Offence	An arrestable offence is one for which the penalty on first conviction can be at least five years imprisonment or for which the penalty is fixed by statute. In addition some offences have been declared arrestable by parliament. These include taking a vehicle without authority or driving with excess alcohol
Assault	An unlawful attack on someone by words or deeds. (Physical contact is not essential)
B	
Bail	Release of a defendant from custody, until his/her next appearance in Court, subject sometimes to security being given and/or compliance with certain conditions
Battery	The deliberate use of unlawful force on somebody, ranging from touching them to the use of physical violence.
Bind over for sentence	An order which requires the defendant to return to Court on an unspecified date for sentence. Failure to observe this order may result in a forfeit or penalty to be enforced

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Breach	Person failing to fulfil the requirements of either a court order or the conditions of a post-release license.
C	
Care Order	The Care order is available both in care proceedings in the juvenile court and in criminal proceedings if a juvenile is prosecuted and found guilty of an offence punishable in the case of an adult with imprisonment. It commits the offender to the care of the local authority who decides on the placement in a residential centre, community home, voluntary home or boarding with foster parents
Category A, B or C Conviction	See Conviction
Caution	<p>A caution can be given when there is sufficient evidence for a conviction and it is not considered to be in the public interest to institute criminal proceedings. For a caution to be issued there must be evidence of the offender's guilt sufficient to give a realistic prospect of conviction; the offender must admit the offence; and the offender must understand the significance of a caution and give informed consent to being cautioned</p> <p>Simple Caution - A simple caution should only be given if the public interest justifies it and in accordance with Home Office guidelines. Where it is felt that such a caution is appropriate, Crown Prosecutors must inform the police so they can caution the suspect. If the caution is not administered, because the suspect refuses to accept it, a Crown Prosecutor may review the case again.</p> <p>Conditional Caution - Conditional Cautions are a new disposal introduced in the Criminal Justice Act 2003. A Conditional Caution may be appropriate where a Crown Prosecutor considers that while the public interest justifies a prosecution, the interests of the suspect, victim and community may be better served by the suspect complying with suitable conditions aimed at rehabilitation or reparation. These may include restorative processes</p>
Charge	A formal accusation against a person that a criminal offence has been committed
Committal	i) Committal for trial: Following examination by the Magistrates of a case involving an indictable or either way offence, the procedure of directing the case to the Crown Court to be dealt with ii) Committal for Sentence: Where the Magistrates consider that the offence justifies a sentence greater than they are empowered to impose they may commit the defendant to the Crown Court for sentence to be passed by a judge; iii) Committal Order: An order of the

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	Court committing someone to prison
Community Punishment Orders (CPO)	Community Punishment Orders are a community sentence for offenders aged 16 years+, who have committed an offence punishable by imprisonment. The Order requires offenders to perform unpaid work in the community, from a minimum of 40 hours to a maximum of 240.
Community Punishment and Rehabilitation Orders (CPRO)	Community Punishment and Rehabilitation Orders are similar to CPOs. Offenders perform unpaid work in the community, from a minimum of 40 hours to a maximum of 100, under the supervisions of a probation officer for between 12 months and three years.
Community Rehabilitation Orders (CRO)	Community Rehabilitation Orders are a community sentence for offenders aged 16 years+ with a pattern of offending which could be dealt with by being in regular contact with the Probation Service. Orders range from six months to three years. Offenders attend regular meetings with a probation officer, initially once a week, tapering off towards the end of the order if progress is adequate.
Community Service Order	The community service order was introduced with the primary purpose of providing a constructive alternative for those offenders who would otherwise have received a short custodial sentence. The effect of the order is intended as a penal sanction that makes serious demands on the offender, working for the benefit of the community, as a viable alternative to a custodial sentence. Work for offenders is found with local voluntary or public bodies or on projects directly organised by the Probation Service.
Compensation Order	The courts may, in addition to dealing with the offender in any other way, order him to pay compensation for any personal injury, loss or damage resulting from the offence or from any other offence which is taken into account. The compensation order may be combined with any other sentence or order (such as probation, conditional discharge and absolute discharge). The court may order compensation in any case where it appears appropriate, whether or not the victim has made an application.
Concurrent Sentence	A direction by a Court that a number of sentences of imprisonment should run at the same time
Conditional Discharge	A discharge of a convicted defendant without sentence on condition that he/she does not re-offend within a specified period of time
Consecutive	An order for a subsequent sentence of imprisonment to commence as soon as a previous sentence expires. Can apply to

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Sentence	more than two sentences
Contempt of Court	Disobedience or wilful disregard to the judicial process, or conduct that interferes or prejudices the administration of justice.
Conviction	A conviction is each finding of guilt for every (notifiable) offence considered by a criminal court for each convicted person. A finding of guilt would include a plea of guilty. Convictions are classified by their severity into Category A, B or C. This categorisation will decide the retention policy for such conviction details. Annexe A identifies a selection of more common convictions in categories A and B.
Count	An individual offence set out in an indictment
Criminal	Person who has been found guilty of a criminal offence
Damages	An amount of money claimed as compensation for physical/material loss, e.g. personal injury, breach of contract
Defendant	Person standing trial or appearing for sentence
Deposition	A statement of evidence written down and sworn on oath, or by affirmation
Direction	Court Order laying down procedural steps to be taken
Disability	The inability of a person to handle their own affairs (e.g. through mental illness or a minor under 18 years of age) which prevents involvement in civil legal proceedings without representation
Discontinuance	Notice given by the Court, on instruction by the claimant, that they no longer wish to proceed with the case
Dismissal	To make order or decision that a case be ceased
Entry of Judgment	Decision of the Court in favour of one or other of the parties
False Accounting	Providing dishonestly, information which is misleading or deceptive with a view to cause loss to another, or the destruction concealment or falsification of information relating to a financial account
Fines	Every criminal offence, except murder, is punishable by a fine, and for many of the less serious offences a fine is the only penalty prescribed by law. Fines are by far the most frequently used power available to the Court. A fine is a principle, not ancillary, sentence and may not be used in conjunction with an order for absolute or conditional discharge, probation or Community Punishment Order. A Magistrate's Court is required to take into account what it knows of an offender's means in fixing the level of a fine. Where a juvenile offender is ordered to pay a fine, damages, compensation or costs the court may – and must if the offender is under the age of 14 – order the sum to be paid by the

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	parent or guardian.
Fixed Penalty Notice (FPN)	FPNs, including the Penalty Notices for Disorder (PND) scheme, have been introduced as a means of dealing with low-level, anti-social and nuisance offending, which does not require a court hearing. Once a penalty notice has been issued, the recipient must either pay the amount shown on the notice or request a court hearing. This must be done within 21 days of the date of issue. Payment of the penalty by the recipient discharges their liability to conviction of the offence for which the notice is issued. Payment involves no admission of guilt and removes both the liability to conviction and a record of criminal conviction.
Formal warning for Possession of Cannabis	A formal (street) warning for the possession of cannabis
Guardian	A person appointed to safeguard/protect/manage the interests of a child or person under mental disability
Guilty Plea	A case in which all defendants either plead guilty to all counts or acceptable alternative counts) or plead guilty of some counts and not guilty to others and a jury is not sworn. The conviction, even where a defendant pleads guilty is not confirmed until sentence is set by the court
Hospital/Guardian Order	Similar to the Care Orders, Hospital and Guardianship orders enable a juvenile court, where a juvenile is prosecuted and found guilty of an offence punishable in the case of an adult with imprisonment, to remand the offender in custody or on bail for medical examination and assessment under the Mental Health Act 1959
Imprisonment	The power of the Courts to pass sentences of imprisonment and the maximum for each offence is specified by law. Where an offence is dealt with by the Crown Court, the maximum term of imprisonment that may be imposed is, in nearly all cases, higher than that available to Magistrates' Court.
Indictable Offence	Offences for which an adult defendant must be tried by the Crown Court, e.g. robbery, arson, and rape. The different types of offence are classified 1, 2, 3 or 4. Murder is a class 1 offence
Infant	Also known as a minor: A person under 18 years of age which prevents them from acting on their own behalf in legal proceedings
Judgment	Final decision of a Court A monetary judgment requires the payment of a sum of money by one party to another
Juvenile	Person under 17 years of age
Licence	If an offender is released from prison under licence, they are placed under the care of the Probation Service. Certain

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	conditions are attached to the release. Breach of these conditions will result in the offender being returned to prison.
Minor	Someone below 18 years of age in England and Wales or below 16 in Scotland, and unable to sue or be sued without representation, other than for wages.
Mitigation	Reasons submitted on behalf of a guilty party in order to excuse or partly excuse the offence committed in an attempt to minimise the sentence
Order	A direction by a Court
Plea	A defendant's reply to a charge put to him by a court; i.e. guilty or not guilty
Power of Arrest	An order attached to some injunctions to allow the police to arrest a person who has broken the terms of the order
Probation Order	Also called a Supervision Order. The aim of a probation order is to leave the offender at liberty in the community but subject to certain conditions regarding his way of life. The order requires the offender to be under the supervision of a probation officer for a specified period of not less than 6 months nor more than 3 years. The court has discretion to include any further requirements that it considers of the case to secure the good conduct of the offender or to prevent him from committing further offences.
Quash	To annul; i.e. to declare no longer valid
Recognisance	An undertaking before the Court by which a person agrees to comply with a certain condition, e.g. keep the peace/appear in court. A sum of money is normally pledged to ensure compliance
Remand	To order an accused person to be kept in custody or placed on bail pending further Court appearance
Spent Convictions	A conviction that, after a period of time, can be treated as if it never existed and no longer needs to be disclosed, unless applying for a post that would warrant an Enhanced Disclosure from the DBS
Suspended Sentence	A custodial sentence which will not take effect unless there is a subsequent offence punishable by imprisonment within a specified period, the sentence of imprisonment cannot exceed 2 years. It is not intended as a substitute for non-custodial penalties or for probation but as an incentive for the offender to avoid trouble in future. This gives the Court the opportunity to distinguish between the gravity of the offence and mitigating circumstances which they mark by the length of the sentence and the needs of the offender.
Taken into Consideration (TIC)	An offence may be taken into consideration (TIC) by a court when deciding on sentence and compensation awards. It is an alternative to charging an offender with a substantial number of offences. The offender must admit their guilt before the court can take the offence(s) into consideration.

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Trust	Property legally entrusted to a person with instructions to use it for another person (or persons benefit)
Trustee	A person who holds or administers property in a trust for another (or others)
Verdict	The finding of guilty or not guilty by a jury
Warrant of Committal	Method of enforcing an order of the Court whereby the penalty for failing to comply with its terms is imprisonment; the bailiff is authorised to carry out the arrest and deliver the person to prison (or in some instances the Court)
Youth Custody	Also known as Borstal or Youth Detention. Where a person under the age of 17 is convicted of an offence for which an adult may be sentenced to imprisonment, the Court may, if it is of opinion that none of the other available non-custodial measures such as fining or probation is suitable, sentence the offender to be detained in a Detention Centre. The offender is carefully observed and assessed, usually in a remand centre, and an Institution Board then makes its recommendations to the Secretary of State regarding a suitable allocation. This may vary according to the age of the offender and circumstances of the case but may be a community home, a youth treatment centre, a borstal or a young prisoner's centre. The Children and Young Persons Act 1969 provided for the phasing out of Borstal training and Detention Centres.

Further Reading;

[Nacro Guide to the Rehabilitation of Offenders Act 1974](#)

[The DBS Guide to Rehabilitation Periods](#)